THE COLONIAL OFFICE AND THE PLANTATION COLONIES, 1801-34; A STUDY OF IMPERIAL GOVERNMENT IN EVOLUTION.

by

D.J. Murray.

Nuffield College

BODLEIAN LIBRARY OXFORD - 2 MAR 1963 RHODES HOUSE

Thesis submitted
for the D.Phil. degree
in the
University of Oxford.

BODLEIAN LIBRARY DEPOSITED THESES 18 II 63.

November, 1962.

THE COLONIAL OFFICE AND THE PLANTATION COLONIES 1801-34; A STUDY OF IMPERIAL GOVERNMENT IN EVOLUTION.

ABSTRACT

This thesis is a study of the changing way in which part of the British Empire was being governed during a period of far reaching developments both in Britain and in the plantation colonies. The colonies referred to are the old British West Indian islands - Jamaica, the Leewards group, Barbados, Dominica, St. Vincent, Grenada and Tobago - and those colonies conquered by Britain during the Revolutionary and Napoleonic Wars in which sugar planting was carried on by means of slave labour. The dates chosen do not denote precise limits to the period. The Colonial Office had its unintended beginnings in 1801, in 1834 slaves were emancipated in the plantation colonies, and while the central years for this study lie between these dates, certain themes are followed beyond them.

In this area and period an account is given of the changing framework of government. This concerns the institutions within the colonies and those in Britain which had a direct part in the conduct of colonial affairs; it involves the purpose of the institutions, their form and their interrelationships.

At the end of the 18th century the traditional way of governing the old plantation colonies was to leave internal government to those resident in the colony and to maintain virtually only sufficient authority in Britain to ensure the preservation of the system of trade and navigation. Under the old representative system the governor, in theory, possessed

wide powers, in practice his authority was narrowly confined and the regular conduct of administration was beyond his control. Colonists had developed and adapted their institutions and powers so that they largely governed themselves. In Britain there was no desire to intervene in the internal affairs of the plantation colonies, nor was there the machinery to enable the executive to do so. The institutions which existed matched the contemporary concern to maintain the system of trade and navigation. Such colonial business that there was executed by the department with the responsibility for the relevant service: there was no department with a general responsibility for the area of the colonies, nor was there any adequate method of coordinating the activities of the different ministers and boards involved with administration in the colonies.

During the Revolutionary and Napoleonic Wars certain formative changes took place in the framework of government. In Britain a department for the colonies emerged. The colonial business of the Home Office was transferred to the Third Secretary of State in 1801 as part of the arrangements made during the construction of Addington's Ministry. In the course of the Napoleonic War and the years immediately after it this Office developed into an administrative department whose minister was regarded as having a general responsibility for the area of the colonies. In the plantation colonies, while the old representative system remained undisturbed during the war where it was already established, in those colonies

captured from other European powers a form of government, new to Britain's plantation colonies, was adopted. The aim of British ministers was to gain the support of the white colonists and so enable Britain to benefit from the trading wealth of these colonies. A form of government was introduced that was understood to accord with the traditions of the colonies but which, in fact, was founded on many false assumptions about the existing colonial institutions, and which as a result contained ambiguities and contradictions. Ministers intended this as an expedient for the duration of the war, but in the colonies eventually retained at the end of the war, this temporary government and the alterations which took place in it proved to have a more lasting importance.

During the Revolutionary and Napoleonic Wars humanitarians began to press for government to be conducted for a new purpose: they urged a regard for the interests of the slaves. When the conquered colony of Trinidad was ceded to Britain in 1803 issue was joined on the question of how this new colony was to be governed. Different interests contended with each other over whether government was to meet the needs of merchants, colonists or the free coloureds and slaves. For the sake of the latter, humanitarians in Britain succeeded in preventing the introduction of the old representation system with its consequent abdication of authority to white colonists. As a result British ministers, rather than devise a new form of government,

chose to persevere with the existing government in Trinidad making particular changes as the necessity for these became apparent. This course was followed also in the other conquered colonies which were retained at the end of the Napoleonic War.

In these colonies control over the colonial government was not entrusted to the resident white colonists, but neither was it immediately used to serve a new purpose. Humanitarians concerned themselves with the condition of the slaves in the plantation colonies but they trusted to improvements resulting from the effective abolition of the slave trade. As their hopes went unrealised, they moved on to press ministers and Parliament to employ their powers to make use of the institutions in the colonies directly to promote improvements. Government was to serve the purpose of safeguarding the interests of the slaves and bettering their lot.

In 1823 Liverpool's ministry adopted the aim of securing amelioration without accepting that it should intervene directly with the internal government of the colonies. A plan was prepared which was designed to improve the condition of the slaves and prepare them for eventual emancipation. The plan was put into operation in Trinidad in order to demonstrate its advantages, but elsewhere it was considered desirable to induce West Indians to use their instutions of government to carry out

the plan themselves. This course made demands on the Colonial Office which in turn stimulated the development of a bureaucratic department: the office was fashioned as an instrument for formulating, justifying and executing government policy. Moreover ministers began to accept the expediency of giving account to Parliament for their conduct of affairs.

Liverpool's ministry failed to gain improvements in the way desired and in the six years after the ministry broke-up the government moved towards the use of authority. In the first three years, during a period of ministerial incompetence, the government ostensibly pursued the existing policy. In practice ministers made tentative moves towards the use of legislative authority to gain necessary changes within the colonies. At the same time the department, in which officials had come to play a large part in directing the conduct of business, came to supervise and direct officials in the colonies. During the Whig ministry that followed, colonial administration was conducted with a new decisiveness and forcefulness. It was accepted that the colonists could not be left to effect improvements themselves. The Colonial Office intervened in the internal affairs of the colonies attempting to supervise and direct administration. The government in particular colonies was reformed: legislative, executive and judicial institutions in the conquered colonies were reconstructed, changes were made in the government of the

old colonies in the Lesser Antilles and there was a similar desire to establish the independence of the judicature and executive from the Assembly in Jamaica.

Up to 1832 the principle stimulus for action in the colonies had been the desire for improvements in the condition of the slaves. This demand had prompted an interest in the internal affairs of the colonies. The state of government within the colonies was revealed and judged at a time when men were transforming the 18th century government of Britain. Nevertheless the central factor in the developments had been the desire for amelioration and in 1832 the ministry was converted by the anti-slavery movement to adopting the new policy of securing emancipation. Presented with the problem of how this was to be accomplished, the Whigs eventually opted to act only with West Indian support.

As a result of gaining this cooperation, it proved possible to free the slaves without reconstructing the government in any of the colonies.

With the slaves emancipated different ministers and officials were divided over the question of how the plantation colonies were to be governed. They disagreed in their estimates of the capacity of the negroes to safeguard their own interests, and thus they formed different opinions about the desirable way in which the plantation colonies were to be governed henceforth.

However the pressing incentive to intervene with the

internal government of the colonies had been removed. The Colonial Office was remodelled in accordance with one view, but otherwise at the end of the period studied, the institutions for governing the plantation colonies had not been uniformly adapted in conform to either view.

CONTENTS

		Page:
	Introduction	1
Chapter I	Government in the Old West India Colonies at the end of the 18th century	6
Chapter II	Imperial Government and the Plantation Colonies	46
Chapter III	The Old West India Colonies during the Napoleonic War	85
Chapter IV	The Government of the Conquered Colonies	118
Chapter V	Trinidad: a New Departure . . .	159
Chapter VI	The Demand for Supervision and Direction of the Colonial Governments	206
Chapter VII	Government with a Purpose . . .	247
Chapter VIII	From Exhortation to Authority . .	301
Chapter IX	Reform in the Colonial Government .	343
Chapter X	Emancipation - Coercion or Cooperation	386
Chapter XI	Government for the Plantation Colonies after Emancipation . .	422
Chapter XII	The Colonial Office in the Government of the Plantation Colonies	454
	Bibliography	476

ABBREVIATIONS

B.M.	British Museum.
B.I.H.R.	Bulletin of the Institute of Historical Research.
C.H.B.E.	Cambridge History of the British Empire.
C.O.	Colonial Office.
E.H.R.	English Historical Review.
H.M.C.	Historical Manuscript Commission.
H.S.A.N.Z.	Historical Studies of Australia and New Zealand.
H.C.J.	House of Commons Journal.
Journal of B.M.H.S.	Journal of the Barbados Museum and Historical Society.
N.L.S.	National Library of Scotland.
P.D.	Parliamentary Debates.
P.P.	Parliamentary Papers.
P.R.O.	Public Record Office.
T.R.H.S.	Transactions of the Royal Historical Society.
W.O.	War Office.

INTRODUCTION

The year the slaves were emancipated in the British colonies, the Marquis of Sligo as governor of Jamaica commented that should a man mention Jamaica more than once in the London Clubs "he would be thought a great bore".[1] Historians have followed the conventions of the smoking rooms. Eighteen years ago Professor Wight, in the preface to his book on 'The Development of the Legislative Council', drew attention to the fact that little had been written about the history of Crown Colony government,[2] and in the intervening years this gap has remained unfilled.

The colonies discussed in this thesis have been called, for convenience, the 'Plantation Colonies'. They were the jewel in George III's crown, the heart of the old Empire; in the time of his sons their importance arose from the plight of the planters and the stigma of slavery. In the old British West Indies - Jamaica and the string of colonies in the Lesser Antilles - and in the colonies captured in the West Indies during the Revolutionary and Napoleonic Wars, wealth came from sugar produced on plantations where the

---

1. Sligo to Stanley, 22 June 1834, C.O. 137/192.
2. M. Wight, The Development of the Legislative Council, p. 15.

labour was provided by slaves. The same was true of Mauritius; the description 'Plantation Colonies' has allowed reference to be made to developments there when these have been relevant to the general problems considered in this thesis. On the other hand the Caribbean Colonies of British Honduras and the Bahamas have not been covered; in the first there were doubts about whether this log cutters' settlement was a British possession at all,[1.] while in the Bahamas particular problems arose from the presence of American loyalists.[2.]

Between 1801 and 1834 when the slaves were emancipated the purpose served by the government of these plantation colonies changed and with it the form of the institutions. At the end of the 18th century interest in Britain was concentrated on the external trade of the colonies; for the most part there was neither the desire to intervene in the internal government of the colonies nor the machinery to make this practicable. Members of Parliament were certain of their right to legislate on matters relating to

---

1. N.D. Leon, Social and Administrative Development in British Honduras. Oxford thesis.

2. W.H. Siebert, The Legacy of the American Revolution to the British West Indies and Bahamas. J.M. Wright, History of the Bahama Islands, with a special study of the abolition of slavery in the colony. G.A. Cockroft, The Public Life of George Chalmers.

the internal affairs of the colonies but it was accepted that this was not a power to be exercised, and in the balanced constitution of the 18th century administration belonged to the distinct sphere of the King and his ministers. In the executive, different ministers and boards conducted services in the colonies connected in particular with commerce and defence. Government in Britain was organized to safeguard the wealth of colonial trade and not to direct internal government.

Whatever government existed in theory within the old colonies, in practice the colonists were left to conduct their government in the way they desired. The colonists claimed that it was their right to administer their own internal affairs and they had developed and adapted the institutions within the islands to enable them to do so. Similarly, in the colonies captured from other European powers in the Revolutionary and Napoleonic Wars, the colonists had been given institutions and laws which were understood to conform to their inclinations and traditions. British ministers intended that it was these new white colonists, like those in the old islands, who should live contentedly and prosperously.

In the developments of the next thirty-four years the central factor was concern over the condition and status of the slaves. Humanitarians in Britain demanded that the

institutions for governing the plantation colonies should serve a new purpose. In the new conquered colony of Trinidad they struggled to prevent the abdication of control over government to slave owning colonists. They went on to urge that the authority of the mother country should be used to secure improvements in the lot of the slaves in all the colonies. British ministers, for their part, came to accept these aims without at first approving direct intervention, but gradually the Imperial Government, instead simply of exhorting the colonists to use their own institutions to bring about amelioration, began to make direct use of the institutions of colonial government to achieve what they sought.

The pursuit of such improvements brought other forces into operation. As interest in the internal affairs of the colonies developed and as the state of government within the colonies was exposed, the demands for efficiency, regularity and probity, which in Britain were transforming 18th century government - that compost heap of corrupt influence, as Burke called it[1]. - came to affect the way the plantation colonies were governed.

By 1834 considerable changes had been made. Parliament had asserted its power to legislate in the internal affairs

---

1. Quoted in S.E. Finer, 'Patronage and the Public Service', Public Administration, XXX, 1952, p. 338.

of all the colonies. A Secretary of State for the Colonies accepted a responsibility to Parliament for the conduct of affairs within the area of the colonies. The office had developed into a bureaucratic department. There was a new relationship between the Imperial and colonial governments. Institutions within the colonies had been reconstructed. Many of these changes had been made so that government could be used to improve the position of the slaves but in 1834 the slaves were freed. What purpose government was to serve in these new circumstances, and what was the desirable way to govern the plantation colonies henceforward, were questions on which British ministers and officials in the Colonial Office were both divided. By the end of the 19th century there was Crown Colony government in all these colonies but to describe the developments between 1801 and 1834 as the evolution of Crown Colony Government would be false and tendentious.

Chapter I

GOVERNMENT IN THE OLD WEST INDIA COLONIES AT THE END OF THE 18th CENTURY

In the old plantation colonies in the West Indies government conformed broadly to a single pattern. There was sufficient uniformity for it to be described as the old representative system: there was a system in theory and a common pattern in practice but the two had diverged. In theory the governor had wide powers, in practice these were largely restricted to a negative voice in government sufficient to maintain imperial interests and, in particular, to ensure observance of the Navigation Laws. Colonists participation in government had reached the point where the duty, responsibility and power of internal government belonged to themselves.

Such West India colonists as the Jamaican planter Bryan Edwards described the government which existed in these islands as nearly conforming to that of the mother country.[1] In Jamaica and the Lesser Antilles - Barbados, the Leewards Group, Grenada, St. Vincent and Dominica[2] -

---

1. B. Edwards, History Civil and Commercial, 2nd Ed. 1793, II, p. 318.

2. This applied also to Tobago after it was captured in 1793. See below p. 22

a governor and appointed council performed legislative, executive and judicial duties; as a third division of the legislature there was an elected assembly; while there were courts in theory modelled on those of Westminster for the execution of justice. The Leeward Islands[1] formed a closer group since certain institutions and officials were common to the different islands. There was a governor, styled captain general, for the whole group, certain subordinate officials held general appointments and a legislative assembly drawing representatives from each of the colonies had met infrequently and for the last time in 1798.[2] These links, however, did not prevent the form of civil government in each one from conforming broadly to the general outline.

The extent of the governor's powers and the way power was to be exercised was described in the governor's commissions and instructions. The Royal Commission concentrated on delimiting the governor's powers, while the Royal Instructions contained advice on how these powers were to be exercised. According to these, the governor was left with extensive powers as the head of the civil government in the colony. He summoned general assemblies and addressed them at their

---

1. Antigua, St. Kitts, Nevis, Montserrat, the Virgin Islands. For Anguilla and Barbuda see below p. 287-290

2. C.S.S. Higham, The General Assembly of the Leeward Islands, E.H.R. 1926.

opening; he had a negative voice in all legislation and he could prorogue or dissolve the assemblies.[1.] As head of the executive the governor was granted the power to make permanent appointments to certain offices and temporary ones in others to which permanent appointments were made in Britain; all officials by whomever appointed might be temporarily suspended if the governor considered this necessary.[2.] While in furtherance of the execution of justice the governor had power to constitute courts and appoint officials; he was the judge in ecclesiastical and equity suits, president of a court of appeal in the island for civil cases and he was entrusted with the power of mercy. Finally he was authorised to raise a militia.[4.]

Limitations were placed on the exercise of these wide powers. The initiative in legislation on financial and other matters was left to a general assembly.[5.] The assent of a council of advisors was required to certain specified executive and prerogative acts such as appointments of justices of the peace and summoning the militia.[6.] On the

---

1. Commission to Bentinck, Feb. 1802, C.O. 380/133. Instructions to Lavington, 30 Oct. 1799, C.O. 380/43, clauses 11-13.
2. Instructions, clauses 7-10, 37-8, 45, 46, 50, 61.
3. Commission; Instructions, clause 65.
4. Commission.
5. ibid.
6. Instructions to Lavington, clauses 8, 74.

other hand control over the governor by the Imperial Government was enforced by the stipulation that certain actions required Royal confirmation.[1] A procedure was also specified for appeals from the island courts to those in Britain in order to provide for judicial review.[2]

According to other instructions the governor had to safeguard certain imperial interests. The governor had to secure the rights of property of the Treasury, of absentee officials and of landed proprietors resident in Britain.[3] Stress was placed on the duty to observe the acts of navigation: Failure to enforce these laws was liable to result in dismissal and a fine of £1,000.[4]

While the governor had the duty of doing his "utmost that all the clauses matters and things ... be punctually and bona fide observed according to the true intent and meaning thereof,"[5] he had in practice little control over subordinate officials whose duty it was to assist in enforcing the Navigation Acts. Naval Officers were appointed by Letters Patent or Sign Manual Warrants in England and were

---

1. Instructions clauses 9, 38, 46.
2. Instructions clause 42.
3. Instructions clauses 17, 20, 21, 35, 45, 51, 52.
4. Commission, Instructions clauses 28, 30, 48, 49 and Trade Instructions.
5. Trade Instructions clause 1.

allowed to perform their duties by appointing deputies in the colonies.[1] The interest of the patentee was to secure the highest rent from his office rather than to ensure that his deputy was strict and conscientious in executing his duties, and governors had to choose between the contradictory instructions that enjoined a consideration of patentees' interests while ensuring the enforcement of the law.[2] The relationship of governors and customs officers was ambiguous. Up to 1787 a Surveyor General of Customs had supervised the work of the Customs Departments in the Lesser Antilles but the office had been abolished in 1782. The governors had inherited the right of suspending customs officials and of appointing to temporary vacancies,[4] but what other power of supervision a governor possessed was unclear. If a governor interested himself in the customs department, customs officials were quick to deny any right on the governor's part to interfere.[5]

---

1. Returns of Office holders, 1809, C.O. 325/11-13. Account of Instruments under which Offices held in colonies, P.P. 1813-14 (87) XI, 453.

2. Instructions clause 45. Trade Instructions.

3. For the circumstances under which the Office was abolished see the Diary of the last surveyor general. Diary of William Senhouse, vol. I, 356; vol. II, 98-231. Rhodes House MSS. W. Ind.

4. Instructions clause 50.

5. Parry to Sydney, 28 Apr. 1794, Senhouse Diary, II, 145. Seaforth to Cooke, 29 Aug. 1805, C.O. 28/73/75.

In practice the extent of a governor's power in the internal government of the colony, as in the control over the execution of the Navigation Laws, was far more limited than the commission and instructions implied. The powers remaining to governors differed from island to island but the variations were in detail rather than substance. Even in the ceded islands where legislative assemblies had met for the first time in Grenada in 1766[1]. and in St. Vincent and Dominica ten years later, the English immigrants had had previous experience of how to operate the framework of government instituted under the Royal Instructions, and the powers and duties of the governors were as strictly limited in these islands as in the older colonies from which the settlers came.[2].

In instructing the governor as to his role in legislation, emphasis was placed on the governors "negative voice".[3]. The need for the governor's assent to local legislation before it might come into operation gave the governor sufficient power to prevent legislation from passing that.

---

1. V. Morris, A Narrative of the Official Conduct of Valentine Morris, pp. iv-vi. Edwards, op. cit., Vol. I, pp. 357-419. G. Smith, The Laws of Grenada, pp. viii-ix. The islands were ceded at the Peace of Paris in 1763.

2. L.J. Ragatz, The Fall of the Planter Class, p. 127.

3. Commission to Bentinck, Feb. 1802, C.O. 380/133.

was contrary to those interests with which the Imperial Government was concerned. Otherwise, although in their instructions governors were urged to secure the passage of certain measures,[1] there was no other incentive to the governor to take a lead in promoting local legislation and no machinery had either been introduced or developed to enable the governor effectively to promote proposals in the legislative assembly. The sole formal means for introducing a matter for consideration by the assembly was by adverting to it in the speech opening the session or by a message to the speaker of the assembly.[2]

Furthermore there had been no systematic attempt to build up a group of supporters of the governor in the assembly. The right to appoint to the most lucrative places had been acquired by the Imperial Government.[3] Other positions and honours remained but this patronage was used more to gain the goodwill of members of the council than for influencing the assembly.[4]

---

1. Instructions to Lavington, 30 Oct. 1799, C.O. 380/43, clauses 68, 76-9.

2. Manchester to Bathurst, 3 June 1814, C.O. 137/140. J. Poyer, The History of Barbados, p. 659.

3. J.H. Parry, The Patent Offices in the West Indies, E.H.R. 1954.

4. Returns of all official appointments 1809, C.O. 325/11-13.

The initiative in regulating matters through colonial legislation had been left to the colonists in the 18th century and in Jamaica the colonists had come to accept that the governor could rightfully take the initiative only when the interests of the Crown were involved.[1].

The legislation passed in the general assemblies had limited the governor's prerogative powers. Matters had been regulated by acts which the governor was empowered to provide for at his discretion and clearly the extent of this limitation differed between the islands in part according to the extent of island legislation. In all the islands, however, courts were established and regulated under local legislation[2]. and the governor was thus prevented from exercising the power, explicitly granted to him in his commission, of establishing and altering the courts of law. Similarly, in all the islands where there was a militia, it was organized in accordance with local statute and the governor's power of summons regulated.[3]. In St. Kitts where there was no militia

---

1. Nugent to Camden, 26 Jan. 1805, C.O. 138/36. Manchester to Bathurst, 3 June 1814, C.O. 137/140.

2. Reports of the Commissioners of Inquiry into the Administration of Civil and Criminal Justice in the West Indies, P.P. 1825 (517) XV 233; 1826 (276) XXVI 37; 1826-7 (36,559) XXIV 1,285.

3. e.g. Grenada Act 201. S38, 39. Barbados Act 91 S38. Jamaica 32 George III C10 S46.

laws it was accepted that no militia could be raised because it was regarded as essential that island statute should supplement the authority of the governor.[1] In the regulation of fees and salaries, abridgement of the prerogative had not been uniform in the islands, but the fees of the more important island officials were limited. Prescription of the fees of the secretary and provost marshall had been general and legislation restricting the fees of other officials had been passed in certain islands.[2] Positive laws had also supplanted the prerogative in the organization and control of assemblies but the extent of this varied considerably. By the end of the 18th century no specific law had restricted the governor's control of the assemblies of Antigua, Montserrat and the Virgin Islands though the conventional distribution of seats was assumed in other legislation. In Montserrat for instance a law of 1702 for "determining the sitting of Assemblies and regulating the election to the same" had been repealed but an act of that year for repairing the Highways depended in part on the work of two assembly men elected

---

1. Rawlins to Bathurst, 21 May 1816, C.O. 152/105. F.G. Spurdle, The Development of Executive Government in Barbados and the Leeward Is. London thesis, p. 88.

2. e.g. Jamaica Acts, 10 Ann. C4, 8 George II C5, 39 George III C9, 14.

from each of the electoral divisions executing certain duties in their divisions.[1] In contrast to these islands, in Barbados and St. Kitts the governor's authority in organizing and controlling the assembly was so reduced by local enactments, that the power of adjournment, prorogation and dissolution within the limits of the assemblies year long existence, were the only discretionary rights remaining.[2]

In theory the governor was head of the executive in the colony but in practice his executive authority was limited in ways which left him little power of independent action or of supervising subordinate officials. In the first place the governor had no supply of money for executive action under his sole control. In general, revenue used to pay certain fixed charges was controlled by the governor or Imperial government while control over other expense lay with the representatives of the colonists.

In Jamaica there were two limitations on the use of the permanent revenue. The sum of £10,000 currency per annum had been granted by the assembly by two permanent acts, one in 1728 and one in 1794, and over this sum the assembly had no control either through appropriation or accounting, and

---

1. Montserrat, Acts 46, 49.

2. Spurdle, op. cit., pp. 104-114.

the only fixed annual charge on the sum imposed by Statute was £1,250 for the upkeep of Fort Charles.[1] Otherwise this permanent revenue was at the disposal of the governor but he was required to take the advice of his Council in making appropriations. The accounts were liable to audit by the Imperial Government but in practice they were passed only by the governor in council. Besides this limitation imposed by the need to consult his council, there was the additional limitation that by convention there were other fixed charges on the permanent revenue besides the upkeep of Fort Charles, and this left sufficient revenue to pay for no more than contingent expenses.[2]

In the other West Indian Colonies the governor lacked even this minimal control over finance. A permanent revenue was drawn under island legislation from the Leeward Islands and Barbados in the form of a tax of 4½% on the export of dead commodities.[3] On the other hand by the end of the century the colonists in the ceded islands and Tobago were paying neither a permanent grant nor the 4½% duty; nevertheless the expense of paying the home salary of the governor

---

1. Jamaica Acts, 1 George II C1. 35 George III C9.

2. Manchester to Bathurst, 28 Dec. 1822, C.O. 137/133.
Goderich to Belmore, 5 June 1832, C.O. 138/54/243.
Mulgrave to Goderich, 6 Aug. 1832, C.O. 137/183.

3. H.T. Manning, British Colonial Government after the American Revolution, p. 169.

or lieutenant governor in these islands was, like the same expense in Barbados and the Leewards, paid from the 4½% fund.[1] Their own salary however was the sole sum drawn from the fund over which governors had control. Since the administration of the fund was conducted by the British Treasury, the fund provided the governors with no money which they could control and use for the expenses of government.[2]

The other sources of revenue in the Lesser Antilles were quit rents and the casual revenues from fines, forfeitures and escheats. Quit rents and other land revenues were a potential source of considerable revenue only in St. Vincent and Dominica but any money collected was controlled by the British Treasury. Similarly the income from casual revenue was either entrusted, under the authority of the act imposing the penalty, to the Island Treasurer for the service of the island,[3] or else remained like the 4½% fund and quit rents under the direct control of the Treasury in Britain and outside the control of the governor.[4]

---

1. Manning, op. cit., pp. 169-171.
2. Ibid., pp. 169-70, 174-5.
3. e.g. Grenada Act 17 S7, Antigua Act 551 S2.
4. Manning, op. cit., pp. 180-3.

The governor, therefore, lacking any fund over which he had control was dependent for supplies either on the assembly or on the Imperial Treasury. The practice of local assemblies, however, was for them to control the levying, appropriation and accounting of all local taxes. In Jamaica the instruction that money should be paid on the authority of the governor's warrant was not even formally complied with.[1] Moreover the Imperial government had ceased to be a ready source when the practice of drawing on the Treasury for contingencies had been stopped in 1785 and a fixed allocation made to cover the cost to the governor of a private secretary, postage and stationery.[2]

Without money the governor was unable to direct any administrative action beyond what was fixed by convention or for which remuneration was provided. The limits of 18th century government were narrow and the scope of executive action for which officials existed on the civil establishment was largely confined to revenue administration, the administration and enforcement of justice, and the preservation of records concerned with public business and private property. Apart from judges and justices, and the revenue officials,

---

1. Goderich to Belmore, 5 June 1832, C.O. 138/54/243.

2. V. Morris, A Narrative of the Official Conduct of V. Morris Esq... pp. 295-308.

there were on the civil establishment an attorney general, his deputy the solicitor general and the advocate general (the equivalent official in the Vice Admiralty Courts to the attorney general). These three acted as crown prosecutors and the legal advisers of the governor. Also on the civil establishment was the secretary and clerk of the Crown who kept records concerned with the governor's executive duties and responsibilities as ordinary, and the public records of all the courts except those of Chancery and Vice Admiralty; he recorded the proceedings of the council for whose meetings he made the arrangements; he administered the oath to governors and civil officials and took bonds from the masters of ships visiting the island. In all the islands except Jamaica and Barbados the office of secretary was combined with that of register in chancery whose duty it was to keep the records of that court, and also in certain islands with the office of register of deeds. The provost marshall was the executive officer of all the courts, summoning juries and executing writs and orders of courts and in addition he acted as returning officer in elections to the assembly. The register and marshall in Admiralty performed in the Court of Admiralty the duties of their equivalents in the other courts. Otherwise there were officials fulfilling minor duties: acting for instance as

harbour master, deputy postmaster general, admeasurer of vessels and in Jamaica as Superintendant of Maroons. The emoluments of the important officials on the civil establishment came from fees: the work required of officials for which no fee was provided being limited by convention and the extent and scale of fees being provided for and controlled by island legislation. Without money to remunerate additional duties or legislation to authorise novel fees the governor was unable to require new work except as a favour. Only over his own private secretary did the governor have unrestricted control.[1]

The method by which those chosen to fill certain of these important offices, placed a further restriction on the governor's executive authority. With the exception of the revenue officers and the attorneys, solicitors and advocates general, the important officers on the civil establishment were appointed in Britain by letters patent or on the authority of sign manual warrants. In all the islands the secretary and clerk of the crown, the register in chancery, the provost marshall, the register and marshall in admiralty and also the naval officer were appointed in this way and

---

1. The account of the civil establishments and of the officials' duties is derived from the Returns of all Official Appointments 1809 and 1817. C.O. 325/11-13, 17-19.

authorised to execute their duties by deputy. In certain islands the crown had secured the right of appointment in England of other officers. In Antigua the official whose duty it was to collect the powder duty from visiting ships was an absentee patentee and this was the case also with the clerks of the markets in Barbados and Jamaica and the receiver general in Jamaica.[1] Over the selection of these office holders the governor had in general no influence: those appointed were chosen by the Secretary of State for reasons which did not often include the good government of the colony.[2] Nor were restrictions imposed on the selection of the deputy, or the deputy to the deputy, who was to execute his duties in the island. A common practice by the end of the 18th century was to sell a lease on the office to the highest bidder and then to covenant to appoint as deputy whoever was nominated by the lessee.[3] Thus C. Wyndham the secretary and clerk of the patents in Jamaica had given a lease of the office to Baring & Company, West Indian Merchants, at a fixed rent, and the company arranged for the execution

---

1. ibid.

2. In Barbados in 1802 there were four absentees. Three were relatives of the Secretary of State who appointed them and the fourth (T. Carter) had been private secretary of the Duke of Portland.

3. Keane to Huskisson, 9 Feb. 1828, C.O. 137/166.

of the duties by the highest bidder.[1] Sir George Pownall and his two sons after him leased the office of provost marshall general of the Leeward Islands direct to the Berkeley family of St. Kitts.[2] An Act of 1782 had attempted to alter this system by enforcing residence on all office-holders appointed hence forward by letters patent.[3] The Act, however, had been circumvented: in some instances governors were instructed to appoint a nominee, in others the appointment was made by letters patent, since these were necessary for a reversionary grant, and the governor instructed to grant leave of absence when the patentee succeeded to the office.[4] Whatever the method of appointment the initial selection was made for reasons of patronage and those appointed disposed of the leases or deputyships to those who would provide an acceptable rent.

Governors, therefore, had as principal executive officers, colonists who were the deputies to absentees. In their

---

1. Manchester to Bathurst, 9 Aug. 1815, C.O. 137/141.

2. Pownall to May 21 Feb, 10 Dec. 1833, C.O. 7/37. 15 May 1834, C.O. 7/40. Berkeley to Spring Rice 20 Oct. 1834, C.O. 7/41.

3. 22 George III C75.

4. The instruments under which offices were held is shown in P.P. 1813-14 (87) XI 453. Also Cooke to Coote, 7 Nov. 1807, C.O. 138/43/352. Castlereagh to Beckwith, 15 Mar. 1809, C.O. 29/29/251.

selection the governor played no part but he retained as a supervisory power, the right to suspend officials. This was an extreme power which gave the governor no control over day to day administration. Any interference, moreover, with a patentee's property, and in particular the suspension of a deputy, which could result in the forfeiture of a security given for the right performance of his duties, might be resented by a patentee whose interests the Secretary of State regarded.[1] Nevertheless, the power of suspension remained, like the right to veto legislation an ultimate power of control.

The governor therefore gave little direction to the government of his colony. The copies of public letters, home and colonial, written and received by Sir Charles Brisbane in his first years as governor in St. Vincent survive, and these two letter books make clear the limits of Brisbane's authority.[2] In his first full year as governor in 1809, the letters show that Brisbane summoned the

---

1. Hobart to Seaforth, 9 July 1802, C.O. 29/29/15. Seaforth to Sullivan, 22 Apr. 1803, C.O. 28/70/28. As an example of the Secretary of State taking the part of a Deputy see the correspondence relating to Simpson, Deputy to Sullivan in Demerara. Sullivan to Bathurst, 11 Jan. 1813 and subsequent correspondence, C.O. 111/17.

2. Letter Books, C.O. 261/23, 24.

legislature to meet at the request of the Speaker of the Assembly, approved the issue of militia stores and payments by the treasurer without any reasons being given for the payments. He nominated a justice of the peace for approval by the council and granted leave of absence to officials who announced their intention of leaving the island. He received reports and returns on the state of the militia and militia stores, on officials absent from the colony and on imports and exports. Only in his support of the collector of customs in prosecuting the illegal import of slaves and in his consideration of petitions for admitting ships contrary to the Navigation Laws, does Brisbane's work appear as more than a formality. The governor retained considerable power through his right to veto legislation, suspend officials and within strict limits proclaim martial law, but these powers were not for continuous exercise; they were suitable only for use in extremes and emergencies.

Yet the part played by individual governors in the West Indian Colonies was not limited to the exercise of their powers as governors. The considerable influence of individual governors was due in part to their position but it also depended on the character of men appointed. The governor's position as head of the island government and holder of ultimate authority within the colony, his standing as Commander in Chief and as the leading figure in island

society; all these gave a governor influence in an island and society where there was a peculiar preoccupation with rank and status. Whether and how the influence was to be exercised depended on the men appointed as governors. Clearly their influence could be reduced by personal inadequacies such as that of Lord Seaforth whose appointment in 1801 appeared to Barbadians as "a kind of insult" for it placed them "under the authority of a Commander in Chief whose ears no sound could penetrate and with whom no communication could be maintained but by writing or the fingers; the one was too laborious, the other was too imperfectly understood to facilitate the business of office".[1] On those governors with West Indian property, and at the end of the 18th century this applied to a majority of West Indian governors,[2] there was another limitation. As plantation owners they shared a common dependence on West Indian merchants of which Sir William Young's indebtedness to John Robley, a West Indian Merchant and member of the council of Tobago the island of which Young was governor,

---

1. J. Poyer, History of the Administration of Lord Seaforth, Journal of the Barbados Museum and Historical Society, Aug. 1954.

2. E.V. Goveia, Slave Society in the British Leeward Islands, London thesis 1952, p. 170.

to the sum of £93,335 and to whom all his property was mortgaged, provides an exaggerated example.[1] Yet it was the community of outlook between governors and colonists which acted as the most continuous limitation on the exercise of influence for the promotion of any considerable change. Most particularly when governors were already familiar with West Indian government and conditions, they understood the limits of their role and accepted the existing conditions in the islands. They might exert their influence to improve the working of government and suggest changes in the law. Otherwise they understood that what should continue to exist was a limited form of representative government by and for white society and paternal rule of negro slaves.

The governor's commission and instructions might entrust him with the direction of the colonial government, but the institutions established to provide for this had been moulded to enable the colonists largely to govern themselves. Colonists regarded it as their right and duty to take part in government. Whatever the opinion in England about the source of authority for the institutions of government,[2]

---

1. Draft Memorandum on transactions between Young and Messrs. J. Robley & Co., Young Collection, Rhodes House MSS., W. Ind. t1, Vol. I, 212.

2. See below, p.

in the colonies, colonists maintained that they existed because of their right as Englishmen to the same institutions in the colonies as existed in England. According to a resolution of the Assembly of Jamaica, their privileges were not founded on acts of Parliament or on instructions but "are birthrights inherent in His Majesty's most loyal and dutiful subjects ... and founded on the law of parliament".[1] But to take part in civil government was a duty as well as a right. Some form of civil government was necessary and this involved work and expense in which it was the duty of all members of the society to share. To be elected as a member of the house of assembly or as churchwarden was a privilege which gave power and prestige, but it also involved work, the performance of which might be required under the penalty of a fine.[2] Adaptations in the island institutions which had facilitated this local participation had also, however, given the colonists considerable control over legislation, routine and extraordinary administration and the administration of justice.

---

1. Qucted in W.L. Burn, Parliamentary Privilege in Jamaica, Journal of Comparative Legislation, 1936.

2. e.g. Nevis: An Act for Assemblymen to serve when chosen, No. 17 (1698). St. Kitts: Vestrymen were liable to a fine for not attending meetings, Act No. 70 (1727).

In each of the islands there was a legislative assembly composed of representatives elected by the colonists. The franchise, the qualification of members, and the size of the assemblies varied from island to island, but generally freeholders had the right to vote for members of assemblies which differed in number between the eight in Montserrat and the forty-three in Jamaica.[1] Again the frequency of elections varied: on the one hand Barbados had annual elections, on the other in Montserrat neither by law nor custom was any limit imposed on the length of the general assembly. In all the islands however, the legislature invariably met each year and provided a means of representing the propertied colonists.[2]

Colonists asserted that the legislative assemblies had the equivalent powers of the British House of Commons. They claimed - and it was only a claim - that the general assemblies were local parliaments modelled on the Parliament of Britain, and that these general assemblies had the exclusive power of legislating on the internal affairs of the colony. "On the whole, subject to the restriction that

---

1. B. Edwards, History Civil and Commercial, I, pp. 214, 348-9, 381, 404, 416, 431, 434, 448-9, 457.

2. Elliot to Bathurst, 25 Jan. 1813, C.O. 152/101/23. Elliot to Bathurst, 22 Apr. 1813, C.O. 152/101/40. Spurdle, op. cit., pp. 104-114.

their trade laws are not repugnant to those of Great Britain, there are no concerns of a local and provincial nature to which the authority of the colonial laws does not extend. This restriction was intended probably as an auxiliary to other means for preserving the unity of the Empire and maintaining the superintending and controuling power of the mother country in matters of trade; but it implies also a reciprocal engagement or obligation on the part of the British Parliament not to interpose its authority in matters to which the colonial assembly are sufficiently competent with powers so extensive and efficient; these assemblies must necessarily be sovereign and supreme within their own jurisdiction, unobstructed and independent of controul from without."[1]. The internal government of the colonies was the concern of the inhabitants, and the assembly, as the equivalent of the House of Commons, was accepted in the islands as the predominant division of the legislature.

When the council sat without the governor and under the president of the council it constituted a second division of the legislature. The members were appointed by the governor (or by the Secretary of State on the governor's recommendation or advice) and they were chosen for the

---

1. Edwards, op. cit., II, pp. 347-351.

most part from among the leading planters in the colony and the law officers of the Crown. Except for financial legislation where the councils were denied the power of amending measures, the legislative councils retained their right to introduce measures and to amend and reject bills sent up from the assemblies.[1]

Through these two institutions, and in particular through the assembly, colonists controlled the grant of any taxation and the enactment of any other local laws. These powers had, however, been developed to provide a more general control over the administration of the island. In the first place a particular use was made of special legislation in which the way work was to be executed was prescribed in detail. If the colonists could not control the appointment of officials to positions of importance in the islands, they could regulate minutely the work of these officials and ensure that their regulations were observed. For instance the penalty for the provost marshall in Jamaica was £500 if he failed to enter certain details in books "in so fair and clear a manner that every plaintiff or defendant, may at one view, discover how much money have

---

1. Edwards, op. cit., pp. 329-30. J. Poyer, The History of Barbados, p. 663.

been paid or returned to the said office."[1]. The procedure for ensuring that these directions were complied with was to enact that any person revealing that an official had defaulted was entitled to bring an "action of debt, bill, plaint or information in any court of record in the island," in which case the informant would be entitled to share the fine imposed with the Crown.[2].

Legislation was also used to authorize particular projects. Such acts established administrative machinery and gave executive directions which were frequently as detailed as those governing the regular duties of officials.[3]. The normal executive instrument was a special board, the members being in general drawn from the council, assembly or those immediately involved. Thus the resident councillors, assemblymen and field officers of the militia attended to the fortifications in each of several districts of Barbados under an act of 1715.[4]. This use of boards as the regular

---

1. Jamaica Act 21 George III C23 S2. Other examples, Grenada Act No. 17 S7. Antigua Act No. 94.

2. Jamaica Act 1 George III C19 S9. See also Antigua Act No. 94.

3. e.g. Grenada Act 56 S1. Antigua Act 401.

4. Barbados Act 129 S6.
See also Jamaica Acts 34 George III C23, Antigua Act No. 520, Grenada Act No. 56.

means of executing work enabled the colonists to administer projects making use of the unpaid services of those whose interest, privilege and duty it was to be involved.

The most important of these boards were so regularly appointed as to become permanent administrative bodies. Although appointed by annual or limited acts, committees drawing their members from the council and assembly, but with the assemblymen predominating, formed an accepted part of the regular machinery of administration. In most of the islands there were at least two such committees. One of these was the committee of correspondence to which was entrusted the duty of conducting the correspondence with the agent of the island in England.[1] The second committee was the one which supervised financial administration in the island. The common practice was for a committee of public accounts to sit throughout the year and to supervise financial administration.[2] In Jamaica, for instance, the committee reported to the legislature on the various charges against the public, explained the different services

---

1. e.g. Jamaica 4 George III C13. Barbados Act 124 83. Grenada Act 175.

2. In the Leeward Islands there was a different system of financial administration and a joint committee was used only to inspect the treasurer's accounts. Maxwell to Murray, 8 Apr. 1830, C.O. 239/22. See also St. Kitts Act, No. 281.

and suggested ways and means. Money voted was then either directly appropriated in the terms of the Act, or authority for appropriations was given to the commissioners. The Receiver General or Treasurer making payments under one of these authorities, accounted to the Board.[1]

These were the basic duties of the commissioners of public accounts but in Jamaica the Committee served a further purpose. "That body are also the inquirers into public abuses, breach and negligence of duty committed in the several courts of justice and offices of record; and exercise a controul of the utmost consequence, not only to the inhabitants but to every British merchant who has monies out here on loan ...."[2] In order to execute these inquiries it was insisted that even the Chief Justice could be required to give evidence on oath before the Committee.[3] Whether or not the Committee of Public Accounts was used in a similar way in the other islands no contemporary writer reveals.

In addition to this extension in the work of the Committee of Public Accounts, Jamaicans used two other

---

1. Conran to Bathurst, 5 Aug. 1822, C.O. 137/153. Mulgrave to Goderich, 6 Aug. 1832, C.O. 137/183. See also annual acts establishing Commissioners of Public Accounts e.g. 40 George III C6.

2. E. Long, The History of Jamaica, p. 68.

3. Manchester to Bathurst, 26 Dec. 1818, C.O. 137/146.

Boards as part of the regular machinery of government. One of these was the Board of Works composed of the governor, members of the council and assembly, the Chief Justice, Attorney General and nine others named specifically, but only three were required to form a Board and by convention the governor did not attend. All public works such as the barracks, governor's residence, public buildings in Spanish Town and the county gaols came under the supervision of the Board of Works. It considered the annual report of the Surveyor of public works on the amount necessary for the upkeep of these public works and supervised the spending of this money when voted.[1] A second Board formed of the governor and members of the council and assembly, and which the governor was in the habit of attending, had the duty of supervising the upkeep of the islands forts and fortifications and the supply of the troops on the island with wood and water.[2]

Although these committees were a permanent feature of administration and certain ones were regularly appointed, only in Jamaica and Barbados had a further development occurred. In these two islands certain committees were empowered under the acts by which they were constituted to

---

1. Jamaica Act 40 George III C10. A.L. Murray, Constitutional Development in Jamaica, London thesis, pp. 127-129.

2. Jamaica Act 40 George III C11. Murray, op. cit., p. 123.

appoint an official to assist in the work of the Committee. In Jamaica both the Board of Works and the Commissioners of Public Accounts were empowered to appoint a salaried clerk and the Commissioners of Public Accounts had the appointment also of officials necessary for collecting duties on wines and spirits imposed under a temporary island act.[1] In Barbados the Committee of Correspondence were entitled to a clerk and the Committee of Public Accounts appointed a salaried clerk and marshall "to attend and execute their lawful orders and executions".[2]

It is clear that in Jamaica the greatest development had taken place in the machinery of government; but in all the islands development was comparable and the more extensive administration in Jamaica matched the greater demands placed on government in the largest of these colonies. In them all machinery existed at the end of the 18th century to enable colonists to control to a considerable extent their own government.

What was true of the working of the legislature and executive applied also to the judicature. Institutions had been modified to enable colonists to administer justice.

---

1. Jamaica Acts 40 George III C3, C6 S6-7, C11 S7.
2. Barbados Acts 113 S12, 124 S3.

The outline of a system of courts, regarded as being similar to that found in England, appeared in each of the islands.[1] There were three common law courts: the courts of Common Pleas, Kings Bench and Exchequer and in addition a Commission was issued for a Court of Grand Sessions. In certain civil cases appeal lay to the Court of Error in the island and then to the Privy Council; and in criminal actions appeal lay to the governor or the king for the grant of mercy. There was also a Chancery Court from which appeal lay to the Chancery Court in England. In addition there were courts with special jurisdiction: a Court of Ordinary for ecclesiastical suits; an Instance Court of Vice Admiralty which formed part of the machinery for enforcing the navigation laws, for trying maritime causes and in certain islands for exercising prize jurisdiction; finally in certain islands a Court Merchant was established.[2]

In none of these islands was there a system of distinct courts such as this description might suggest. The system had been adapted to suit conditions in which there was neither the litigation nor the means for supporting as extensive and professional a judicial system as was to be

---

1. Reports of the Commissioners of Inquiry into the Administration of Civil and Criminal Justice in the West Indies P.P. 1825 (517) XV 233; 1826 (276) XXVI 37; 1826-7 (36, 559) XXIV 1, 285.

2. ibid.

found in Britain. The Chancery Courts and courts with special jurisdiction survived in all of the islands, but the common law courts had been modified. In each island colonists had made different changes to suit local conditions but for the most part the number of common law courts had been reduced. They had either been combined or had ceased to meet.[1].

Colonists were the judges in these courts. In general a considerable number of colonists were eligible to sit in the courts while only a few were required at a particular hearing.[2]. None of these judges were required to be trained in the law. Chief justices as well as assistant judges were chosen from among the leading colonists and they were expected to have no other qualifications than integrity, common sense and local experience. "Judges who have not the solid principles of the constitution, of right and wrong, of truth and reason, for ever before their eyes, may lean more to the false refinements of sophistry and the hair breadth lines pencilled by the courts of Westminster Hall than to the equity and merits of the cause in issue before them."[3].

---

1. Ibid.
2. Ibid.
3. E. Long, The History of Jamaica, pp. 71-2.

Rather than requiring a knowledge of what law was, a judge had to appreciate what the law should be. What was law in the colonies was not clear. Common Law and those statutes passed before the settlement of the islands extended to the colonies. There was no consistency, however, either in accepting or ignoring judgments given subsequently in courts in England.[1] Similarly while it was accepted that British Statutes passed subsequent to settlement and which were declared to extend to the colonies, were in force, there was also a general and widespread practice of using as applicable other British Acts passed after colonization. "The rule upon this subject is so vague and so little understood in the colonies that decisions founded upon it will be often contradictory."[2] A useful law was used whether or not it was legally in force.

Furthermore there was uncertainty even about the local statute law. In Grenada when Chief Justice Smith arrived from England in 1804, and, lacking local experience, attempted to discover what statutes were in force, he found himself

---

1. 2nd Report of the Commissioners of Inquiry into the Administration of Civil and Criminal Justice in the West Indies, p. 27. P.P. 1826 (276) XXVI 37. The state of law reporting in Britain meant that much could not be known. W. Holdsworth, History of English Law, Vol. XII, pp. 110-117.

2. Ibid. Evidence of attorney general A. Gloster.

unable to do so. After a diligent search he discovered some statutes "in old trunks of papers which had been deposited in an old lumber room and others in a box of miscellaneous papers belonging to the House of Assembly". "The waste of time and yet more the ravages of insects had left many of these legislative acts without their seals, and others without a title, some without dates and a few without either." Finally the most recent acts had been entered in a folio but this "had been interlined, erased and altered in many parts".[1] In several other islands local statutes remained unprinted and it was necessary to pay a fee to the island secretary in order to inspect them.[2] Even in Jamaica, those who compiled the laws of the island in 1792 mentioned the inaccuracy of previous collections and the inaccessibility of recent statutes.[3] The fact was as the Montserrat assembly resolved twenty years later, judges understood what "was agreeable to the custom of the island 'that venerable unwritten law'"[4] even when this violated the existing law.

---

1. G. Smith, The Laws of Grenada, preface pp. vii-x.
2. Commissioners of Inquiry, op. cit. The laws in Dominica and the Virgin Islands remained entirely unpublished.
3. The Laws of Jamaica, Vol. I, preface.
4. 3rd Report from the Commissioners of Inquiry, p. 36. P.P. 1826-7 (36) XXIV, 1.

There were, however, other ways of ensuring whatever might be prescribed in statutes, that the law applied in the courts was consistent with the expectations of colonists. In criminal cases the attorney general acted as public prosecutor, and for the causes which he chose to prosecute he was dependent for remuneration either on the assembly which might reimburse him for his expenses, or on a share of a fine imposed as a sentence in a successful prosecution.[1]. The attorney general had, as a result, a clear incentive to choose only those causes which could be commended to the assembly or the juries. Jurymen were selected by the deputy acting for the patentee provost marshal and it had been found impossible to confine the selection to freeholders.[2]. Any conviction, therefore, required the approval of juries of which such of the poorer colonists as managers and overseers might be members. First the grand jury had to find true the bill of indictment and then it was necessary for the petty jury to find the accused guilty. By serving on juries colonists contributed to the administration of justice and thus played a part in the government of the colony; jury service

---

1. Returns of all official appointments, 1809, C.O. 325/11-13, also Elliot to Liverpool, 17 May 1811, C.O. 152/97. Campbell to Bathurst, 23 Sep. 1826, C.O. 101/66. Maxwell to Goderich, 7 July 1831, C.O. 239/25.

2. Reports of Commissioners of Inquiry, op. cit.

was both a duty enforced under a penalty and a means of ensuring that right justice, as colonists understood this, was performed.

Local government belonged similarly to the colonists. In all the islands justices of the peace were appointed with the duty of maintaining the peace and holding petty sessions in which slaves were tried for misdemeanours. Otherwise in the Lesser Antilles most of the tasks of local government were conducted through the institutions which existed for the government of the island as a whole.[1] In Jamaica on the other hand local government had been developed to the point where there were institutions and officials to provide administration within the parish. Officials and institutions which in England belonged to the county belonged in Jamaica to the parish. The principal figure in each parish was a local planter appointed by the governor as chief magistrate or custos rotulorum. The custos along with the other justices of the peace, whom he nominated for appointment by the governor, were responsible for supervising parish administration, maintaining the peace and executing justice.[2] The

---

1. In Antigua, St. Kitts, Nevis and Barbados there were parish vestries caring for the church, minister and poor, there were also way wardens and certain local courts. In the remaining islands there were virtually no institutions of local government; parishes were electoral divisions.

2. Edwards, op. cit. I, pp. 204-211. R. Renny, An History of Jamaica, p. 101. The Jamaica Magistrates and Vestryman's Assistant, Jamaica Almanack, 1794.

institutions in the parishes gave the colonists in Jamaica considerable local autonomy but the gap between the island government and that in the parishes was bridged by those officials who served in both. The custodes in particular besides their local duties frequently represented their parishes in the assembly, were members of the committee of public accounts and also commanded the local militia.[1.]

The powers of the justices of the peace in maintaining peace and order were supplemented by those of the militia. In all the islands except St. Kitts,[2.] island legislation provided for a militia which might be used in emergencies. The power of the governor to require irksome militia duty or to use the militia as an instrument for asserting his authority had been curbed by the terms of the enactments under which the militia was raised and, in particular, by the need to consult a council of war before taking any action. On the other hand according to island acts, members of the legislative council and local militia commanders could take the initiative.[3.] In the island of Carriacou, a part of

---

1. Jamaica Almanack, 1794-1815. for example see offices held by T. Murphy, S. Taylor, J.P. Edwards, Almanack 1805.

2. Rawlins to Bathurst, 21 May 1816, C.O. 152/105.

3. Grenada Act 201. Jamaica 32 George III C10. Spurdle, op. cit., p.

Grenada,[1] the militia commander with the consent of a justice of the peace might call out the militia, and in Jamaica "upon any sudden emergency or alarm it shall be lawful for the Colonel or Commanding Officer of any Regiment or Battalion at any time to order a muster and take such steps for the public security as to him shall seem absolutely necessary and proper".[2] Under their island acts the colonists had a large share of control over the militia and the militia remained an instrument for preserving the peace and in particular for preventing disorders among the negroes.[3]

Colonists in the old West Indian colonies, therefore, largely ruled themselves. In the principal islands government conformed broadly to a common pattern but in one small island, which was to be of importance later, the colonists governed under a simpler system. Anguilla formed part of the Leewards group, it produced little sugar and in 1819 its total white population amounted to eighty.[4] A colonist received a commission as lieutenant governor from the Captain General of the Leewards, there was a deputy secretary and

---

1. Grenada Act, 210 S44.
2. Jamaica Act, 32 George III C10 S19.
3. Edwards, op. cit., I, pp. 210-11.
4. Richardson to Bathurst, 3 Mar. 1819. C.O. 239/5.
   Wilson to Bathurst, 18 Mar. 1821, C.O. 239/7.

deputy provost marshall appointed by the patentee office holders but otherwise the work of all the remaining institutions had been assumed by the lieutenant governor in council.[1] The island was too insignificant for the colonists to suffer any interference with their own self-government except from patentee office holders.

Thus at the end of the 18th century, under the old representative system, West India colonists had the duty and power to rule themselves. Institutions had been moulded and developed so that there was a wide divergence between what was supposed to exist and what was in fact to be found. One governor wrote of the whole government being founded on the King's Commission;[2] another complained of the "hardships imposed on a governor at this distance by the instructions ... which are diametrically contrary to the laws of this island."[3] Edwards described what existed in practice

---

1. Report of Commission sent to Anguilla, Dec. 1824, Maxwell to Bathurst, 10 Jan. 1825, C.O. 239/12. P.P. 1826 (174) XXVI, 325. Barbuda and the Grand Cayman Islands similarly had only minimal institutions of government. For the former see McGregor to Stanley, 3 Sep. 1833, C.O. 7/37. Codrington to Stanley, 1 June 1834, C.O. 7/40. For the Grand Caymens see Nugent to Sullivan, 20 Aug. 1802, C.O. 137/108. Belmore to Goderich, 21 Nov. 1831, C.O. 137/179.

2. T. Pownall, The Administration of the Colonies, p. 54.

3. Cunninghame to Germain, 20 Sep. 1780, C.O. 28/34.

as "this liberal system of self government".[1] Yet it was the illiberality of the system which was to be noticed. For this was government by the white members of the slave society.

---

1. Edwards, op. cit., vol. II, p. 345.

Chapter II

IMPERIAL GOVERNMENT AND THE PLANTATION COLONIES.

The old representative system was established and had the sanction of tradition. The American Revolt had not been taken to indicate that the way the colonies were governed was mistaken: English laws and institutions were still regarded as the best in the world at least for Englishmen.[1] The verdict on the Revolt was that there should be less legislative interference with the colonists.[2] When the advantage of colonies came from the part they played in a closed trading system it was impolitic to exacerbate the feelings of the West India colonists. Parliament's sovereignty was not a power to be asserted; nor were ministerial departments concerned with the internal affairs of the colonies.

Members of Parliament were convinced of their abstract right to legislate for the colonies. When the Sovereign power in Britain was vested in the King, Lords and Commons, it was natural to assume that this sovereignty of Parliament extended to the colonies. Indeed when this absolute power

---

1. Hawksbury, Draft Commission with marginal comments [1794], B.M. Add. MSS. 38353/130.

2. H.T. Manning, British Colonial Government after the American Revolution, p. 69.

of Parliament had been questioned in the American colonies[1]. members of Parliament had made their view explicit by passing the Declaratory Act.[2] The colonies and plantations were declared to be "subordinate unto and dependent upon the Imperial Crown and Parliament of Great Britain" and the King, Lords and Commons had "full power and authority to make laws and statutes of sufficient force and validity to bind the Colonists and peoples of America, subjects of the Crown of Great Britain in all cases whatsoever."[3]

Yet from the events of the American War politicians had learnt caution enough to be wary in the exercise of this power they claimed. Parliament undertook not to exercise its power of taxation in 1778.[4] "Whereas taxation by the Parliament of Great Britain for the purpose of raising Revenue in his Majesty's Colonies, Provinces and Plantations in North America, has been found by experience to occasion great uneasiness and Disorders ... and whereas in order as well to remove the said Uneasiness and to quiet the minds of his Majesty's subjects"[5] Parliament declared and enacted

---

1. M. Beloff, The Debate on the American Revolution, pp. 24-8, 45-89.
2. 6 George III C12.
3. 6 George III C12, §1.
4. 18 George III C12.
5. 18 George III C12 preamble.

that "the King and Parliament of Great Britain will not impose any Duty Tax or Assessment whatever payable in any of his Majesty's Colonies Provinces and Plantations in North America or the West Indies ...."[1] This caution was not limited to matters of taxation, in the remaining years of the century Parliament had avoided passing laws which might have infringed the colonists' susceptibilities. It was partly that there was insufficient interest in the internal affairs of the colonies to prompt interference, yet it was also that the avoidance of internal interference was a practice founded on views of the rightful exercise of Parliament's absolute powers.

This was a view which was stated only when an attempt was made to act counter to it. Such an attempt occurred in 1796. Sir Philip Francis sought to bring in a Bill to modify the government in the West India colonies in order that it might become the instrument for preparing the negro slaves for freedom,[2] and the debate turned on the proposal to legislate on the internal concerns of the West India colonies. Francis admitted that "the transcendent power of parliament to make laws for every part of the British empire ... is not in prudence to be used on ordinary occasions, when

---

1. 18 George III C12, S1.

2. 11 Apr. 1796. Parliamentary History XXXII/944.

the subordinate power of legislation can act with equal effect in their several departments. It is a right reserved for great emergencies."[1]. On both these grounds Francis considered it necessary for the Imperial Parliament to legislate on this occasion. It was outside the power of the individual Colonial Legislatures to effect his proposed measure: only the transcendent power of Parliament could effect it throughout the colonies. Moreover this was an occasion on which it was warranted to resort to the emergency powers of Parliament.[2]. The motion however was negatived.[3]. It was objected that this measure would involve taxing the colonies and Parliament "had given out of its hand the power of taxation in the colonies."[4]. Also if the measure was designed to resolve one emergency it would produce a far more serious one. "The principal reason that induced him to give his negative to the motion, was the impolicy of interfering in the internal regulations of the colonies. He did not oppose it as denying the right .... As the regulations proposed were to have effect wholly within the colonies, he did not wish to drive them to the situation of the American

---

1. Ibid., XXXII/970-971.
2. Ibid., XXXII/971-7.
3. Ibid., XXXII/992.
4. Pitt, XXXII/990.

colonies and bring into question their separation from this country".[1] Finally there was the practical point: "unless we had the concurrence of the colonies themselves all that we could do in the way of internal regulation was not worth a straw".[2] Administration required the cooperation of the colonists but there was also the need for Parliament's enactments to be recognized as law in the colonies. Having made this point Henry Dundas went on to say "he agreed in the general opinion that the question of right to legislate ought not to be agitated except in cases of necessity".[3]

The way Dundas summed up the views of members was to remain the guide on the nature of Parliament's relations with the colonies.[4] There was a restriction on the exercise of Parliament's powers in relation to the colonies but the character of this limitation was unclear. Some treated it as a statement of what was politically expedient, to others the abnegation took on the form of a convention of the constitution. To members of successive ministries the convention, if such it can be called, though founded in expediency acquired an independent significance. The Law

---

1. Adair, ibid., XXXII/982.
2. Dundas, ibid., XXXII/991-2.
3. Ibid.
4. See below.

Officers of the Crown when asked for their opinion in 1801 on a proposed measure, submitted a question to the Secretary of State which they stated was founded not on political expediency but as their opinion on the legal operation of the act; they asked "whether any Law to be passed by Parliament here, would not be an interference with the internal legislation of the Colonies, which Parliament has of late not been disposed to exercise".[1] Hobart, the Secretary of State, accepted this as a "principle by which the British Parliament has of late been governed in respect to the legislative rights of the colonies".[2]

In consequence hesitations were expressed about the primacy of the law of Parliament. Parliament had never directly repealed a Colonial Act and doubts arose about the power of Parliament to do so.[3] If a Bill passed by a colonial legislature had once received the royal assent then it might be adjudged that the conventional limitation placed this subject outside the limit of Parliament's authority, except in an emergency. There were doubts furthermore about which law had priority when laws passed in Parliament subse-

---

1. Scott and Mitford to Portland, 11 Mar. 1801, C.O.324/65 printed in Manning, op. cit., p. 71.

2. Perceval and Law to Hobart, 14 Dec. 1801, C.O.324/65 printed in Manning, op. cit., p. 72.

3. [Stephen] Memo. [1826-7] C.O.320/4.

quent to the erection of the colonial Legislatures and the colonial law conflicted.[1] Here it was consistent with the convention to regard no law of Parliament as applying to the colonies unless it was expressly stated to do so, in which case it would be assumed that Parliament was exercising its transcendent or emergency powers. Blackstone had asserted that "there is and must be in every state a supreme irresistible, absolute and uncontrolled authority in which the jura summa imperii or rights of sovereignty reside",[2] yet the act of 1778[3] was intended to prevent Parliament from taxing the colonies and this convention appeared to place an ambiguous undefined limit on the general legislative power of Parliament.

In the balanced constitution of the 18th century the executive was, in Blackstone's words "checked and kept within bounds by the two houses".[4] However this did not lead members to concern themselves with the government of the colonies. Little money, granted by Parliament, was spent in the West Indies and most of this little was disguised in

---

1. Ibid; Horton Memo., 19 Jan. 1827, C.O.320/4.
2. W. Blackstone, Commentaries on the Laws of England I, p. 49.
3. 18 George III C12.
4. Blackstone, op. cit., I, p. 155.

the army extraordinaries.[1] Parliament's check on the executive in Britain did not extend to a surveillance over the way colonial business was conducted, and administration within the colonies passed without notice.

At the end of the 18th century, therefore, Parliament played no regular part in the working of the old representative system. It was otherwise with the King and his ministers yet the routine work they did was negative. A Governor's Commission and Instructions were conceived as a comprehensive guide to the governor in the conduct of his government but certain procedures were required to be followed which were designed to enable the Imperial Government to exercise general supervision. At the end of the century this remained the practical rôle of the Imperial Government.

The duties assigned to the Imperial Government provided a means of checking what was done in the colonies. Certain clauses in the instructions were intended to ensure that the Imperial Government maintained the balance between the governor and other bodies. The governor was prohibited from suspending members of the council and judges without submitting the reasons for this step to the home Government.[2] Precautions against other forms of misgovernment involved further work.

---

1. Manning, op. cit., pp. 188-93.

2. Instructions to Lavington, 30 Oct. 1799, C.O.380/43/1.

In particular the Privy Council received petitions and heard appeals from colonial courts.[1] The licence of the Bishop of London was required for a man to act as a clergyman or teacher in the colonies.[2] Certain accounts were in practice, as well as according to the instructions, subject to inspection and audit in Britain.[3] Finally a set of procedures was followed to ensure that government in the colonies was not conducted in a way which operated counter to British interests. This was achieved primarily through the control of island legislation, prior authorization from Britain being required before legislation could be introduced on certain subjects and transcripts of all acts passed by the local legislatures were scrutinized in Britain.[4]

The minister with the largest share of the work of the Imperial Government in relation to the colonies between 1782 and 1801 was the Secretary of State for the Home Department. In evidence before the Select Committee on Finance in 1796 one of the duties of this department was described as "preparing and issuing warrants for all commissions, grants,

---

1. Instructions clauses 42-3.
2. Instructions clauses 61, 66.
3. Instructions clause 24. Manning, op. cit., p. 193.
4. Instructions clauses 12-28, 30.

patents creations and appointments under the Crown,[1] and once governors were appointed and issued with instructions the business of the department included "receiving intelligence, conducting correspondence and managing Transactions relative to the Executive Government of the British Empire with the exception of the East Indies".[2] However each of the government departments in Britain supervised its own service in the colonies much as it did in Britain. Such Treasury departments as the Customs and Commissariat, as also the Ordnance and Post Office among others, handled details of colonial business in much the same way as official business relating to England.[3] The Boards and ministers at the head of these offices appointed the officials to conduct their services in the colonies and these officials remained subject to their control.[4] In fact by the end of the 18th century the situation had largely reverted to that of which Pownall,

---

1. Select Committee on Finance, 16th Report, Appendix L (examination of J. King), P.P. 1st Series XII.

2. Ibid.

3. This generalization is based on the 10 Reports of the Commissioners on Fees etc. of Public Offices 1786-8 (P.P. 1806 (309) VII) and the 36 Reports from the Select Committee on Finance, P.P. 1st Series XII, XIII.

4. Returns of all official appointments, 1809. C.O. 325/11-13. Evidence on the working of administration is provided by the Diary of William Senhouse, the last Surveyor General of Customs 1770-1787 (Rhodes House MSS. Wind.)

the Governor of Massachusetts, had complained in 1764. "While the military correspond with the Secretary of State, the civil in one part of their office with the Secretary of State, in another with the Board of Trade; while the navy correspond in matters not merely naval with the Admiralty, while the Engineers correspond with the Board of Ordnance, officers of the Revenue with the several boards of that branch and have no communication with the department which has or ought to have the general direction and administration of this great Atlantic and American, this great commercial interest, who is to collect? Who does or ever did collect into a one view all these matters of information and knowledge? What department ever had or could have such general direction of it as to discuss compare rectify and regulate it to an official real use?".[1.]

Not only was there no single department with a general direction of colonial affairs, there was no effective means of coordinating the work of the different departments. The Privy Council was the highest authority in matters of colonial management[2.] and a subordinate committee had been reconstituted in 1784 after an interval of two years to deal with those matters concerning trade and the plantations which came

---

1. T. Pownall, The Administration of the Colonies, pp. 10-13.

2. C.M. Andrews and F.G. Davenport, Guide to the Manuscript Materials, p. 174.

before the Council.[1] The Committee of the Privy Council for Trade and Foreign Plantations was intended to be a coordinating and investigatory body.[2] The Committee advised the Council on what were traditionally the important decisions connected with colonial government. Recommendations on action to be taken on Commissions and instructions and colonial laws were made in the Committee.[3] However issues of policy were raised in governors' despatches and these were rarely referred to the Committee. Indeed the principal ministers seldom attended the Committee.[4]

There were two reasons why the Committee for Trade failed to be developed as an instrument for coordination. In the first place Hawksbury, the President from 1786 to 1804, acted in the tradition of the old Committee for Trade in building up a ministerial department. With his keen interest in Britain's trade and regarding the colonies as an integral part of Britain's trading system, Hawksbury concerned himself with problems arising in the colonies.[5]

---

1. 25th Report (Privy Council Office) Select Committee on Finance, P.P. 1st Series XIII/185.

2. Distribution of Business formerly transacted by the Board of Trade, C.O. 5/2. Printed in C.M. Andrews' Guide to the Materials for American History, p. 100.

3. Ibid., and 25th Report from Select Committee on Finance, P.P. 1st Series XIII, 185-5.

4. C.B. Fergusson, The Colonial Policy of the First Earl of Liverpool, Oxford Thesis, p. 46 .

5. Ibid.

He appears to have had a clear concern in 1791 to increase his own part in the management of colonial affairs[1]. and he largely decided the form of government to be adopted in the colonies conquered in the West Indies during the French Revolutionary Wars.[2] While president, he conducted a private correspondence with officials in the colonies[3] and he made use of the Clerk of the Council, not simply to execute the routine duties of a clerk, but to assist him in his ministerial work.[4] As before 1782 such action stimulated rivalry between the Committee for Trade and the Secretary of State with the charge of colonial matters.[5] The Committee was also unsatisfactory because at ministerial level it duplicated the work of the Cabinet.

The Cabinet was a rival coordinating body. To the Committee for Trade were sent the formal instruments of

---

1. Chalmers to Hawksbury [May 1791], B.M. 38226/158.

2. Hawksbury draft Commission with marginal comments [1794], B.M. Add. MSS. 38353/130. Hawksbury to Nepean, 20 Feb. 1793, C.O. 318/11. Lack to King, 1 Mar. 1797, B.M. Add. MSS. 38310/180.

3. e.g. Hawksbury to Grey, 23 May 1794, B.M. Add. MSS. 38310/108. Hawksbury to Williamson, 9 Sep. 1794, B.M. Add. MSS. 38310/114. Hawksbury to Blankett, 13 Dec. 1795, B.M. Add. MSS. 38310/146.

4. Chalmers to Hawksbury, 12 Aug. 1794, B.M. Add. MSS. 38229/363; [May] 1791, B.M. Add. MSS. 38226/158. G. Cockroft, Life of George Chalmers, pp. 84-107.

5. Liverpool. Memo., 13 Sep. 1800, C.O. 28/66. Hobart to Liverpool, 10 Mar. 10 May, 19 May 1802, C.O. 152/84. Liverpool to Hobart, 15 May 1802, C.O. 152/84.

government but despatches were referred to the Cabinet. In 1793 all despatches received from the colonies by the Secretary of State for the Home Department, together with the drafts of outgoing despatches, were circulated to the King and all members of the Cabinet.[1] So long as the burden of governmental business was light enough for this practice to continue all ministers could remain informed of developments and could coordinate their action. However much of the work connected with the government of the colonies was conducted by subordinate administrative departments which had partly detached themselves from ministerial control.[2] Moreover, much of colonial business was too detailed and trivial for the Cabinet to be a suitable body for providing coordination. This minimal coordination

---

1. Entry Book of Despatches circulated 1793-4, C.O. 324/61. The Cabinet had been an effective coordinating body before the war through the close association of Pitt, Grenville and Dundas who together had all matters connected with the overseas empire under their immediate scrutiny. See V.T. Harlow, The Founding of the Second British Empire, Vol. II, Pitt and his Administrative System.

2. This was particularly important with the customs since they were to be given administrative duties under the Act for the abolition of the slave trade. The 4½% and Plantation Duties came under the Board of Commissioners for England and Wales. (J.E.D. Binney, British Public Finance and Administration, p. 25). See also, Comptroller of Army Accounts, 19th Report Select Committee on Finance, P.P. 1st Series XII/349. The general position is discussed in S.E. Finer, Patronage and the Public Service, Public Administration XXX, 1952, pp. 346-53.

appears to have ceased in 1794, the year after the war with France had begun. Despatches ceased to be circulated to members of the Cabinet; after being sent to the King they were deposited in a reading room[1]. and even this attempt at keeping Cabinet ministers informed had ceased by 1808;[2] by then the Secretary of State had returned to circulating despatches, but only those relating to a matter which the Secretary of State intended to raise in Cabinet were treated in this way.[3]

Thus at the beginning of the 19th century the situation largely conformed to that which Pownall described.[4] It differed only to the extent that there was not one Secretary of State for governors to correspond with but two. In 1794 Pitt had been concerned both to strengthen the ministry and relieve Dundas of part of his heavy responsibilities.[5] Dundas was to continue as War Minister besides remaining as President of the Board of Control, but his other responsibilities as Home Secretary were to be assigned to the Duke

---

1. Entry Book of despatches circulated 1793-4. C.O. 324/61.

2. Lyon to Castlereagh, 25 Jan. 1808, C.O. 137/122. This is the first example of a letter on the colonies being circulated. No evidence has been found to show when all despatches ceased to be deposited in a reading room.

3. Lyon to Castlereagh, 25 Jan. 1808, C.O. 137/122.

4. T. Pownall, The Administration of the Colonies, pp. 10-13.

5. J. Steven Watson, The Reign of George III, p. 325.
C. Matheson, Life of Henry Dundas, pp. 201-4.

of Portland.[1] For Dundas it was as he put it "the object of my predilection" to be "colonial minister of this country"[2] and Pitt had intended that he should retain the colonial business along with that connected with the War and India,[3] but Portland would accept the Home Secretaryship only on condition that the colonial business was retained in that office.[4] For the remainder of the Revolutionary War therefore governors corresponded on civil matters with the Home Secretary and on military subjects with the Secretary of State for War.

In 1801, however, the Colonial Business of the Home Secretary was transferred to the department which was to come to be known as the Colonial Office. The change formed part of the ministerial arrangements made by Addington in the course of constructing his government. Addington wished to have Hobart at the Home Department[5] and Pelham as Secretary of State for War[6] and leader of the House of

---

1. Pitt to Grenville, 5 July 1794, H.M.C. Fortescue II/595.
2. Dundas to Pitt, 9 July 1794, P.R.O. 30/8/157/172.
3. C. Matheson, Life of Henry Dundas, p. 202.
4. Pitt to Grenville, 7 July 1795, H.M.C. Fortescue II/597.
5. Abbot Diary, 6 Feb. 1801, Diary and Correspondence of Charles Abbot, Lord Colchester, Vol. I, p. 224.
6. Pelham to Frankland, n.d., B.M. Add. MSS. 33107/89.

Lords,[1] and there is no indication that he intended initially that the Colonial Business should be transferred.[2] However, Pelham declined Office[3] and Portland, being loathe to surrender his secretaryship,[4] Hobart was given the available Secretaryship[5] (that for War) and the leadership of the House of Lords.[6] Addington remained anxious, however, to attach Pelham to the government[7] and by the summer the latter was prepared to take a major office.[8] Portland consented reluctantly to become Lord President of the Council to make way for Pelham,[9] stating the condition that Pelham was also to be made leader of the House in place

---

1. Hobart to Auckland, 8 Oct. 1801, B.M. Add. MSS. 34456/434.
2. Hobart, Memo, 12 Feb. 1801, Hobart Papers Bundle B, Bucks County Record Office.
3. Addington to George III, 9 Feb. 1801, Sidmouth Papers, Devonshire County Record Office. Printed in G. Pellew, Life of Viscount Sidmouth, pp. 299-300.
4. Portland to Pelham, 11 June 1801, B.M. Add. MSS. 33107/75. Malmesbury to Pelham, 24 June 1801, B.M. Add. MSS. 33107/81.
5. Hobart, Memo., 12 Feb. 1801, Hobart Papers Bundle B.
6. Hobart to Auckland, 8 Oct. 1801, B.M. Add. MSS. 34456/434.
7. Pellew, op. cit., p. 410. Abbot Diary 11 Mar., 28 May, op. cit., pp. 254, 266.
8. Hobart to Auckland, June 1801, B.M. Add. MSS. 34456/419.
9. Portland to Pelham, 29 June 1801, B.M. Add. MSS. 33107/83.

of Hobart.[1.] Since by this time the Act of Union had passed and the business connected with Ireland had been assigned to the Home Department, Pelham became Secretary in a department with augmented responsibilities.[2.] Further, if Portland's condition was to be accepted, Pelham would be taking the leadership of the House of Lords from a Secretary of State whose responsibilities for war were disappearing with the signing of preliminaries of peace.[3.] In these circumstances, while becoming Leader of the House of Lords, Pelham was forced under protest to surrender the business - and the patronage - connected with the colonies to Hobart.[4.]

At the time of this transfer of colonial business from the Home Department to that of the Secretary of State for War no attempt was made to concentrate general control of colonial administration in a single department. The step taken in 1801 was no more than the transfer of the traditional work belonging to a Secretary of State from one

---

1. Hobart to Auckland, 8 Oct. 1801, B.M. Add. MSS. 34456/434.
2. Hobart to Addington, 28 June 1801, Hobart Papers Bundle B.
3. Ibid.
4. George III to Addington, 28 July 1801, Sidmouth Papers. Addington to Pelham, 2 Aug. 1801, B.M. 33107/212. Addington to Hobart, 2 Aug. 1801, Hobart Papers Bundle B. Pelham to Addington, 3 Aug. 1801, B.M. Add. MSS. 33107/219. George III to Pelham, 7 Aug. 1801, B.M. Add. MSS 33107/238. Hobart to Auckland, 8 Oct., 14 Oct. 1801, B.M. Add. MSS. 34456/434, 441.

Secretary to another.[1.] Moreover, since the peace following the Treaty of Amiens[2.] was shortlived, the Third Secretary's principal concern was with the prosecution of the war against Napoleon. Colonial business was left to an undersecretary.[3.] Nevertheless during the war steps were taken in the development of a distinct Colonial Secretary and Colonial Office.

By the end of the war fourteen years later the Third Secretary was regarded by others in the government as having a general responsibility for the colonies. There appears to have been some recognition that the colonies required distinct treatment and that within the government the Third Secretary was the minister with this responsibility. "It was almost indispensable" Goulburn the undersecretary said, justifying the retention of the Third Secretaryship in 1817, "that there should be a responsible minister through whom the colonists might make known their wants and who by devoting himself solely to their service might be competent to explain and support their respective interests".[4.] In the corres-

---

1. See the above correspondence.
2. J. Steven Watson, The Reign of George III, pp. 409-414.
3. See below. p77.
4. 19 Apr. 1817, P.D. XXXVI/664. Also Goulburn, 3 Apr. 1816, P.D. XXXIII/899.

pondence with other departments there are indications that Goulburn's claim was accepted. "I conceive the Secretary of State for y^{e} Colonial department would take y^{e} Prince's pleasure, as he has the general superintendence of y^{e} Colonies and therefore must be the best judge as to the erecting of a new independent office within a colony".[1.]

This attitude would seem to be in part the recognition of a state of affairs which had come into being. In the course of the war the work done in the Third Secretary's office in relation to the colonies increased both in amount and scope. During the Napoleonic Wars there were more than double the number of colonies that there had been before the beginning of the Revolutionary War.[2.] Moreover compared with the old colonies, in these captured colonies the Secretary of State had greater authority and he had also assumed control over spheres of administration which had previously been under other departments. The extent of the difference varied from colony to colony. In those conquered in the West Indies, the Third Secretary had to share patronage,

---

1. Manners Sutton to Peel, 6 May 1811, C.O. 137/132. Also, Harrison to Goulburn, 4 Mar. 1820, C.O. 260/37.

2. For the colonies captured during the war see C.H.B.E. II, pp. 83-128. After peace was made there were thirty-two colonies in place of the fifteen under the Secretary of State in 1793 (Bathurst, 13 June 1866, P.D. XXXIV/1094).

and with it control over administration, with other departments though even there his authority was greater than in the old islands;[1.] but in Ceylon, on the other hand, the Third Secretary's authority was exclusive of all other departments.[2.] Furthermore the scope of the Third Secretary's work increased with the growing interest in colonial slavery. Matters connected with the slave trade had not been the concern of a particular department, but once the slave trade was made illegal in 1807 the work arising from humanitarian concern over the dangers of illicit imports into the islands and the evils of West Indian slavery was entrusted to the Third Secretary.[3.]

The attitude that the Third Secretary was minister for the colonies appears to have been due also to an acceptance of the need for a minister with a general responsibility for the colonies.[4.] So long as ministers with duties connected with the colonies could remain informed about the colonies, the general course of action followed could be the collective concern of ministers. With the pressure of business which existed during the war this had become impossible even if the

---

1. Return of all official appointments with account of duties, Berbice, 1809, C.O. 325/11. Demerara, Essequibo, Martinique, 1809, C.O. 325/12, Trinidad, 1817, C.O. 325/15. St. Lucia, 1818, C.O. 325/18.
2. Returns of all official appointments Ceylon, 1817, C.O. 325/16.
3. Windham to Lawrence, 10 Feb. 1807, B.M. Add. MSS. 37886/42. Goulburn, 29 Apr. 1817, P.D. XXXVI/64.

colonies had continued to command so much interest. The implication of this development was that if the colonies were a distinct entity then the general direction of administration had to be the concern of a single minister.[1] It may be moreover that this view was reinforced by a similar belief held in Parliament. In 1805 when Lord Holland asked a question relating to the trade between Jamaica and America and when the matter was answered by the President of the Board of Trade, Holland said "the noble Lord seemed disposed to volunteer a reply which it belonged to the noble earl [Camden, the Third Secretary] to give".[2]

The relative positions of the Third Secretary's department and the Committee for Trade was a symptom of the emergence of a Colonial Office and also a factor in it. In these years the Committee was being transformed into a ministerial department divested of its concern with the plantations and involved in matters of trade. In his latter years as President, Hawksbury showed less interest in the colonies. Without colonial despatches being circulated he was denied a source of information and he was himself sinking into his dotage. As George III wrote concerning matters of trade,

---

1. Ibid.
2. 25 June 1805, P.D. V/558.

"through the illhealth both of the Earl of Liverpool and Mr Ryder that essential branch of business lies dormant...."[1.] During the Ministry of All Talents, Grenville attempted to resurrect the Committee for Trade as a means of over-riding Windham, the Third Secretary, whose views he found inconvenient. Windham, however, as a justification on one occasion for rejecting the decisions of Auckland and Grenville acting as the Committee for Trade, insisted on the need for Cabinet approval. "I must not take upon myself, however sanctioned by the Commissioners of the Council, to give the King's name to a measure of such extent but must have for it a decision of Cabinet".[2.] After the break up of the Ministry the administrative work of the Committee for Trade dealt broadly with matters of trade and the Third Secretary with colonial administration. On the one hand, when he became undersecretary in the Third Secretary's department in 1812, Goulburn was instructed by his predecessor Peel that "questions of trade and commercial intercourse of all descriptions and which are generally the most intricate

---

1. George III to Addington, 12 July 1812, Sidmouth Papers, Devonshire County Record Office. Printed in Pellew, Life of Viscount Sidmouth, pp. 411-2.

2. Windham to Auckland, 11 Mar. 1806, B.M. Add. MSS. 34457/425. See also, Grenville to Auckland, 9 Aug. 1806, B.M. Add. MSS. 34457/595. Auckland to Windham, 26 Dec. 1806, B.M. Add. MSS. 37885/16. Grenville to Auckland, 1 Jan. 1807, B.M. Add. MSS. 34458/214.

are of course referred to the Board of Trade...".[1.] While the Board, for their part, wrote to Goulburn in 1816 "as this act appears to be of a political rather than a commercial nature the Lords of this Committee do not think it falls within their province to offer an opinion on its provisions".[2.] The Committee and Third Secretary followed established procedures but these were formalities. By the end of the war, for instance, orders in Council for the colonies had come to be drafted in the Third Secretary's office.[3.] While in 1826 the Vice President of the Board of Trade was to write of the system of reviewing colonial acts that it contained "absurdities, artifices, anomalies and inconsequences"[4.] and that "the whole difficulty at present arises from a desire to adhere to <u>forms</u> of official routine, which are not pretended to be anything but <u>forms</u>".[5.] By this time the Committee had ceased to be a rival department concerned with colonial administration, as a coordinating body it was defunct and the duties of colonial management,

---

1. Peel to Goulburn, 12 Aug. 1812, Goulburn Papers, Surrey Record Office, II/13.
2. Lack to Goulburn, 8 June 1816, C.O. 101/56.
3. Stephen, Statement of Circumstances Attendant on Stephen's connection with the Colonial Dept., Murray Papers, N.L.S., Vol. 171/54. Horton to Huskisson, 28 July 1826, C.O. 324/99/109.
4. Grant to Horton, 22 Aug. 1826, C.O. 323/205/126.
5. Grant Memo., 22 Aug. 1826, C.O. 323/205/128.

devolved on the Committee by the Council, were effectively exercised within the Third Secretary's Department.

By the end of the war the Third Secretary had become minister for the colonies but many of the services administered by other departments affected the colonies and it was a continuing problem to distinguish what was the sphere of a minister's responsibility and what a matter which affected the colonies and on which an opinion was held, but which belonged administratively to another department. In this respect the gradual delineation of spheres between the Board of Trade and the Colonial Department was only the most striking and the process of settling the responsibilities of departments continued well after the war. In 1825 Horton, the undersecretary in the Colonial Office, for instance, wrote to the President of the Board of Trade that neither an Order in Council regulating French trade, nor one regulating American trade, contained any provisions on trade with the Eastern Colonies.[1] In reply Huskisson wrote "the Cape of Good Hope and our Eastern Colonies I have always understood to be placed under the direction and control of the Colonial Department in all matters affecting their commercial legislation. At the Board of Trade we know very little of their concerns and though the general acts of

---

1. Horton to Huskisson, 1 Aug. 1826, C.O. 325/6/67.

Parliament respecting the Plantations and Colonies are extended to them, the degree in which under the discretionary authority vested in the Crown these acts are applied, modified or suspended has generally I think been considered and determined at your department".[1] Relations with the Treasury drove the Undersecretary to write privately in 1826: "I beg to state very earnestly but at the same time in perfect good humour that if this state is to go on, of not coming to a definite understanding respecting the relative jurisdiction of the Secretary of State and of the Treasury, it will be a situation of pain rather than of satisfaction to continue in office in as much as it will be impossible for me to conduct the details of this office with advantage to the public service".[2]

The responsibilities of the Third Secretary's Department only grew and were clarified slowly and there were countervailing tendencies. Little sympathy was shown for innovation. The reaction of the Third Secretary to the attempt of the Vice President of the Board of Trade to alter the procedure for reviewing acts in 1826, was to write "I cannot presume

---

1. Huskisson to Horton, 2 Aug. 1826, C.O. 325/6/70.

2. Horton to Herries, 9 Aug. 1826, C.O. 325/35/37. For the distribution of duties of Home and Colonial Secretaries see Glenelg to Lord President, 31 May 1836, C.O. 324/147/284.

to alter the forms which are frequently too the substance of a Board instituted after much consideration and being established".[1] There was a reluctance to undertake new responsibilities and a desire to resist the encroachments of others. Moreover there was a narrow departmentalism in ministries which lacked a sense of collective responsibility. Thus, for instance, Windham wrote to Grenville in 1806 "it is not pleasant to stand recorded in an office as the Chief in whose time patronage was lost",[2] and the two continued an embittered correspondence on the subject of control of patronage at the Cape until they left office.[3] In 1823 an attempt by the Treasury to exercise control over departmental establishments was rebuffed with the remark that this was the business of the King in Council and not the Treasury.[4] While in 1826, when the President of the Board of Trade wished to replace customs officers' fees by salaries and expected this to be effected in the colonies by the Third Secretary, the latter wrote "I see no reason

---

1. Bathurst, n.d., C.O. 324/75/257a.
2. Windham to Grenville, 16 June 1806, B.M. Add. MSS. 37847/87.
3. The correspondence culminates with Windham's declaration that had the ministry not been breaking up, he would have resigned on the issue, 10 June 1806 - 4 Apr. 1807. B.M. Add. MSS. 37847/83-202.
4. Horton to Harrison, 1 July 1823, C.O. 324/144/181.

why the grace should belong to one department and the odium cast on another".[1]

Gradual change was also hindered by the rigidity of the administrative machine. Procedures were fixed partly because the King still ruled in certain matters, partly because the forms had been devised as a check on arbitariness and embodied in statutes.[2] The system of paying fees for work done hindered change. In certain departments fees continued to be paid to individual officials till after 1815, and even in those departments where fees had been concentrated into departmental fee funds out of which salaries were paid, there was a reluctance to allow any diminution in the fund.[3]

Political convenience had been the reason for entrusting the colonial business of the Home Secretary to the Third Secretary of State. The change had not been made out of consideration for the needs of colonial government. Yet, in the course of the Napoleonic War through gradual inarticulate development, the Third Secretary's Department

---

1. Bathurst to Horton, 2 Sep. 1825, C.O. 323/203/113.

2. W. Holdsworth, History of English Law, Vol. X, p. 454.

3. 1st Report of the Committee appointed by the ... Treasury to inquire into the Fees and Emoluments of Public Offices, P.P. 1837 (162) XLIV. See also, E. Cohen, The Growth of the British Civil Service, pp. 56-65.

became responsible for an area where previously individual departments had been responsible only for particular services. Whether this department was able, as Pownall had advocated, "to collect into one view all these matters of information and knowledge"[1]. so that it could have general direction of the colonies depended on the internal organization and working of the office. In the Home Department all the business connected with the colonies had come to be dealt with in much the same way as domestic business. After the Board of Trade was abolished in 1782 the division of the existing work of the Board and the Home Department had been maintained for a time. The work transferred to the Secretary of State for Home Affairs had been administered under him by an undersecretary and plantations' department.[2]. However, the undersecretary had died in 1789, the clerks of the Plantation Department had been incorporated in the Home Department and the Colonial business transacted there.[3]. In the Home Department for the execution of all the work of the office there was, on the establishment, a Secretary of State, two undersecretaries and twelve clerks. Of these

---

1. T. Pownall, The Administration of the Colonies, p. 13.

2. Pollock Memo. [1794] Rylands English MSS. No. 695/95. C.M. Andrews, Guide to the Materials for American History, p. 100.

3. Pollock Memo. [1794] Rylands English MSS. No. 695/95.

only one clerk was primarily concerned with the colonies. The Secretary of State and undersecretaries conducted the correspondence and the clerks existed to assist in the routine work. The chief clerk supervised the working of the other clerks, seeing that "all warrants and other instruments are duly prepared, transmitted to the proper persons for signature and delivered to the respective parties".[1] He also kept the office fee fund and the accounts of the office and ensured that other office records were properly kept.[2] Otherwise the duties of the office were divided between the clerks partly according to the type of work and partly according to the source of the correspondence. For instance, there were four senior clerks: one dealt with the business of Gibralter and the Barbary States and letters in cypher, the second with drafts to Ireland and letters to the Treasury, the third with Spanish translations and miscellaneous business, the fourth with military commissions, Recorders' reports, and entering letters.[3] One junior clerk was employed on "Colonial business - References to Mr Selwyn [the legal advisor] and

---

1. 1st Report of Commissioners for Enquiring into Fees, P.P. 1806 (309) VII, 4.

2. Ibid.

3. Pollock Memo. [1794], Rylands English MSS. 695/91.

to the Council and other miscellaneous employment".[1]

The transfer of colonial business in 1801, though not due to any attempt to reorganize colonial government, did result in all the business which had belonged to the Secretary of State and that inherited from the Board of Trade becoming the prime concern of an undersecretary and group of clerks. When Hobart acquired the colonial business the Third Secretary's Office was straightway divided into two.[2] It was suggested at the time that Hobart's motive was to create a place, at his disposal, at the head of the second division,[3] nevertheless the effect was for colonial business to be entrusted to Sullivan the undersecretary, subject to Hobart's supervision, and military matters placed under Granville Penn who was variously designated as second undersecretary, assistant undersecretary or second chief clerk.[4] The ambiguity in Penn's status and title remained until 1806 when Windham became Secretary of State and he determined that Penn was

---

1. Ibid.

2. Gordon to Hushisson, 23 Aug. 1801, B.M. Add. MSS. 38736/332.

3. Ibid.

4. Royal Kalendar, Court and City Register 1802-7. Also Establishment of Office of Secretary of State, War and Colony Department, 1806, B.M. Add. MSS. 37891/262.

   Penn was not on the Establishment but paid from the Extra Contingent Account.

an undersecretary and as such lacked the security of tenure of a clerk. "The superintendence of the War Department was undertaken for several months by the late lamented General Robert Crauford, without emolument. On his departure for South America, Sir James Cockburn was appointed as undersecretary".[1] The replacement of Penn by Cockburn marked no change in the office, the work connected with Europe was kept distinct from that concerning the colonies throughout the war.[2]

During the Napoleonic War the work connected with the colonies, which devolved on the Third Secretary's Department, appears to have been executed by the undersecretaries. Private correspondence was dealt with by the Secretary of State but otherwise the few remaining endorsements on incoming letters and drafts of despatches suggest that the under-secretary conducted the correspondence with the colonies under the name of the Secretary of State[3] and that they

---

1. T. Amyot, Life of Windham, pp. 79-80, n. (Amyot was private secretary to Windham and then a clerk in the Third Secretary's Department.) See also Windham to Grenville, 16 Feb. 1806, H.M.C., Fortescue, Vol. VIII, pp. 32-3.

2. Peel to Goulburn, 12 Oct. 1812, Goulburn Papers II/13, Goulburn Memoirs, Goulburn Papers. From 1807-9 Hon. C. Stewart was War Undersecretary and during his absence in the Peninsular Cooke did the work of both undersecretaries, but this division in the office remained.

3. See also Jenkinson to Maitland, 9 Feb. 1810, Jenkinson Letter Book, Pitchford Hall Collection, National Library of Wales.

continued over page ...

consulted the latter only when they regarded it as necessary. The way they worked was to record, in a despatch sent, their reactions to incoming letters based on the statements in that letter and the knowledge which the undersecretaries, and occasionally the Secretary of State, had accumulated while in office. The clerks assisted primarily with routine duties. Clerks were not precluded from playing a more active rôle and undersecretaries occasionally sought advice from them on the normal procedure followed or even what should be done about a specific problem.[1] This was true

---

(continued from previous page)

The way the office was working is a recurring theme in this thesis. Until the latter years of the period there are few statements on the subject and, therefore, the account given is based on a survey of the remarks and directions on incoming letters and the pieces of scrap paper that have survived. These comments are not signed and only rarely initialled, but it has proved possible to differentiate the writing of the individuals involved. The documentary references are simply illustrative of general practice.

It has proved impossible to ascertain how much verbal consultation there was between the undersecretary and Secretary of State. All that can be concluded is that the direction of business belonged to the undersecretary and that there was frequent consultation with the Secretary of State (thus Manchester to Bathurst, 18 Sep. 1813, C.O. 137/136. Goulburn to his wife, 11 Oct. 1813. Goulburn Papers III/7/Box 2.)

1. Harrison to Cooke, 27 Dec. 1808, C.O. 137/122. Morrison to Bathurst, 30 Aug. 1812, C.O. 137/134.

in particular of Adam Gordon, the second clerk in the department, who had had a long connection with public business and colonial affairs.[1] Without a clear separation of the political and non-political and with the idea still remaining that clerks were the personal assistants of the minister, there was as yet no conception of civil service neutrality limiting the activities of clerks. Huskisson as Chief Clerk acted in fact as an undersecretary, having the same control in his sphere as Nepean had in his.[2] The ambiguous position of Granville Penn illustrates this further.[3] Moreover, several of the clerks corresponded with officials in the colonies[4] and there are occasional letters showing that people soliciting a favour from the Secretary of State expected that a note to a clerk asking for help in furthering their request was of value.[5] The office lacked the formality

---

1. Adam Gordon was the son of an American Loyalist (Bathurst to Robinson, 25 Dec. 1826, B.M. Add. MSS. 40862/200). He had served as an extra clerk in Grey Elliot's Plantation Department and then as an extra clerk in the Council Office (Minutes of Committee for Trade, 29 Jan. 1789, B.M. Add. MSS. 38391/95B). He became an established clerk in the Home Department (Pollock Memo., Rylands English MSS. 695/91 and he had been made second clerk in the new Third Secretary's Department in 1794. (16th Report from the Select Committee on Finance, 1796, P.P. 1st Series XII, 314).
2. Huskisson to Nepean, 15 Dec. 1794, B.M. Add. MSS. 38734/116
3. See above p76.
4. Robley to Stuart, Dec. 1803, C.O. 285/9. Halkett to Chapman, 20 Nov. 1805, C.O. 285/8.
5. Maitland to Gordon, 9 Aug. 1809, C.O. 101/49.

of a bureaucratic department but in so far as clerks had regular duties these were routine. In the years immediately after 1801 the normal office procedure did not give them more significant work than keeping registers, copying letters and storing correspondence. Huskisson described even the work of chief clerk as "nugatory and contemptible".[1.]

The increase of business connected with the colonies which took place during the war produced no major change in the organization and working of the office. The amount of colonial business was swollen by the conquest of new colonies and by humanitarian concern over slavery.[2.] To cope with this increased work the number of established clerks in the colonial half of the office had increased by the end of the war from the original four to eight.[3.] In addition extra clerks not on the establishment were used.[4.] Yet the clerks remained largely confined to routine duties. For the most part undersecretaries met the increasing demand by greater application or, when the demand was too great, left the work

---

1. Huskisson to Nepean, 15 Dec. 1794, B.M. Add. MSS. 38734/116

2. Goulburn, 29 Apr. 1817, P.D. XXXVI/64.

3. Gordon to Huskisson, 23 Aug. 1801, B.M. Add. MSS. 38736/332
In Accounts of Colonial and War Departments at 5 Jan. 1815, P.P. 1816 (196) XIII, 127.

4. Account of Colonial and War Departments at 5 Jan. 1815, P.P. 1816 (196) XIII, 127.

undone.[1] Nevertheless undersecretaries began to ease their own burden by making greater use of the clerks. Sullivan, Hobart's undersecretary, occasionally left the clerks to draft letters in accordance with a direction he had given.[2] Windham's undersecretary, Shee, made this the general practice with letters sent on to other departments.[3] Cooke and Peel made somewhat wider use of this expedient[4] and Goulburn, after he became undersecretary in 1812, appears to have made this the regular practice with correspondence whatever the destination.[5] Moreover, by the end of the war Gordon himself conducted the correspondence on postal arrangements and it seems that Jenkinson was the first to entrust this subject to him.[6] The devolution of these two tasks was of minor importance. The working of the office was still such that clerks played no regular part in the process by which political decisions were reached.

---

1. Jenkinson to Maitland, Letter Book Pitchford Hall Collection.
2. Sloane to Hobart, 17 Feb. 1804, C.O. 137/113. Inglis to Hobart, 24 Nov. 1803, C.O. 28/70.
3. Coote to Windham, 1 July 1806, C.O. 137/116.
4. Cottrell to Cooke, 31 Jan. 1809, C.O. 260/26/misc.
5. Sutherland to Goulburn, 2 Dec. 1813, C.O. 137/138.
6. Freeling to Jenkinson, 22 Feb. 1810, C.O. 137/129. Hibbert to Goulburn, 21 Aug. 1818, C.O. 137/146.

At the end of the war the conduct of colonial affairs was still largely the concern of the undersecretary. The extent of this was illustrated when Goulburn went to Ghent to take part in the peace negotiations with the Americans. There, separated both from the Secretary of State and from the office, he continued to conduct the colonial correspondence. "All the heavy business of the Colonies not requiring immediate despatch and very little did require it" he wrote later, "was sent over to me and drafts of despatches written by me and returned by the messenger to London".[1.]

With the return of peace critics of the government sought to suppress the Third Secretary's Department for the reason that its continuance was contrary to the principle of economical government.[2.] It had been one of Burke's achievements that the Third Secretaryship had been abolished after the American war, moreover the Napoleonic wars were over and the condition of England required stringent economy. The department survived but the critics forced a reduction in the establishment of the office. Bathurst had intended that the Second Undersecretary should be retained to execute the business of half the Empire[3.] but he was forced to dispense

---

1. Goulburn Memoirs. Goulburn Papers.

2. 3 Apr. 1816, P.D. XXXIII/892; 13 June 1816, P.D. XXXIV/1094; 29 Apr. 1817, P.D. XXXVI/51.

3. Goulburn to his wife, 13 Feb. 1816, Goulburn Papers II/7; Goulburn to his wife, n.d. [1816], Goulburn Papers III/7/

with him.[1] The colonial undersecretary had, as a result, to execute the work connected with the Mediterranean colonies which had previously belonged to his colleagues. Goulburn met the increased demand simply by greater application. The department, therefore, survived the end of the war but Goulburn was left feeling that "work as I may I make no progress".[2]

In the course of the war a department to deal with the business of the colonies had come to be regarded by the ministry as essential. The way colonial government was conducted in Britain had changed to the extent that instead of different departments looking after their particular services, there was one department which was regarded as having a general responsibility for the area of the colonies. This development had been both gradual and unintended: the implication had neither been fully appreciated nor worked out. Without any idea of altering the rôle of the Imperial government in the government of the colonies the only changes made in the colonial half of the Third Secretary's Office were due to increased business. The office did not, as Pownall advocated, have such a general direction of colonial

---

1. Account of Colonial and War Departments, P.P. 1816 (197) XIII, 127.

2. Goulburn to his wife, 13 Feb. 1816, Goulburn Papers II/7.

affairs as to regulate them to an official real use,[1] it did not because as yet there was neither the capacity to do so nor the demand that it should.

---

1. T. Pownall, The Administration of the Colonies, p. 13.

Chapter III

THE OLD WEST INDIA COLONIES DURING THE NAPOLEONIC WAR

Salutary neglect was how Burke had described Imperial government and it was still an apt description of Britain's relations with the Old West India Colonies at the end of the Napoleonic Wars. The transfer of business to the Third Secretary had neither been intended to produce a change nor did it do so. The Third Secretary was minister for war and colonies and the war was his prime concern. For the internal affairs of the West India Colonies the secretaries and their undersecretaries had no positive policy: they simply executed their regular duties. The secretaries of state disposed of their colonial patronage, they or their undersecretaries issued instruments of appointment, they received periodic intelligence in the form of naval officers reports on shipping and the minutes of councils and assemblies, all of which were passed on to clerks unread, and they answered letters received from the colonies. On how to deal with the correspondence, Peel, one of the most assiduous undersecretaries, wrote towards the end of the war "there is no occasion in most cases for immediate decision and in many it does not much signify if it is deferred for some time."[1]. Yet if

---

1. Peel to Goulburn, 12 Aug. 1812, Goulburn Papers II/13.

there was any stimulus to do anything this came from these despatches.

The effective conduct of the war and the maintenance of tranquility within the colonies were two interests which did not conflict in the Lesser Antilles. In the Leewards, Barbados and the three ceded colonies of Grenada, St. Vincent and Dominica, security against external attack could be treated as a problem distinct from the conduct of internal government. Directions could be given to the commander in chief while civil government was left to the governor and colonists. In Jamaica, on the other hand, there was no such separation, and as a result the governor and the imperial government periodically became embroiled with the colonists. The difference between the Lesser Antilles and Jamaica arose from the fact that whereas in the former the whole cost of defence, apart from local allowances and the upkeep of certain defence installations, was borne by the Imperial Parliament,[1] in Jamaica the imperigl government was concerned that the assembly should continue to contribute to the cost of defending the island.[2] The effect of this was that in the Lesser Antilles there was no pressing incentive to do otherwise than avoid

---

1. H.T. Manning, British Colonial Government after the American Revolution, pp. 223-235.

2. Ibid., pp. 235-245.

interfering in the internal government of the colonies, while in Jamaica it was in spite of continual dissension that the imperial government adhered to its traditional relationship with the colony.

The burden of the secretary or undersecretary's work consisted of answering the despatches. The incentive for action came from the information or the requests contained in them, and during the war most of the governors in the Lesser Antilles confined themselves to writing about particular problems on which they required the assistance of the secretary of state. Few of these were connected with the civil government of the colonies. A governor of the Leewards criticised patentees' deputies for inefficiency and uncooperativeness,[1] and complained also about the number of council members who were absent.[2] There was occasional correspondence on the subject of making appointments to the council,[3] and the governors of ~~the~~ Grenada, St. Vincent and Tobago sought the secretary of state's assistance in appointing trained lawyers as chief justices in their islands.[4]

---

1. Lavington to Hobart, 23 Oct. 1802, C.O. 152/83.

2. Lavington to Camden, 1 Dec. 1804, C.O. 152/86.

3. Bentinck to Hobart, 24 Apr. 1803, C.O. 261/7; 27 Mar. 1804, C.O. 260/18. Beckwith to Camden, 24 Apr. 1805, C.O. 260/19. Campbell to Camden, 27 Aug. 1804, C.O. 285/9.

4. Maitland to Castlereagh, 12 July 1805, C.O. 101/42. Beckwith to Castlereagh, 12 Nov. 1805, C.O. 260/19. Campbell to Camden, 9 Dec. 1804, C.O. 285/9.

Otherwise, most of the governors neither referred problems which arose in the working of the civil government to the secretary of state nor expressed any desire for changes in colonial government.

These governors appear to have confined themselves to the role to which governors had been reduced in the course of the previous century and a half.[1] The majority of governors understood that the responsibility for the government of their colony belonged to themselves and the colonists. Governors appreciated as Beckwith wrote "few things can be of less importance than the interior details of a colony".[2] With the internal administration of these islands, more particularly while Britain was involved in a major war, the secretaries of state were assumed to be uninterested.

During the war, however, two governors presented the difficulties in government as being such that the solution of particular instances of weakness would be ineffectual so long as the general problems remained unresolved. Lord Seaforth had been unfamiliar with West Indian conditions before the period of his governorship in Barbados from 1801 to 1806,[3]

---

1. e.g. see letter books of governor Brisbane, 1809-10, C.O. 261/23-4.

2. Beckwith to Cooke, 19 July 1805, C.O. 260/19.

3. Dictionary of National Biography.

and as governor his age and deafness isolated him from the members of colonial society.[1] Seaforth's values and standards were derived from English experience and he was surprised and disturbed by the state of the colony. There were "so many instances in which the colonial systems have deviated from the analogy of Britain and in every instance for the worse, that I feel compelled to [write] dreading that if the encroachment of some and the negligence of others is allowed to go much further H.M.'s Authority in his colonies will become materially injured and something strong if not violent will be needed to bring things back to their original position".[2] The condition of the island as he found it, Seaforth sought to expose to the secretary of state by sending sufficiently detailed reports which he hoped would "serve to make your Lordship perfectly master of the actual state of the Island as far as depends on my department."[3] In addition he made clear in his despatches both that particular instances of abuse in the island were not isolated, but were examples of the practice resulting from perverted values and

---

1. J. Poyer, History of the Administration of Lord Seaforth, Journal of the Barbados Museum and Historical Society, Aug. 1954.

2. Seaforth to Hobart, 5 Oct. 1802, Hobart Papers Bundle P, Bucks County Record Office.

3. Seaforth to Hobart, 9 Dec. 1802, C.O. 28/69/66.

a faulty system, and also that reform required intervention by the imperial government. To alter the legal standing and unprivileged condition of the coloured population required the despatch of a strong instruction for "nothing can be expected to be effectually done on this side of the water ... I find it impossible either to raise them from the torpor they are in, or to shake their barbarous and almost incomprehensible prejudices."[1]. The judicature and in particular the Courts of Common Pleas required reform.[2]. The state of the police, in which to remissness in executing laws was "joined the most barbarous and insulting oppression of the black and coloured people by the refuse of the whites,"[3]. was an example of what happened when an officeholder was an absentee. Efficient offices were held as sinecures "and the deputations sold to the highest bidders. The deputies have insufficient money or character. The fees have remained the same in spite of the value of money going down ..."[4]. If such a system of appointing absentees to patent offices was persevered with, at least the governors should have the

---

1. Seaforth to Camden, 1 Sep. 1804, C.O. 28/71.

2. Seaforth to Hobart, 6 June 1802, C.O. 28/68/53; to Camden, 23 July 1805, C.O. 28/73/33; to undersecretary 25 Dec. 1806, C.O. 28/75.

3. Seaforth to Camden, 1 Sep. 1804, C.O. 28/71.

4. Ibid.

undisputed right of appointing deputies; otherwise "if upon all such occasions the arrangements made by the governor be allowed to be overturned by every individual patentee the circumstances would not only be too mortifying and degrading to the governor but must tend much to weaken the proper energy of His Majesty's government in these colonies".[1] Similarly the insubordination of a customs officer who, when Seaforth attempted to enforce the laws on trade, attended a parish meeting and advocated the American cause, was not an isolated instance but illustrated the uncontrolled state of the officials in the island.[2] The governor by his instructions was "responsible for every department of the Civil Administration"[3] and yet it was the practice for attempts to be made "by different subordinate branches here to throw off the controul of the governor and to hold themselves totally independent of him".[4] It was necessary, therefore, that the different boards in England should relinquish any attempt to make their subordinates independent of the governor.[5]

---

1. Seaforth to Castlereagh, 9 Feb. 1806, C.O. 28/74.
2. Seaforth to Camden, 12 Dec. 1804, C.O. 28/71/214. Also, Seaforth to Camden, 5 Jan., 15 Apr. 1805, C.O. 28/72/1,97; to Cooke, 29 Aug., 22 Dec. 1805, C.O. 28/73/75, 213.
3. Seaforth to Hobart, 29 Aug. 1803, C.O. 28/70/108.
4. Seaforth to Cooke, 12 May 1805, C.O. 28/72/172.
5. Seaforth to Cooke, 22 Sep. 1805, C.O. 28/73/92.

Finally, another general weakness in the executive was that the Legislative Assembly had so far encroached on the executive sphere belonging to the governor that its powers were in excess of those of the House of Commons in England, this "in theory destroys the balance between the different branches but in practice it is still more fatal".[1] In order to reduce the assembly to its proper status Seaforth urged the appointment of a Parliamentary Commission to examine the constitution and modes of proceeding "and this report to form the basis of an act to reduce them all to the analogies of the mother country and establish all their rights and privileges and modes of proceeding upon identically the same footing".[2] Many of Seaforth's complaints were unusual only because they were more detailed; what was novel was that his indictment was intended to prompt general reforms through intervention by the imperial government.

Hugh Elliot, who resided in the Leewards as Captain General from 1810 to 1814, had, like Seaforth, no previous experience of West Indian conditions.[3] His life had been spent in European diplomacy and British politics and he was unsympathetic to the outlook of West Indian planters. From

---

1. Seaforth to Hobart, 4 Oct. 1802, C.O. 28/69/13.
2. Seaforth to Cooke, 3 Mar. 1806, C.O. 28/74.
3. Dictionary of National Biography. Countess of Minto, A Memoir of the Rt. Hon. Hugh Elliot.

the beginning it appears to have been his intention to suggest necessary reforms in government for he informed the Antigua Assembly on his arrival that "the government of the Leeward Islands being of an extent unequalled in His Majesty's West Indian Colonies and containing five distinct legislatures, while in every other government there is but one; it is to be presumed that the absence of the Captain General is more liable to obstruct the progress of public affairs here than in a less complicated command. A mature investigation of this subject may be expedient on my part in order to ascertain how far the system which has hitherto prevailed, has proved defective and to concert the most proper measures for remedying such defects in future."[1]. Elliot sent dispatches to the secretary of state in which he expatiated on the inadequacies of the existing government. In all the islands other than Antigua he regarded the existing system of government as in need of reform. On his first visit to Montserrat in the Autumn of 1810, he wrote that having assumed accounts of the island government to be prejudiced, "sorry I am after a residence of ten days here to be under the necessity of confirming the statements I have received of the unhappy state of Montserrat". It was, he considered, "inadequately regulated in all the operations of its civil institutions".[2]. Montserrat was

---

1. Elliot to Liverpool, 14 Aug. 1810, C.O. 152/95.
2. Elliot to Liverpool, 8 Sep. 1810, C.O. 152/95.

not alone: he found the weaknesses repeated in other islands in the Leewards - Nevis, St. Kitts and the Virgin Islands - and this state he ascribed to the nature of colonial society.[1] The population was composed for the most part of "managers, overseers, self-created lawyers, self-educated physicians, and adventurous merchants with little real capital and scanty credit."[2] "The acquirement of education among men of this description of persons are very unequal to the task of taking a share in the government. The prevalence of principal either moral or religious is also I fear not to be fairly calculated from the repetition of the hackneyed expressions of which an ostentatious use is frequently made in addresses and on all occasions meant to meet the public eye at home. To collect from such a state of society men fit to be legislators, judges or jurymen is perfectly impracticable. Individual interest - personal influence, animosity and party feuds - weigh down the scale of justice and divert the course of legislative authority into acts of arbitrary and unjustifiable power - cloaked under the semblance and dignified with, the name of constitutional acts. How such defects

---

1. Elliot to Liverpool, 29 Sep. 1810, C.O. 152/95.

2. Elliot to Liverpool, 21 Nov. 1810, C.O. 152/96. Printed in P.P. 1810-11 (204) XI 353. On the reason for this see below p. 188

are to be remedied is a question which requires much minute investigation and serious and dispassionate consideration."[1]. The situation was such indeed that Elliot warned the secretary of state that it could not "be effectually remedied without perhaps a future appeal to the wisdom of His Majesty's Councils at home".[2]. Elliot made it clear that he considered reform necessary and that this would require action by the imperial government, but having described the disease he suggested no remedy.

A few particular requests from the majority of governors and a general indictment from two - such was the sum of the incoming despatches on the government of the Lesser Antilles. The Third Secretaries did little effectual in response. The appointment of a trained English lawyer as Chief Justice in Grenada was the most notable action taken in reply to requests from governors.[3]. This apart, particular requests as well as demands for general reform went unsatisfied. The replies to Seaforth revealed that the successive secretaries of state were not prepared to extend the scope of their activity to include making general reforms in the

---

1. Ibid.
2. Elliot to Liverpool, 29 Sep. 1810, C.O. 152/95.
3. Castlereagh to Maitland, 21 Oct. 1805, C.O. 102/18/99.

island government. When Seaforth returned to England on leave and mentioned the insecurity and unprivileged state of the free coloureds, he was not "honoured with the least notice" and he feared that his ideas were disapproved.[1.] As for judicial reform, Hobart wrote "where a course of proceeding has for a long series of years been pursued without any material inconvenience having been experienced any change or innovation should be attempted with extreme caution and after a very deliberate examination of the probable consequancies".[2.] No further attention was paid to Seaforth's complaints about opponents of government filling official positions after he had failed to produce, as Camden requested, any example of gross abuse.[3.] As for enquiry into encroachments by the assembly on powers of the executive, Hobart made it clear that no interference by the imperial government could be expected. "I rely with great confidence" he wrote "on your Lordships prudence and discretion in moderating any disposition which may be observed to encroach on the established authority of the Executive Government of the Island

---

1. Seaforth to Camden, 4 May 1805, C.O. 28/72/138.

2. Hobart to Seaforth, 6 Sep. 1802, C.O. 29/29/17.

3. Seaforth to Camden, 13 Nov. 1804, C.O. 28/71/158. Camden to Seaforth, 21 Jan. 1805, C.O. 29/29/48. Seaforth to Camden, 4 May 1805, C.O. 28/72/142.

without at the same time departing from the lenient and indulgent system which has alwaysbeen observed with regard to the inhabitants of the colony entrusted to your charge".[1.]

Elliot's despatches from the Leewards included a more basic condemnation of colonial society and government, but his comments were also less specific. To these general comments the secretaries of state made even less reference than their predecessors had made to Seaforth. It was only when Elliot returned from the Leewards in 1814 and pressed his views in an interview with Bathurst, the secretary of state, that an alteration in the Leeward Island government was made. Elliot convinced Bathurst of the merits of dividing the Leewards into two governments. He explained that the colonists in St. Kitts desired a resident governor in order that the island might be placed on a level of equality with Antigua, and in his view the establishment of a second governorship would serve beneficially to increase the authority of the King's representative. The objection to such a division was the cost of a home salary for an extra governor and it was this, indeed, which precluded him from pressing for a further governorship for the Virgin Islands and Anguilla, but Elliot convinced the secretary of state and the Treasury that if the government schooner was dispensed

---

1. Hobart to Seaforth, 20 Aug. 1801, C.O. 29/29/1. See also Hobart to Seaforth, 6 Jan. 1803, C.O. 29/29/25.

with this saving would cover the cost of the new governorship in St. Kitts.[1] As a result, therefore, of this representation, made in person and not in despatches, the Leeward Islands were divided into two governorships when Leith, who had already been appointed to succed Elliot, was transferred to Barbados in 1816.[2]

The secretaries of state had little reason to interfere in the internal government of the colonies. The old representative system was established and had the sanction of tradition. While there were doubts about how expedient it was to introduce the old representative system into newly conquered colonies,[3] Hawksbury the President of the Committee for Trade, for one, was certain that it was the best in the world for British colonies in which Britons were settled,[4] and Hobart as Secretary of State continued to regard it as the ideal form to which the government of the new conquered colonies should be assimilated eventually.[5] So long as

---

1. Elliot to Bathurst, 11 Feb. 1814, C.O. 152/104. Lushington to Goulburn, 31 July 1815, C.O. 152/105. Harrison to Goulburn, 11 Jan. 1817, C.O. 239/3.

2. Leith to Bathurst, 19 May 1815, C.O. 28/84/11.

3. Hawksbury Draft Commission with marginal comments [1794] B.M. Add. MSS. 38353/38.

4. Ibid.

5. Hobart to Picton, 9 July 1802, 9 Jan. 1804, C.O. 296/4/66, 205. See below p. 161.

the purposes which the island governments served remained the same there was no interest in altering them. The part which the islands played in her trading system constituted their advantage to Britain;[1] internal government provided some of the necessary conditions for enabling colonists to work producing commodities valued in trade, and purchasing British manufactures. Provided that the British trading system was maintained and so long as the interests of individuals and groups were not affected in a way which prompted them to seek redress through action of the imperial government, there was no reason for the secretary of state to intervene in island affairs. Government existed to serve limited purposes and these it did so far as secretaries of state were aware. It was expected that this government would be conducted by the governor and the colonists. Governors indeed were said to receive as their parting words from Bathurst, the secretary of state in the last years of the war, "Joy be with you and let us hear as little of you as possible".[2]

In the earlier years of the war, however, it was not simply that there was no motive for interfering in the government of the colonies, there were clear reasons for

---

1. Hawkesbury, Draft Commission [1794] B.M. Add. MSS. 38353/38. See below p.

2. S.S. Bell, The Colonial Administration of Great Britain, p. 460, n.

not doing so. The principal object of the Third Secretaries was the successful prosecution of the war, this involved maintaining the security of the West India Islands, the threat to which was conceived to come from the slaves, the free coloured and black population, and the white colonists as well as from external attack.[1] Apprehension over slave insurrections was constant. Free coloureds, it was taken for granted, supported the French Revolutionary cause and there was concern that amongst the white colonists there was sympathy for the American states.[2] Troops were stationed in each island to counteract some of these dangers. By 1794 the number of soldiers had been "fully sufficient for the defence of these islands to secure them against the internal dangers to which the attempts of the French to excite insurrections rendered them continually subject".[3] In such circumstances there was no interest in giving greater political power to the free coloureds: it was futile for Seaforth to attempt to interest Hobart on their behalf when elsewhere he had promoted white settlement after being urged

---

1. Dundas, 18 Feb. 1796. Parliamentary History, XXXII, 752/3

2. Shand to Beeston Long, 9 Sep. 1809, C.O. 137/129.
Ottley to Hobart, 7 Jan. 1802, C.O. 260/17.
Picton to Dundas, 1 Jan. 1799, W.O. 1/93. Fullarton to Hobart, 3 Mar. 1803, C.O. 296/1.
Cooke to Nugent, 2 Aug. 1804, C.O. 137/112.

3. Departmental Memo [1793-4], C.O. 319/12.

that "to suppose that these people will continue good and faithful subjects with the principles of equality already implanted in their minds, after they have become sufficiently powerful by numbers to shake off their allegiance, would be to advance a doctrine neither founded in reason or experience".[1.] But for the imperial government the principal implication of this concern for security was that it was considered unwise to exacerbate the feelings of residents in the West Indies at a time when many were critical of British trading restrictions and when it was even claimed that "America is the natural mother of these colonies".[2.] Indeed Seaforth, when he urged a parliamentary investigation of encroachments by the assembly on executive functions, recognized that in fact times were inopportune for entering on a dispute with the assembly.[3.] The concern over security gave the secretary of state a clear reason for not interfering with internal affairs of the colonies and for seeking to palliate differences between governors and their assemblies.

In Jamaica on the other hand there was continuing friction between the Imperial Government and the Jamaican

---

1. Ottley to Hobart, 7 Jan. 1802, C.O. 260/17.
   Hobart to Ottley, 4 Mar. 1802, C.O. 261/12.
2. Seaforth to Camden, 12 Dec. 1804, C.O. 28/71/214.
3. Seaforth to Cooke, 3 Mar. 1806, C.O. 28/74.

colonists during the war. Yet here, as in the Lesser Antilles, the existing relationship between the imperial government and the colony was preserved.

Jamaica was the one colony in the West Indies in which the Imperial government had induced the local legislature to contribute to the cost of defence.[1] The Jamaican Assembly voted annual grants for the pay subsistence and accommodation of three thousand soldiers. The threat of withholding this grant provided the Jamaican assembly with a powerful weapon for influencing the governor, military commander and Imperial Government. Moreover once the grant had been voted, they controlled the appropriation of it through the Committee of Public Accounts, the Board of Works and the Board for the Upkeep of Fortifications.[2] The Board of Works, for instance, could influence the disposition of troops through its control over the money for the upkeep of barracks, so As a result it was necessary for the military commander and Jamaican colonists to work in association. During the war and after it there were frequent disputes over the disposal of this grant and in part this was due to a permanent difference of interest between the colonists and the British government.

---

1. Manning, op. cit., pp. 217-245.

2. See above, p.32-4

The Jamaicans were preoccupied with three things. First they sought to keep control over the money for military expenses within their own hands for the benefits that this brought, in particular to Jamaican merchants.[1] There was also concern to restrict spending on fortifications and barracks, and finally,[2] conceiving that a chief threat to the island came from an insurrection, they gave priority to preserving internal security.[3] This latter concern led the Jamaicans to seek to disperse the troops throughout the island;[4] they were interested in plans for sending out troops to Jamaica to be disbanded and settled there in order to increase the proportion of whites in the population;[5] and there was strong opposition to negro regiments. However good the negroes might be as soldiers nothing could justify their employment because the "effect on the minds of the slaves ... must lead them to attempt to become masters of their country"[6].

---

1. Memo on supply of troops, 11 June 1809, C.O. 137/124.
   Belmore to Goderich, 19 Feb. 1831, C.O. 137/178.

2. Eyre Coote to Windham, 3 July 1806, C.O. 138/37.
   Horton to Hibbert, 16 Nov. 1824, C.O. 138/50/44.

3. Manning, op. cit., p. 235.

4. Coote to Windham, 3 July 1806, C.O. 138/37.
   Horton to Hibbert, 16 Nov. 1824, C.O. 138/50/44.

5. King, Memo on troops, Oct. 1802, C.O. 137/109.
   R. Milligan to Hobart, 24 Jan. 1803, C.O. 137/110.

6. Shand to Beeston Long, 9 Sep. 1809, C.O. 137/129.

The Imperial government for its part had different interests. It was concerned to maintain an adequate military force in the face of a high death rate among the soldiers.[1] Resort had been had to regiments of negro troops, and commanders[2] in Jamaica pressed repeatedly for better provisions and improved accommodation in more healthy situations.[3] Yet, while they desired changes, secretaries of state were also concerned both to retain the financial contribution of the Jamaicans to the upkeep of the troops, and to avoid any quarrel with the colonists.[4]

During the period of peace following the Treaty of Amiens, Hobart attempted to secure concessions from the colonists. He sought from the colonists the subsistence of five thousand soldiers, the erection of new barracks and permanent provision for the upkeep of barracks in a way which would have made the military commander largely independent of the colonial assembly.[5] The assembly made no

---

1. Fortescue, History of the British Army, vol. IV, pt. I, pp. 340, 473-5.

2. Manning, op. cit., p. 240.

3. Nugent to Hobart, 12 Dec. 1802, C.O. 138/35. Nugent to Camden, 27 Aug. 1804, C.O. 138/36. Coote to Windham, 28 July 1806, C.O. 137/116. Carmichael to Castlereagh, 12 Apr. 1809, C.O. 138/44/26.

4. Hobart to Addington, 2 Sep. 1802, Hobart Papers, Bundle B. Bucks County Record Office.

5. Hobart to Nugent, 4 Feb. 1802, C.O. 138/35.

immediate concessions[1]. and, with the renewal of the war, the secretary of state left all initiative in promoting a change to the governors. "As to the change of system you propose," Windham wrote to governor Coote in 1806, "with regard to the expenditure of the money granted by the colony on account of Barracks forts and fortifications, I am apprehensive that however desirable the measure would be and I am inclined to agree with you in opinion that it would be highly useful, the difficulty of carrying it would be much greater than you seem to be aware of. Indeed the reluctance of the assembly to acquiesce in that measure or rather their determination to reject it, has I understand been the sole cause why it has not been hitherto proposed. There cannot however be any objection to your taking such steps as may enable you to determine whether carrying these measures would be more practicable than it was considered to be by your predecessor."[2]. Coote, however, regarded such equivocation as insufficient guidance, the measure was "one of too much consequence and of too great import for me to act upon without precise and positive instructions from His Majesty's ministers."[3]. This dispatch was left

---

1. Nugent to Hobart, 1, 28 June 1802, C.O. 138/35.
2. Windham to Coote, 5 June 1806, C.O. 138/43/198.
3. Coote to Windham, 28 July 1806, C.O. 137/116.

acknowledged but unanswered.[1] A change was desirable but so was a continuance of the grant and good relations with the legislature. Moreover, while Coote required explicit directions from the secretary of state, the decisions had to be made on the basis of information which the department did not possess.

A year later the whole question of the grant and its appropriation came to the fore as part of a constitutional crisis which threatened to disturb the existing relationship between Britain and Jamaica. In 1807 trading in slaves was made illegal by an act of the Imperial Parliament[2] and Jamaicans were aroused by the terms of the act. In the first place no compensation was given for what the colonists claimed as an infringement of their property rights. They maintained that if they were unable to replenish their stock of slaves their plantations would gradually cease to be worked and their whole property would thus become valueless.[3] Furthermore under the act slaves condemned as prize or forfeited in some other way became the property of the King, and they could either be enlisted as soldiers, seamen or marines, or alternatively bound as apprentices for up to

---

1. Windham to Coote, 30 Oct. 1806, C.O. 138/43/210.

2. 47 George III C36.

3. 12 Dec. 1804, 29 Oct. 1807, Journals of House of Assembly vol. XI, pp. 270, 598.

fourteen years "to such Person or Persons, in such Place or Places, and upon such Terms and Conditions and subject to such Regulations as His Majesty shall seem meet, and as shall by any general or special Order of His Majesty in Council be in that behalf directed and appointed."[1]. The apprentices were not, however, to become a charge on the island. Equally objectionable in the eyes of the colonists was the clause which provided that any offences against the act were to be tried in the Court of Vice Admiralty.[2]. These clauses flouted the colonists' susceptibilities about negro troops but they also amounted to an infringement of what the colonists claimed as their exclusive right to legislate in internal matters. Among West Indian colonists only the Jamaicans were in a strong position to try to coerce the imperial government. In 1807 the Jamaican Assembly resolved to make no grant towards the cost of the troops after the end of the following year until "by a redress of grievances, the minds of our constituents respecting our constitutional rights shall be quieted".[3].

---

1. 47 George III C36 S16. Journals of House of Assembly, Also 29 Oct. 1807, Journals of House of Assembly, vol. XI, p. 598; 15 Nov. 1810, Journal, vol. XII, p. 278.

2. Ibid.

3. 29 Oct. 1807, Journal of House of Assembly, vol. XI, p. 600.

In face of this threat Castlereagh attempted to soothe the colonists without conceding their constitutional claims. He explained his policy to the Duke of Manchester who had recently been appointed governor and had yet to take up his duties. "It is not wished that any formal notice should be pointedly taken which would make it necessary to enter into further discussion of the legislative right of controul and superintendence of the imperial parliament in all cases where taxation is not concerned. That superintendence will never be exercised but in cases conducive to the true liberties of the Island and for the increase of the happiness of all the classes who inhabit it and which are all entitled in their several relations to the protecting care of the mother country."[1]. This constituted a claim for considerably wider powers for the imperial Parliament than Dundas' statement suggested, but Castlereagh's letter was not, apparently, made public. In the dispatch, Castlereagh sent to the Duke in Jamaica, he simply wrote that "it was adviseable in a certain degree to soothe the prejudices and to allow time for good sense and moderation to return and operate;"[2]. and the government, therefore, were considering whether to

---

1. Castlereagh to Manchester, 19 Jan. 1808, C.O. 138/43/340.
2. Castlereagh to Manchester, 8 Sep. 1808, C.O. 138/43/364.

provide that prize and forfeited negroes condemned in Jamaica should be removed to another island for their apprenticeship.[1].

At the end of 1808 the attention of assemblymen was diverted to a different matter. They sought to use a disturbance in one of the negro regiments to prove the justice of their criticisms of negro soldiers. They requested copies of all proceedings at the Court Marshal and Courts of Enquiry, and, when Carmichael the commander in chief refused to supply these, they insisted on their production as a matter of constitutional right.[2]. The proceedings of the assembly on this occasion led the Duke of Manchester to prorogue the legislature.[3]. Since one result of the prorogation was that the troops were left to be subsisted from British funds the Commander in Chief took advantage of this opportunity to transfer subsistence from the agent general, supervised by the colonial assembly, to the commissariat department which was independent of the assembly.[4]. This transfer made control of subsistence a further issue in the conflict.

---

1. Castlereagh to Manchester, 8 Sep. 1808, C.O. 138/43/364.

2. Mancheater to Castlereagh, 18 Nov., 11 Dec. 1808 C.O. 138/38.
   Carmichael to Castlereagh, 7, 8 Dec. 1808, C.O. 138/38.

3. Ibid.

4. Carmichael to Castlereagh, 12 Apr. 1809, C.O. 138/38.

On these two points Castlereagh instructed the Duke of Manchester to make concessions to the assembly. Both Perceval, the attorney general, and Castlereagh regarded Carmichael's action to be unconstitutional[1]. and Castlereagh decided, therefore, that the assembly were to be furnished with the documents and they were to be allowed to examine army officers. Carmichael and the offending West India Regiment would be moved elsewhere.[2].

In the session of 1809, however, dissension was increased as a result of another issue arising. For some years feeling in Jamaica had mounted against the activities of dissenting preachers. Negro preachers and missionaries were considered to be fomenting trouble amongst the negro population and increasing the danger of a slave insurrection. In 1802 a bill had been passed restricting the activities of preachers among the negroes, but the secretary of state, considering this measure too harsh, sent out the draft of a bill which, if enacted, would have been accepted by the King in Council. The resulting outcry in the assembly over what was regarded as an attempt to interfere with internal legislation

---

1. Cooke, Perceval, Castlereagh, Memo, 1809, C.O. 537/151.
2. Castlereagh to Manchester, 20 Feb. 1809, C.O. 138/44/ 2, 12, 16.

had been ignored.[1] In 1807, however, the restriction on preachers was included in the Consolidated Slave Act. In Britain the Wesleyans made representations against the clause,[2] and the act was disallowed.[3] In communicating this decision to the governor Castlereagh also sent an additional instruction that no bill was to receive the governor's assent unless it contained a suspending clause. The Jamaican assembly met this by passing the Consolidated Slave Bill and threatening that the supplies would be withheld from 1 May 1810 unless in the meantime their claim that the secretary of state's action was unconstitutional was recognized. They asserted that unless a Jamaican law was inconsistent with the law of England, the Jamaican law was to come into immediate operation. They also denied the right of the council or governor to refuse their assent to a bill passed by the assembly. As in the previous year the violence of their language led the Duke of Manchester to dissolve the assembly although fresh supplies had not been voted.[4]

---

1. Camden to Nugent, 7 June 1804, C.O. 138/43.
   Nugent to Camden, 1 Aug. 1804, C.O. 137/12.
2. Coke to Liverpool, 13 Apr. 1808, C.O. 137/122.
3. Castlereagh to Manchester, 26 Apr. 1809, C.O. 138/44.
4. 13 Dec. 1809, Journals of House of Assembly, vol. XII, p.246.
   Manchester to Castlereagh, 18 Dec. 1809, C.O. 138/38/153.
   Morrison to Castlereagh, 20 Dec. 1809, C.O. 138/38/154.
   Shand to Beeston Long, 23 Dec. 1809, C.O. 137/129.

Castlereagh had been succeeded by Liverpool when news of this claim reached England, and the latter took a decided stand. What was at issue according to Liverpool was not the right to interfere with internal legislation but the right to issue an instruction to the governor regarding the exercise of his duty of allowing or disallowing a bill passed by the other parts of the local legislature. "The assembly have no right to know what instructions are given by His Majesty to his governors except as they are known by his acts."[1] "His Majesty does not deny the right of the assembly to send up any act whatsoever without a suspending clause, if they shall be of opinion that a suspending clause is unnecessary or inadvisable, and His Majesty is very far from being desirous of putting any new restrictions upon any rights or privileges which they may have been accustomed to exercise in their deliberations as one branch of the legislature of the island. But it is for His Majesty to determine what instruction he will give to his Governor as to the exercise of any branch of His Royal Prerogative."[2] On certain matters it was essential for the governor to be instructed to withhold his assent to a bill unless it contained

---

1. Liverpool to Manchester, 19 Mar. 1810, C.O. 138/44/45.
2. Ibid.

a suspending clause,"it would otherwise be in the power of the assembly by passing an Act every session until His Majesty's pleasure should be known, to carry into effect the very provision to which His Majesty had already objected and thereby defeat altogether His Majesty's undoubted prerogative."[1.] Liverpool went on to repeat the instruction that no assent might be given to an act on religion without a suspending clause and enclosed the draft of a bill on the subject which would meet with the approval of the home government. The only concession made to the colonists was that control over provisioning was to be returned to the agent general.[2.]

The colonists and the secretary of state were making incompatible claims. Liverpool had expressed a determination to maintain the powers of the Crown: the Jamaican Assembly had threatened that unless their claims were met further payments towards the support of the troops would not be made. Yet the reaction of the assembly to Liverpool's obduracy was to vote supplies to pay the subsistence of the troops. In the understanding of the assembly, Liverpool had not only returned the control over provisioning but had conceded their constitutional claims. The Duke of Manchester on opening the session had presented an edited extract of

---

1. Ibid.
2. Ibid.

Liverpool's dispatch[1]. and the Assembly expressed their unqualified gratitude "for his majesty's condescension in acknowledging the right of the assembly to send up any act whatever without a suspending clause, and for the gracious declaration he has been pleased to make, of not being desirous of putting any new restrictions upon any rights or privileges which the house has been accustomed to exercise..."[2]. Apparently in order to vindicate their claims, they then passed a bill to prevent preaching similar to that which had been disallowed.[3]. On this occasion they limited its operation to a single year and the Duke of Manchester gave it his assent.[4]. Expressly because their claims had been thus acknowledged, the assembly then voted supplies.[5].

The secretary of state appears to have been unaware of what was arranged within the colony.[6]. The Duke of Manchester's speech at the beginning of the session remained unread. The

---

1. 6 Nov. 1810, Journals of House of Assembly, vol. XII, p. 249.

2. 7 Nov. 1810, ibid. p. 25. See also G.W. Bridges, The Annals of Jamaica, vol. II, p. 297.

3. 7, 10 Nov. 1810, ibid. pp. 251, 256-7.

4. 14 Nov. 1810, ibid. p. 275.

5. 15 Nov. 1810, ibid., pp. 277-8.

6. It was not discovered till 1828. Hibbert to Huskisson, 25 Feb. 1828 and May, Minute, 28 Feb. 1828, C.O. 137/167.

Duke stated to Liverpool that the bill on preaching to which he had given his assent accorded with the draft sent out and he concealed his deception by refraining from sending the bill.[1] When the lieutenant governor sent it nine months later,[2] Liverpool disallowed the bill,[3] but his dispatch announcing this was not received till after the bill had ceased to be in operation and the disallowance was not communicated to the assembly.[4]

These years of dispute came to an end, therefore, with both the colonists and the secretary of state thinking they had secured what each regarded as most important. The assembly recovered control of provisioning; the members considered that their constitutional rights had been infringed in the act abolishing the slave trade but their demands in this matter were subordinate[5] to the great struggle over securing both the right to examine military officers and an acknowledgement that the Imperial Government had no power to interfere beyond its traditional sphere and

---

1. Manchester to Liverpool, 25 Nov. 1810, C.O. 137/129.
2. Morrison to Liverpool, 25 Aug. 1811, C.O. 137/131.
3. Liverpool to Morrison, 13 Nov. 1811, C.O. 138/44/107.
4. Journals of House of Assembly, Index to vol. XII.
5. 15 Nov. 1810, Journals of House of Assembly, vol. XII, pp. 277-8.

this was considered to preclude any encroachment on the internal government of the colony. Castlereagh and Liverpool on the other hand considered that the traditional powers and forms of government had not prevented them from securing what they wanted. The slave trade had been abolished and apprenticed Africans placed outside colonial control. The secretaries of state did not regard the disputes as being over the right to interfere in internal affairs but as an attempt on the part of the colonists to prevent the Imperial government from asserting undoubted prerogative powers. Liverpool had been induced to state these powers and the assembly's quiescence was taken as an acknowledgement. The Imperial government had been thwarted in their desire to control provisioning but otherwise the existing relationship between the Imperial government and that in Jamaica appeared to have been vindicated.

At the end of the war the old West India colonies continued to be governed under the old representative system. In the Lesser Antilles a majority of governors had accepted the system as it existed in practice and while Seaforth and Elliot did not, they had failed to involve the Third Secretary any more closely in the affairs of the colonies. There had been no compelling reason for secretaries of state to take note of the criticisms of Seaforth and Elliot and, indeed, interest in security discouraged action. In

Jamaica, there had been a succession of disputes, yet in their ignorance, both parties were satisfied with the outcome. Nevertheless, while the old representative system continued in these colonies, it was not extended to the newly conquered colonies as it had been to the colonies ceded at the Peace of Paris in 1763. In the conquered colonies new developments were taking place in the government of Britain's plantation colonies.

Chapter IV

THE GOVERNMENT OF THE CONQUERED COLONIES

No significant change was taking place in the system of governing the old colonies during the Revolutionary and Napoleonic Wars but in this period these were not the only British plantation colonies in the West Indies. A string of West India plantation colonies were conquered by Britain during the war. These colonies, along with others, were captured as part of the war against Napoleon and his coalitions. Their advantage to Britain came from their trade and like the old colonies they were to be governed in a way that enabled Britain to benefit from this trade. No longer, however, was the old representative system regarded as the limit of perfection in the government of settled colonies;[1] these conquered colonies were conceived to require a form of government which was new for a British plantation colony.

The law of the constitution on the powers of the Crown in conquered colonies was established by the end of the 18th century. Lord Mansfield's judgment in the case of Campbell

---

1. Hawksbury, Draft Commission and Marginal Comments, [1794] B.M. Add. MSS. 38353/130.

v. Hall, had summed up and largely clarified the existing law.[1] In the first place a distinction was drawn between the powers belonging to the Crown in settled colonies on the one hand, and on the other in conquered and ceded colonies. In the latter the Crown had the power under the prerogative to alter the existing law at pleasure until such time as English law might be introduced. There were, however, legal limitations on the exercise of the prerogative in these colonies. The King was required to abide by any capitulation terms or articles in a treaty of peace, and the inhabitants of a conquered colony were to be regarded as subjects who, within the colony, were to suffer no distinction from other subjects of the King. Once representative institutions had been promised unreservedly to a conquered or ceded colony the grant could not be withdrawn nor valid legislation passed by the King in Council. Furthermore the King's power in the conquered colonies, independent of Parliament, was "subordinate to his own authority as a part of the supreme legislature and parliament" and therefore the King could make no laws which were "contrary to fundamental principles, he cannot exempt an inhabitant from the laws of trade, or the authority of Parliament, or give him privileges

---

1. The judgment is printed in A.B. Keith, British Colonial Policy, p. 35. The dispute had arisen in the ceded colony of Grenada.

exclusive of his other subjects; and so in many other instances that might be put."[1].

Such ambiguities as existed in the power of the Crown in conquered colonies were political rather than legal, but they arose in part out of the state of the law. In the first place Mansfield assumed that the constitution of colonies rested on the Commission and Instructions issued to the governor, and he stated explicitly that "the law and legislation of every dominion equally affects all persons and property within the limits thereof... An Englishman in Ireland, Minorca, the Isle of Man, or the Plantations, has no privilege distinct from the natives while he continues there." [2]. Nevertheless, there was some legal foundation for the view that Englishmen had birthrights and that the representative institutions in a settled colony depended not on any grant from the King but on the rights of settlers. Blackstone for instance, while assuming like Mansfield that the government of a colony depended on the instruments issued by the King[3], also supported the view that when colonies were settled "all the English laws then in being which are the birthright of

---

1. Ibid., pp. 41-2.
2. Ibid., p. 41.
3. W. Blackstone, Commentaries on the Laws of England, I, p. 107.

every subject are immediately there in force."[1]. The debate on the Quebec Act had shown that there was a predilection amongst English politicians for the maintenance of these rights.[2]. The second ambiguity arose from Mansfield's statement that the Crown might make no law contrary to fundamental principles.[3]. No definition of these principles was provided. Agents of the Crown were left to consider likely political reactions to legislation for conquered colonies or to the maintenance of existing laws. In these circumstances the exercise of the Crown's power of independent legislation and action in the conquered colonies contained hazards, and of these ministers acting on behalf of the Crown were aware.[4].

Previously this power had been exercised in colonies under temporary military occupation but not in West Indian colonies once they had been ceded to Britain. In those colonies ceded at the Peace of Paris English law and institutions such as existed in the older British islands had been introduced[5]. and this indeed was the reaction when Tobago

---

1. Ibid., I, p. 107.
2. R. Coupland, The Quebec Act, pp. 96-9.
3. Keith, op. cit., p. 42.
4. See below, p. 163
5. C.H.B.E. I, p. 642; Manning, op. cit., pp. 53-4.

was recaptured from the French in 1793.[1] Tobago was the first island to be captured during the Revolutionary War[2] and English law and institutions were appropriate there to the extent that the majority of the white inhabitants were British and the colony had been one of those governed under British institutions after its cession to Britain in 1763 and had so continued to be governed till its surrender to the French twenty years later.[3]

Previous to cession, it had been the practice in the past for the government of a conquered colony to be arranged by the officer commanding the invading forces. Military commanders had maintained military rule conducted through the existing institutions for the duration of the war.[4] But in the French islands the novelty of the situation after the French Revolution led the British Cabinet to decide not to wait for peace but to introduce civil government during the war.

---

1. Instructions to Ricketts, 14 Sep. 1793, C.O. 381/88/50.

2. C.H.B.E. II, p. 45.

3. C.H.B.E. I, pp. 642, 781.

4. e.g. St. Lucia 1776. Articles of Capitulation, C.O. 253/1/349; Demerara 1781, Thompson to Secretary of State, 22 Apr. 1781, C.O. 111/1. In Tobago in 1793 the military commander straightway reintroduced the former British institutions. Cuyler to Dundas, 18 Apr. 1793, C.O. 318/11/181; 19 Apr. 1793 (private), C.O. 318/12/227.

The French islands of San Domingo, Martinique, Guadaloupe and St. Lucia were occupied or invaded in 1793 and 1794[1]. and they presented two novel features. The established government in the islands had been overturned since the Revolution.[2]. In these circumstances Sir Charles Grey, the Commander of the Forces which captured Martinique, Guadaloupe and St. Lucia in 1794, urged repeatedly and in strong terms that a form of civil government should be determined on and introduced.[3]. Secondly delegates or representatives of the French colonial proprietors had urged a British occupation of the French Colonies[4]., and in responding to the French proprietors the British government acted only after making agreements which were treated as the terms of capitulation.

The British government made two separate agreements, one for San Domingo[5]. and one for the French Leewards.[6].

---

1. C.H.B.E. II, pp. 45-50.

2. H. Lémery, La Révolution Française à la Martinique, pp. 20 - 121. J. Saintoyant, La Colonisation Française pendant la Révolution, II, pp. 7 - 142, 182-259.

3. Grey to Dundas, 12 Apr. 17 July 1794, C.O. 318/13/211, 521. Grey to Nepean, 14 June, 18 July, 9 Sep. 1794, C.O. 318/13/477, 537, 645.

4. C.H.B.E. II, p. 43. Lemery, op. cit., pp. 223-6.

5. Propositions, C.O. 319/4/493.

6. Dundas to du Buc, de Curt, Clairfontaine, 19 Feb. 1793, C.O. 318/12/55.

That for San Domingo was arranged in Britain with V.P. Malouet, the owner of an estate in the island and the representative of the proprietors.[1]

Malouet's proposals[2] assumed that British institutions and laws would be introduced into the colony, and this the proprietors were prepared to accept. Malouet stipulated, however, that while the inhabitants of San Domingo should have the immediate benefit of equality in matters of trade with the British islands, certain other changes should be delayed. In particular any attempt to convene an assembly was discouraged: "no Assembly," Malouet proposed "shall be called till Order is established in every part of the Colony and till that period his Britannic Majesty's Government shall be assisted in all the details of Administration and Police by a Committee of 6 persons,"[3] to be chosen by the governor. Malouet also proposed that while no mode of Evangelical worship should be excluded, the Roman Catholic religion should be continued and Roman Catholics allowed to hold office after taking the oaths prescribed in the Quebec Act. In the matter of what law was to be adopted Malouet

---

1. Memo., 1 Jan. 1793, W.O. 1/58; 6 Jan. 1793, C.O. 318/17/121.
2. Propositions [1793], W.O. 1/58/475, 523.
3. Ibid.

simply proposed that the same rights allowed to proprietors in Grenada, when that island was captured, should be permitted to proprietors in San Domingo. These proposals were accepted. They were sent to Jamaica, ~~and~~ signed by Charmilly on behalf of the proprietors and Major General Williamson and published as the terms of capitulation.[1.]

For Martinique, Guadaloupe and St. Lucia, de Curt, du Buc and de Fairfontaine acted as Commissaries with power to agree to terms with the British government and they made their proposals to Hawksbury.[2.] In these there were certain differences from those for San Domingo.[3.] There was no stipulation that there should be a council, but it was proposed that French civil justice should be continued subject only to changes agreed by the colonists. The criminal law, however, was to continue only till 1 June 1794 and in the meantime English subjects were to be permitted to be judged according to the English Criminal process. The proprietors undertook to induce the surrender of the island in 1793. In fact the islands were only captured after being invaded by British forces in the following

---

1. London Gazette Extraordinary, 10 Dec. 1793, Portland Papers, Nottingham University, PwF 10429a.

2. Lack to King, 1 Mar. 1797, W.O. 1/33.

3. Dundas to du Bac, de Curt, Clairfontaine, 19 Feb. 1793. C.O. 318/12/55.

year,[1] but the Commander in chief had been instructed to announce his agreement with these proposals and also to issue a manifesto solemnly promising, among other things, to guarantee to all who assisted the British "the full and immediate enjoyment of all their lawful properties according to their ancient laws and usages".[2]

As a result of agreeing to these terms and in the light of conditions within the islands the Cabinet was compelled to decide on a suitable form of government for these colonies. Hawksbury intended that the cabinet should approve a general outline and then appoint a commission to visit the island.[3] The commission would arrange details with the governor or where there was disagreement refer the matter to the Imperial government. The government decided on, in this way, was to have continued until a peace was concluded. Although Hawksbury's plan for a commission was discarded the instructions which he drafted for the commissioner formed the basis of the instructions issued in 1794[4] on the form of government which was to exist in San Domingo.

---

1. Lémery, op. cit., pp. 271-86.
2. Secret Instructions to Grey [1794], C.O. 318/11; C.O. 318/15/misc.
3. Draft Commission [1794], B.M. Add. MSS. 38353/130.
4. Instructions to Williamson, Oct. 1794, C.O. 245/3.

Hawksbury proposed to make a more radical departure from traditional policy than the French proprietors had anticipated. He was concerned to gain the co-operation of the French and benefit from their trade, and in his proposals he was influenced by what had happened after the capture of Grenada. There, "by not establishing in that island a government agreeable to the inhabitants they were all of them gradually driven out of the island so that Britain obtained no new subjects by this conquest. The French inhabitants sold their property and retired with the money they obtained for it to the old French islands and the only advantage which Britain derived from the conquest was the obtaining of an island in which British capital might be invested. The conduct of the British government at that time was absurd in policy and cruel in its consequences to the original possessors of the island. The mistake then committed sprang from the idea that the government and laws of Britain, which are the best in the world for the people of that kingdom and conformable to their opinions and habits, must be equally agreeable to foreigners who have been educated under very different systems of government and who have prejudices and opinions of their own, which upon that occasion were not consulted even in points in which they were most essentially concerned."[1]. In the same way as

---

1. Draft Commission [1794], B.M. Add. MSS. 38353/13c.

Britain benefitted from the old West India Colonies she was to benefit from these new ones and the form of government had to be adapted to this end. Explaining this policy to the commander in chief in Martinique, Dundas wrote "it is the wish of H.M.'s government to conciliate the Affections of His newly acquired Subjects by all proper measures, and at the same time to frustrate any endeavours that may be used to alienate their minds from their Connection with Britain, or to divert their Commerce from the channel in which it is wished that it may be confined or to shake the future Security or disturb the internal Tranquillity of these valuable Acquisitions."[1].

In order to achieve this end, the clauses in the instructions followed three principles.[2]. First the colonies were brought within the British system of trade and the instructions enjoined observance of the navigation laws. A customs establishment was introduced into each of the colonies and Vice Admiralty Courts replaced the French Admiralty Courts.

The second principle was that the colonies would remain French and be governed according to the inclination of French

---

1. Dundas to Grey, 4 May 1794, C.O. 319/12.

2. Instructions to Williamson, Oct. 1794, C.O. 245/3.

colonists. "The colonies are more likely to remain in a state of tranquility and of subjection if His Majesty's antient subjects do not intermix with the inhabitants or settle in these islands except in the seaports for the sole purpose of carrying on a commerce with the mother country."[1]. As a result, therefore, Hawksbury stated that it was "H.M.'s intentn to establish in these Islands a government founded on wise Principles and conformable to the Habits and Inclinations of the Inhabitants such as will make them prosperous and happy - will reconcile them to the Change that has happened in their Situatn and make them desirous of continuing under H.M's Government."[2]. There were, however, certain difficulties in deciding what were the inclinations of the French colonists, and how to reconcile these with the terms agreed with the French proprietors and with the desires of Englishmen. Hawksbury considered that the "wise and discreet" and also "the inhabitants of moderate Principles would prefer their ancient government,"[3]. meaning that which had existed before the Revolutionary disturbances, and it was for this reason that Williamson was instructed that "for the present the Civil Administration of the Colony

---

1. Draft Commission [1794], B.M. Add. MSS. 38353/130.
2. Ibid.
3. Ibid.

should as nearly as circumstances will permit be exercised in conformity with the ancient law and institutions that subsisted within the same previous to the year 1789."[1]. Nevertheless it was also necessary to conform to the propositions which had been signed by Williamson and Charmilly, and as a result the governor was instructed to choose a committee of six persons to assist in the details of administration and what the French called 'police'.

There was also a difficulty, however, arising from a consideration of the desires of Englishmen. Hawksbury conceived there to be a need to form a system of criminal justice suitable both to the French colonists and Englishmen. It was accepted that French civil law should be retained but the question of criminal law and its administration was, in Hawksbury's opinion, the greatest problem in devising a government for these islands. Whether this was from conviction or because the absence of English criminal procedures was a main ground of criticism in Parliament of the Quebec Act,[2]. Hawksbury stated that the "just predilection of Englishmen for the trial by jury makes it improper to deprive them of this mode of trial in any part of H.M.'s dominions where it can be established with propriety; and

---

1. Instructions to Williamson, Oct. 1794, C.O. 245/3.
2. Coupland, op. cit., pp. 96-9.

yet it will be found the worst mode of trial for persons not accustomed to it and not qualified to exercise the functions of Jurymen."[1]. Hawksbury's only solution of the difficulty was to suggest the retention of French Criminal law and administration but to provide Englishmen charged with treason or felony with the option of being removed to an English island for trial. This solution was criticised "as the least practicable of any", Portland as Home Secretary leant "to what has been heretofore done",[2]. namely the introduction of English criminal procedures as had been done in the ceded colonies and eventually also in Quebec, but it appears to have been at the Lord Chancellor's insistence that French criminal law and administration were retained.[3]. In the instructions to Williamson no mention was made of Englishmen retaining any right to trial according to English processes and law, and when Englishmen in Martinique asserted a claim to such a right Portland wrote to the governor "nothing is more clear or more universally acknowledged than the right of the crown to continue in a conquered country if it shall be pleased, the same Laws and Regulations by

---

1. Draft Commission [1794], B.M. Add. MSS. 38353/38.
2. King to Grenville, 19 Sept. 1794, W.O. 1/59.
3. Ibid.

which such country was governed with such modification and alterations as to the Crown shall seem meet - and all persons be they old or new subjects are amenable to those laws and Regulations during their residence in such country."[1].

There was, however, a third principle underlying these instructions. While French custom and law was to be retained, it was nevertheless important to eliminate weaknesses in the French government. Founding himself on a report from Malouet,[2]. Hawksbury regarded the powers of the intendant in this light: their powers were "always embarrassing to the governor in the execution of his duty and were at the same time odious to the inhabitants."[3]. It was as a result of this belief that Williamson was instructed "it is nevertheless Our Special Command that all ye powers of the Executive Government within the said colony as well Civil as military shall be vested solely in you Our Governor .... and that such powers as were heretofore exercised by any person or persons separately or in Conjunction with the Governor of the said Colony shall belong solely to you".[4]. It was

---

1. Portland to Keppel, 29 Dec. 1797, W.O. 1/33; C.O. 166/5/6.
2. Malouet Plan for the administration of San Domingo, 26 Mar. 1794, Portland Papers, PwF 10430.
3. Draft Commission [1794], B.M. Add. MSS. 38353/130.
4. Instructions to Williamson, Oct. 1794, C.O. 245/3.

assumed that the executive could be separated from the other divisions of government in a French colony which was to be administered in conformity with its ancient laws and institutions.

These instructions departed from certain principles on which the French colonies were administered. The basis of government in the French colonies was a balance between the governor and the intendant. The governor was primarily the military commander but his military powers gave him authority in the civil government in particular through the militia officers who, in each district of a colony, were also the local officials of government. Otherwise the role of the governor acting alone was one of supervision; "comme aussi de veiller à la dispensation et administration de la justice ... et à l'observation des ordonnances sur la police générale et de rendre compte à sa majesté de toutes les négligences et abus qui pourroient s'y glisser, pour y être pourvu par sa majesté, ainsi qu'elle avisera bon être."[1]. Without directing or controlling the administration he had to check illegalities and arbitrariness. The intendant directed all branches of the civil administration. He appointed subordinate officials, controlled the financial administration, and ensured that ordinances were executed;

---

1. E. Petit, Droit Public (1771, 1911 reprinted), p. 65.

he directed the judicial administration by presiding in the court of appeal, making investigation into the lower courts and taking action where necessary against justices. It was the mutual check of the governor and intendant on each other which was designed to prevent misgovernment. "Cette balance du pouvoir est la seule ressource que la constitution actuelle des colonies offre aux habitants contre un gouvernement arbitraire."[1].

Yet the Conseil Superieur gave the colonists themselves a check on the officials. This court in which colonists sat under the presidency of the intendant was the court of appeal for the island. But it also had the right to make a remonstrance to the King and had certain legislative powers. A regulation made by governor and intendant was required to be registered by the court in order to be validated, and the court itself had the power to make orders which covered a wider field than the rules of court made by a judge in Britain. The arrêt was used to make rules of court but also to give directions on the execution of the law.[2].

There was, therefore, in the French Colonies no separation of functions such as was presupposed by the

---

1. E. Petit, Droit Public (1771, 1911 reprinted). p. 229.

2. Ibid., pp. 189-91; [E. Petit] Dissertations sur le Droit Public des Colonies francoises, espagnoles et angloises ... pp. 398-9. 443-8.

instructions sent to Williamson. The idea of a government based on a seperation between executive and other duties depended on English experience and was alien to French administration. A division was supposed to exist in the English constitution and the commission and instructions to governors of British colonies presumed a division of executive, legislative and judicial functions. Hawksbury presumed that by abolishing the office of intendant such a beneficial divison could be introduced into the French colonies.

These instructions furthermore made a second important change in the French colonies. The governor and intendant had been the agents of the King. Sound government depended on the execution of good laws made by the King of France as well as on the mutual check which the governor, intendant and conseil superieur provided on illegalities, arbitrariness and inaction. The emphasis in Williamson's instructions however, was not simply that government should be according to good laws, it was to be conducted with the co-operation and advice of colonists represented in the Council by those chosen by the governor. Internal government in the colony, was, as in the old British islands, a matter primarily for the governor and colonists; to them the ministers in Britain left government to be conducted with the instructions to the governor as their guide.

Besides these contradictions there were unfortunate omissions from the instructions. The existing law and custom was retained but not defined, and no instruction was given on where if anywhere a power of legislation lay. The power of alteration by Order in Council could be presumed to exist since English law had not been introduced, though this was not stipulated: only the power of alteration by Parliament was asserted. Nothing was provided in the instructions on the power and limits of legislation by the governor, or by the conseil superieur. The question of how financial legislation was to be passed was avoided by the clause which instructed Williamson that only taxes raised before 1789 were to be levied.[1]

These instructions constitute an important new departure in the government by Britain of a colony in the West Indies. During previous military occupations of foreign islands the existing law and institutions had been retained under a military governor but in 1794 the decision was taken by the imperial government to introduce a civil government in which the existing law and institutions were largely retained. The Cabinet discarded the assumption that British institutions were necessarily the most suitable for a colony; instead the form of government introduced was adapted to

---

1. Instructions to Williamson, Oct. 1794, C.O. 245/3.

suit the policy of benefitting from the power and wealth which the occupation of these islands gave to Britain to the detriment of France. In acting in this way the cabinet was following the course taken in relation to Quebec after 1763 and which had resulted in the government imposed by the Quebec Act in 1774,[1] but the instructions to Williamson in 1794 were a pragmatic solution of the problem of government in the French West Indies and in so far as previous experience influenced the decision it was that in Grenada rather than Quebec.

Although San Domingo was evacuated in 1798[2], the provisions in the instructions had a lasting importance. The commission and instructions for Williamson had been approved by the Cabinet and they provided a precedent for the commissions and instructions to the governors of other colonies. Indeed, while they were worked out for the French colony of San Domingo, they were to be issued to the governor of Martinique in 1795[3], although there the propositions did not require the formation of a council, and later in other colonies where the institutions and laws were Spanish, Dutch and Danish.[4]

---

1. R. Coupland, The Quebec Act, pp. 6-122; Manning, op.cit., pp. 294-300.
2. C.H.B.E. II, p. 68.
3. Instructions to Milne, 21 Jan. 1795, C.O. 319/4/557.
4. Instructions to Curacoa-Whetham, 1801; Hodgson, 1811; Guadaloupe-Cochrane, 1810; Martinique-Brodrick, 1809, Wall 1812; Surinam-Bentinck, 1809; Bonham; St. Croix-Harcourt. C.O. 380/129 and see below p. 150, 160, 196.

The commission and instructions issued to Williamson gave expression to a policy of leaving government in the colonies to the governor and colonists. Both this policy and the contradictions and vagueness in the instructions enabled different developments to take place in the colonies conquered during the war. Once instructions had been issued the problems in different conquered colonies were treated in isolation and there is no evidence that general conclusions were drawn from experience gained in any of the colonies returned at the peace in 1814.[1] Therefore only in those foreign colonies eventually ceded to Britain were these changes in the internal government of the colonies of more than transitory importance in British colonial government.

St. Lucia was the only French colony in the West Indies which was finally retained by Britain as the result of the war. The island had been captured in the Revolutionary war[2], returned to France at the Peace of Amiens, retaken in 1803 at the recommencement of the war and finally ceded

---

1. This generalization is based on an inspection of the correspondence to the colonies retained at the peace in 1814, on the correspondence with Martinique. C.O. 166/1, 3-5; W.O. 1/31. San Domingo W.O. 1/58-61 and on J.F.E. Einaar, Bijdrage tot de Kennis van het Engelsch tusschenbestuur van Suriname 1804-16. Leiden thesis.

2. Captured 1794, lost 1795, retaken 1796. C.H.B.E. II, pp. 48, 64.

in 1814.[1] The British government took only a very limited interest in the island. The primary importance of St. Lucia was its strategic position since it lay to windward of St. Vincent and Grenada.[2] Possession of the island by Britain deprived the French of a dangerous base. Otherwise the island was undeveloped, lacked the potential for sugar production or promotion of trade and excited little interest among merchants in Britain.[3]

St. Lucia had been administered by the French as a dependency of Martinique: the local commander of the forces treated it as a distinct colony from its capture in 1794[4], but a separate civil government was only authorized in 1801[5] and not till 1816 were any instructions issued to governors on how the government was to be conducted.[6] British ministers showed some interest in patronage[7] but

---

1. C.H.B.E. II, pp. 79, 82, 92, 278.
2. Vansittart to Castlereagh, ~~n.d.~~ 4 Oct. 1815, B.M. Add. MSS. 31231/377.
3. Ibid.
4. Grey to Dundas, 4 Apr. 1794, copy. B.M. Add. MSS. 38353/7.
5. Portland to Prevost, 18 Apr. 1801, C.O. 254/5/19.
6. Instructions to Seymour, 31 July 1816, C.O. 381/69/10.
7. Castlereagh to Wood, 20 Jan. 1809, C.O. 254/6/24 and Account of all Offices Civil and Military under the Crown in the island of St. Lucia etc. P.P. 1816 (216) XIII, 317.

otherwise successive secretaries of state left the government of St. Lucia to the governor and colonists.

Prevost, the first military governor of the island, received no instructions but he acted largely as Milne had been instructed in Martinique except that he treated St. Lucia as a distinct colony.[1] Thus, while retaining French law and customs, it was necessary to establish the institutions of a distinct French colony.[2] In particular the administration of justice required an island court, and in 1800 Prevost summoned twelve from among the leading French and British colonists to form the Cour d'Appel.[3] Prevost did not appoint an Intendant, nor, contrary to Milne's instructions, did he summon a Council of Advice.[4]

In the course of the war difficulties arose in the government particularly in relation to the powers and privileges of the Cour d'Appel. Prevost was able and prepared to take upon himself all the duties of the intendant including that of presiding in the Cour d'Appel[5] but with the re-occupation of the island, governors ceased to take such

---

1. Grey to Dundas, 4 Apr. 1794, copy. B.M. Add. MSS. 38353/7.
2. Prevost to Portland, 1 June 1799, C.O. 253/2/18.
3. Prevost to Portland, 30 June 1800, C.O. 253/2/83.
4. Brereton to Camden, 24 July 1805, C.O. 253/3.
5. Prevost to Portland with enclosure, 1 June 1799, C.O. 253/2/18.

an active part in the government. The governors were general officers commanding the troops,[1] and did not preside in the court.[2] They failed to act as the active administrative official which the intendant had been and left civil administration to subordinate officials.[3] Moreover these governors found in the Cour d'Appel the body for which they sought, namely a legislature for the island and in particular the body which, like the assembly in the old British islands, had the power to authorize taxation.[4] The members were thus encouraged to extend the court's powers. The court exercised those traditionally asserted by the Cour d'Appel of Martinique; it presented its views to the King, heard appeals and gave validity to regulations by registering them in the court.[5] These traditional powers, however, did not extend to many of those asserted in the court of St. Lucia. The arrêt was used to try to appoint legal

---

1. Generals Brereton (1803-7); Wood (1807-14); Delavel (1814-15); Seymour (1816-17).
2. Brereton to Hobart, 14 Nov. 1803, C.O. 253/3.
3. Douglas to Bathurst, 22 Aug., 24 Oct. 1816, C.O. 253/10.
4. Camden to Myers, 6 Apr. 1805, C.O. 319/15/277.
5. Prevost to Portland, 1 June 1799, C.O. 253/2/18.
   Brereton to Camden, 24 July 1805, C.O. 253/3.
   Brereton to Castlereagh, 26 Jan. 1806, C.O. 253/3.
   Stehelin to Bathurst, 4 May 1816, C.O. 253/10.

officials;[1] to attempt to impose terms on the appointment to the office of greffier;[2] to authorize or refuse taxation;[3] to make regulations on the procedure for reviewing the treasurer's accounts by the court[4] and to control appropriation.[5] The court justified these in terms of the French law, it was maintained that the court had inherited those powers which the intendant had exercised as president of the court,[6] but by the end of the war this was extended to claiming that the court possessed all the powers formerly belonging to the intendant.[7] Such a widening of the court's powers based on French law and custom but leading to the court performing duties long exercised by the assembly and council in the old British islands was a reflection of the views of the leading figures in the court. By the end of the war two French lawyers, the Procureux General and the Sénéchal, were the most forceful of the French members of the council and they worked in association

---

1. Brereton to Windham, 20 Mar. 1807, C.O. 253/3.
2. Castlereagh to Wood, 20 Jan. 1809, C.O. 254/6/24.
3. Camden to Myers, 6 Apr. 1805, C.O. 319/15/277.
4. Stehelin to Bathurst, 4 Apr. 1816, C.O. 253/10.
5. Stehelin to Bathurst, 4 May 1816, C.O. 253/10.
6. Ibid.
7. Ibid.

with three Englishmen on the council, one of whom, McCall, was president of the council, treasurer, paymaster of the troops and acting holder of three of the four customs appointments in the colony.[1] After the war these five were among those whose opposition to the governor led to the court being reconstituted as a purely judicial tribunal.[2] By this time the extent of the claims and the way they were exercised had involved a limited assimilation of the rôle of the Cour d'Appel to that of the council and assembly in the old British colonies.

The three remaining colonies in the West Indies, which were ceded to Britain at the Peace of Paris, were the Dutch colonies of Demerara, Essequibo and Berbice; and in these colonies there were similar developments during the war to those which had taken place in St. Lucia. These colonies had been captured in 1796, relinquished under the Treaty of Amiens and recaptured in 1803.[3]

Before the capture of Demerara, Essequibo and Berbice by the British, these colonies had been controlled and

---

1. Douglas to Bathurst, 22 Aug., 24 Oct. 1816, C.O. 253/10.

2. Bathurst to Seymour, 21 Nov. 1816, C.O. 254/6/49.
   Seymour to Bathurst, 28 Dec. 1816, C.O. 253/10.

3. C.H.B.E. II, 159.

directed from the United Provinces.[1] The purpose of government was to supervise the exploitation of the colonies. Demerara and Essequibo, after the dissolution of the Dutch West India Company in 1791, came under the direction of the States General; the administration of Berbice was supervised by the Berbice Association. Officials in the colonies were the representatives of the authorities in Europe and acted in accordance with the laws made and directions given.

Two of these colonies, Demerara and Essequibo, were united for legislative and certain administrative purposes.[2] Within this united colony there were courts to serve different purposes. First there was a united Court of Policy which was an advisory body for political and financial questions and for recommending the way in which regulations sent from the United Provinces were to be carried out when more was required than an exercise of the governor's executive authority. For this and other purposes the court had the

---

1. An account of Demerara and Essequibo under the Dutch West India Company and States General, and of Berbice under the Berbice Association is given in C. Clementi, A Constitutional History of British Guiana, pp. 16-80. H.G. Dalton, A History of British Guiana, vol. I, pp. 127-151, 177-250, provides a more general history.

2. This account of the government of Demerara and Essequibo at the time of its capture is based primarily on the report of the Dutch governor. Beaujon to Portland, 12 July 1799, C.O. 113/3, supplemented by A. Dalzell, Remarks and Observations, Myers to Hobart, 30 Sep. 1804, C.O. 111/5.

power to make internal regulations. Secondly there were distinct judicial courts for the two rivers. Each court controlled the entire administration of justice on its river. Besides the adjudication of issues, the court was responsible for bringing criminals to trial and executing judgments which might involve administering the estate of a minor. Judicial administration, therefore, included certain duties which in England belonged to the Executive.

In Berbice[1] similarly there were two courts, but here there was a division between the administration of criminal and civil justice. The council of government combined with the duties which belonged to the Court of Policy in Demerara those of administering criminal justice, while the Court of Justice was concerned only with civil matters.

Officials and colonists sat together on these courts, the colonial members being chosen by a process which involved both election and selection. On the Court of Policy in Demerara there were four officials, including the governor as president, and four colonists chosen to serve for four years. The separate courts on the two rivers consisted of six colonists under the governor in Demerara and under the

---

1. Based on Berbice Charter, 6 Dec. 1732, and Regulations for Board of Administration, 25 Oct. 1780, C.O. 111/93. Also Clementi, op. cit.

Commandeur in Essequibo. The colonial members of both these courts were chosen in part by Colleges of Kiezers (Electors), one in Demerara and one in Essequibo, consisting of seven persons elected for life. These colleges elected a double number for vacancies in the courts, and in the case of the Court of Policy the governor then chose from this double list; in the Court of Justice this final selection was made by the remaining members of the court. In Berbice the governor was president of both courts, and in each there were six other members. The members of the courts elected a double number for vacancies and selection was made from this list by the governor.

In the late 18th century these institutions were being modified so that a greater number of colonists took a share in the administration of finance.[1] In Demerara the revenue was divided between two funds, the Government Chest, controlled by the governor, and the Colony Chest, administered by the Court of Policy. The limits placed on the control over the Colony Chest had caused dissatisfaction amongst colonists and in 1793 the States General had

---

1. Beaujon to Portland, 18 Aug. 1797, 15 June, 12 July 1799, C.O. 111/3; Myers to Hobart, 30 Sep. 1804, C.O. 111/5. Clementi, op. cit., pp. 43-55.

recommended that additional colonists should be associated with the Court of Policy for conducting financial business connected with the Colony Chest. The expedient worked out in the colony was to elect six financial representatives in the same manner as the Kiezers but to serve for periods of only three years, and these representatives were to sit with the Court of Policy as a Combined Court once a year in order to inspect accounts and recommend ways and means in which taxation was to be raised. In Berbice[1]. there was only a single chest, but the need for additional taxation after a slave rising in 1762 had induced the Berbice Association, in return for the payment of new taxes, to consent to Agents of the colonists being permitted to inspect the accounts so long as the extraordinary taxes were raised. When the British captured these colonies, the limits to the powers of the Financial Representations in Demerara and Essequibo in particular had not been established.

When the three colonies were recaptured in 1803, terms of capitulation were signed[2]. which introduced a further uncertainty about the existing laws and customs according to which the governors were to administer the colonies. This

---

1. L. Blair, G. Baillie, Memorial, 17 Sep. 1805, C.O. 111/75/ Misc.

2. The 2 capitulations are printed in Clementi, op. cit., pp. 411-423.

was true, in particular, of the capitulation of Demerara. This confirmed to the colonists their existing laws and usages. At the same time it recognized the Court of Policy as the legislature of the colony without whose consent no new establishment could be introduced, and it also stipulated that, if there was difficulty in the interpretation of the terms, these were to be construed in the sense most favourable to the colony. The limit of this legislative power said to belong to the Court of Policy was not defined; if it was construed in the way ~~that it was~~ understood in the old British islands and thus as giving to the Court of Policy the exclusive power to legislate on all internal matters other than Trade, this contradicted the former laws and usages.

When these colonies were captured the policy adopted by the British was the same as towards the French colonies. It was intended that the Batavian Republic should suffer from a loss of trade and Britain on the other hand benefit. The best way to ensure this was to maintain the existing laws and customs of the colonies. Both when the colonies were initially captured in 1796 and when they were recaptured in 1803, the existing institutions were maintained and the governors who had served under the Dutch government replaced the appointees of the Batavian Republic. They were

informed that "as it is His Majesty's intention that the government should for the present be administered according to the ancient institutions which subsisted within the said colonies previous to the surrender thereof with which you are perfectly acquainted, it will be unnecessary that you should at present be furnished with any detailed instructions."[1].

The secretaries of state took for granted that it was in accordance with the existing practice to leave it to each colonial government to direct the internal affairs of the colony. As in the British islands, it was assumed that government served to provide the necessary stability and framework within which colonists could live contentedly and productively. Britain was to benefit from the wealth of the colonies through the activities of private individuals. Yet under the Dutch the exploitation of these colonies had been directed by the ruling body in Holland. Thus the British policy after the capture of the colonies constituted a departure from the principle according to which they had been previously administered. No institutional change was involved, but this policy resulted in a change in the way the institutions worked. The imperial government retained ultimate powers, but the governments in the colonies were

---

1. Hobart to Beaujon, 25 Jan. 1804, C.O. 112/3/21.
Hobart to van Battenberg, 25 Jan. 1804, C.O. 112/8/5.

exercised from within the colonies, and the powers necessary for government had therefore to be found distributed between the existing officials and institutions.

How these difficulties were to be met was a matter for the governors. When the Dutch governors were succeeded by Englishmen, the only assistance given was to issue to them the instructions based on those prepared for Williamson in San Domingo.[1] Yet there was one novel problem in these colonies which induced the secretaries of state and under-secretaries to give occasional attention to their internal affairs:[2] there was already a considerable British element in the population of the colonies at their capture in 1796; their number increased rapidly as the greater comparative potentialities of the area came to be appreciated, in particular by colonists from the British Leeward islands and Barbados, and by British merchants; the presence of these Englishmen led the secretary of state and under-secretary at the time of the recapture of the colonies to recommend that the College of Kiezers or Electors, instead of sitting for

---

1. Instructions to Bentinck, 22 Mar. 1809, C.O. 112/4. These instructions were copied for Gordon in Berbice in 1810, C.O. 112/4. Bentinck's instructions were themselves copied from those issued to governor Harcourt in St. Croix, C.O. 380/129.

2. [Sullivan] Memo. n.d. [1803-4], C.O. 111/5.

life, should be chosen more frequently, and British settlers were to be encouraged to become candidates for the College.[1]

The matter was not adverted to again until British merchants made representations;[2] the merchants criticised in particular the working of the courts. In Berbice the principal reform desired, substituting English for Dutch as the language of the courts, was achieved by the governor acting without the advice of the secretary of state.[3] In Demerara and Essequibo, however, a necessary part of any reform was a union of the courts on the two rivers, and Hobart approved such a union in 1804;[4] but governor Beaujon did nothing. The succeeding governor, Bentinck, was not prepared to act without further approval from the secretary of state;[5] and it was not till merchants in Britain connected with Demerara agitated for some reform in the administration of justice, which they condemned as dilatory and precarious, that the secretary of state was induced to give specific

---

1. Ibid., and Hobart to Beaujon, 25 Jan. 1804, C.O. 112/3/24.
2. Liverpool to Bentinck, 21 Dec. 1811, C.O. 112/4/180.
3. Woodley to Castlereagh, 21 July 1809, C.O. 111/77.
4. Hobart to Beaujon, 25 Jan. 1804, C.O. 112/3/24.
5. Bentinck to Castlereagh, 4 Nov. 1808, C.O. 111/8/ misc.
   Bentinck to Castlereagh, 30 Aug. 1809, C.O. 111/9.
   For a different interpretation of the events in these years see L.M. Penson, The Making of a Crown Colony, T.R.H.S., 1926.

instructions to Bentinck.[1] In 1811 Liverpool instructed Bentinck that three reforms should be made; the courts of the two rivers were to be united, an independent judge would be appointed as judge of the united court, and English was to be substituted for Dutch in the pleadings and proceedings of the court. In explaining this change Liverpool wrote "the majority of the white inhabitants are British born subjects, a very great portion of whom have no knowledge whatever of the Dutch language; whereas the English language is very generally understood by the Dutch proprietors. The English are therefore at present necessarily excluded in a great measure from a seat in the Courts of Justice, but the change of language will not materially affect the eligibility of the Dutch inhabitants."[2]

Liverpool's despatch was received early in 1812, and two Dutch lawyers prepared a plan for uniting the courts of Demerara and Essequibo[3], but before this could be effected Bentinck was recalled to explain the state of the colonies' accounts.[4] As a result the government devolved on the

---

1. Liverpool to Bentinck, 21 Dec. 1811, C.O. 112/4/180.
2. Ibid.
3. Bentinck to Liverpool, 21 Mar. 1812, C.O. 111/12. Heyliger and Hoytema, Memorial to Bentinck, 18 Feb. 1812, C.O. 111/12.
4. Liverpool to Bentinck, 25 Feb. 1812, C.O. 112/4/195.

the military commander, Major-General Carmichael. He understood the import of Liverpool's dispatch to be that, while the courts were being united, the opportunity was to be taken to introduce not only the English language but Englishmen as judges. Bentinck's scheme he rejected on the grounds that it would be inadequate in two respects.[1] First, contrary to Liverpool's belief, the Dutch judges were unfamiliar with English, and secondly, the College of Kiezers, since the members still sat for life and were elected on a restricted franchise, remained predominantly Dutch and they refused to nominate Englishmen for the court. Carmichael therefore considered it necessary to do more than unite the courts. When the Kiezers nominated only Dutchmen for the court, he reconstituted the Colleges.[2] Instead of the Kiezers being chosen for life they were to be elected like the financial representatives for three years, and, in order to strengthen the English part of the electorate,[3] the franchise was altered so that the qualifications for the elector became not simply the payment of the capitation tax on twenty-five slaves but the payment of income tax of

---

1. Carmichael to Liverpool, 28 Apr., 2 May 1812, C.O. 111/12.
2. Carmichael to Bathurst, 8 Sep. 12 Oct. 1812, C.O. 111/13.
3. Carmichael to Liverpool, 2 and 3 May 1812, C.O. 111/12.

an equivalent amount.[1] Finally Carmichael made one change which at the time was sufficiently unimportant even to be reported to the secretary of state and which was not necessary to his designs: the Financial Representatives and the Kiezers were, under the new arrangement, elected in the same manner and they were combined into one body,[2] but this had the consequence that the Financial Representatives were able to further their own designs through the selection of compliant colonial members of the Court of Policy.

Carmichael accomplished what he understood Liverpool to require, and what the English element in the colony had been seeking.[3] In fact Bathurst, the new secretary of state, considered that Carmichael had exceeded his instructions; but he did no more than express his disapproval.[4]

Carmichael made a further and apparently unintended change. He assumed that the Court of Policy was the

---

1. Carmichael to Bathurst, 12 Oct. 1812, C.O. 111/13.

2. Minutes of Court of Policy, 26 Oct. 1812, C.O. 111/13. The Undersecretary learnt of this change indirectly. Bentinck to Goulburn, 9 Nov. 1812, C.O. 111/14. Referring to Essequibo and Demerary Royal Gazette, 8 Sep. 1812.

3. Carmichael to Liverpool, 28 Apr. 1812, C.O. 111/12; Carmichael to Bathurst, 18 Nov. 1812, C.O. 111/13.

4. Bathurst to Carmichael, 25 Nov. 1812, C.O. 112/4/232.

Colonial Legislature.[1] Beaujon and Bentinck had treated the court as an advisory body and had themselves legislated on their own authority by proclamation as the representative of the Sovereign.[2] Carmichael's assumption was to be shared by his successor.[3] And since the Court was treated as the colonial legislature, the members claimed for the Court of Policy and Combined Court the same authority in internal legislation as existed in the old British islands.[4]

In Berbice there was a similar introduction of practices from the older British islands, but the development took a different form. An attempt to associate elected representatives with the Council failed[5], but the powers of the council were widened. Colonists attempted to use the established institution of Agents to gain for their representatives the equivalent powers of those exercised by the Financial Representatives in Demerara and Essequibo.[6] In

---

1. Carmichael address to Court of Policy, Essequibo and Demerary, Royal Gazette, 27 Mar. 1813, C.O. 111/18.
2. Bentinck to Goulburn, 9 Nov. 1812, C.O. 111/14.
3. Murray to Horton, 10 July 1824, C.O. 111/44.
4. D'Urban to Bathurst, 4 June 1824, C.O. 111/44.
5. Castlereagh to van Battenberg, 3 Oct. 1805, C.O. 112/8/32.
6. L. Blair and G. Baillie Memorial, 17 Sep. 1805; Kingston to Cooke, 23 Oct. 1805, C.O. 111/75/misc.

1804 two Englishmen ~~and one~~ acting as Agents claimed the right of inspecting the colonial accounts, but governor van Battenberg convinced the secretary of state that this was contrary to the law and custom of the colony, and that there was no justification for the office of Agents to continue, since the ordinary taxes exceeded the stipulated figure and the extraordinary taxes were no longer levied.[1] As a result, the attempt of the colonists to associate their representatives with the Council in financial matters failed.[2]

On the other hand the powers of the council were increased during the war. Woodley, who succeeded van Battenberg as governor and who had previously been president of the St. Kitts Council,[3] appears to have acted towards the Berbice council much as he had done to that in St. Kitts. This involved two particular extensions in the powers of the council: Woodley and his successors treated the council as the Legislature of the colony even for taxation[4], and, secondly, the Receiver General's accounts were submitted to it.[5]

---

1. van Battenberg to Cooke, Apr. 1805, 20 Aug. 1805, C.O. 111/75.
   van Battenberg to Cooke, 15 Jan. 1806, C.O. 111/76.
2. No further reference was made to the matter after Castlereagh to van Battenberg, 3 Oct. 1805, C.O. 112/8/32.
3. Woodley to Castlereagh private, 24 Oct. 1808, C.O. 152/91.
4. Woodley to Castlereagh, 21 July 1809, C.O. 111/77.
   Gordon, 24 Nov. 1812, C.O. 111/79/misc.
5. Montgomerie to Jenkinson, 28 Mar. 1810, C.O. 111/78.

In St. Lucia and these former Dutch colones there had been a common trend during the war. New principles and practices had been introduced into their government, the direction of changes was towards a greater similarity to the working of government in the old colonies, and the starting point for this development had been the commission prepared by Hawkesbury in 1794.

The instructions to Williamson in San Domingo marked a new departure in the government of a British plantation colony in the West Indies. The circumstances at the beginning of the Revolutionary War had both compelled the imperial government to consider the question of how the government in the new colonies was to be conducted and limited the government's choice. As a result the powers belonging to the Crown in the conquered colonies were used in a way new to the West Indies. While incorporating the colonies in the British system of Trade and Navigation, it was intended to retain existing laws and customs subject only to certain changes which either circumstances or expediency suggested as necessary. However the instructions given to governors disturbed the working of the existing institutions and yet substituted nothing precise. As a result, in the course of the war, colonists and officials fashioned their colonial government to suit their needs.

The Imperial government felt no reason to interfere in the internal affairs except to remove hindrances to the contentment and profitable labour of proprietors and merchants. In any case the instructions were intended as an expedient only for the war. Yet due to developments in Trinidad, the remaining West India colony ceded to Britain, these temporary instructions were retained in the colonies ceded at the peace in 1814/15. Paradoxically they were retained because their vagueness and ambiguity enabled them to be used to describe a form of government based on a policy contrary to that which Hawksbury had been pursuing in 1794.

Chapter V

TRINIDAD: A NEW DEPARTURE

In Trinidad, issue was joined on what government should be introduced into a newly ceded island. The Cabinet had rejected the idea of introducing the old representative system into the colonies conquered during the Revolutionary War, but this was stated to be only an expedient for the duration of the War. Trinidad was retained by Britain under the Treaty of Amiens and the question arose, therefore, of how the island should be governed. For ten years while the government made tentative moves, procrastinated and vacillated contending interests struggled for different forms.

Trinidad had been a Spanish colony which had remained largely undeveloped. It had formed part of the province of Venezuela and institutions and officials in Caracas were a necessary part of the government of the island. Within the island a governor and a popular body - the Cabildo - both had administrative and judicial duties and power to make municipal laws and regulations of police, and there were also a series of local tribunals in several of which there was equal and concurrent jurisdiction.[1] While, however,

---

1. C. Reis, The Government of Trinidad, pp. 14-16; A History of the Constitution, pp. 34-42; P.L. Bordé, Histoire de l'île de la Trinidad, vol. II, pp. 288-93.

Trinidad had been a Spanish colony, many Frenchmen had come to settle there when Grenada, Dominica and St.Vincent were returned to Britain in 1783 and English laws reintroduced ~~[illegible]~~ in those colonies.[1.] Indeed the largest group among the free inhabitants were the French free coloureds.[2.] As a result of this influx the prosperity of the island had increased but the island remained, nevertheless, largely undeveloped. "What a mine of wealth has Spanish indolence left unopened in this luxuriant soil."[3.]

After Trinidad was captured there had been some delay before a civil government was introduced into the Colony, but in 1801 a commission and instructions were sent to Picton the military governor. The instructions were copied from those issued to Williamson in San Domingo and were intended only for the duration of the war.[4.] The following year the war ended with the Treaty of Amiens and by this Trinidad was ceded to Britain.[5.] It became necessary therefore to settle the form of government for the colony.

---

1. Bordé, op.cit., vol.II, pp. 155-206.
2. Picton to Hobart, 18 Feb. 1802, C.O. 296/1.
3. Quoted in [J. Stephen], The crisis of the sugar colonies, pp. 151-2.
4. Instructions to Picton, 1 June 1801, C.O. 380/134/16.
5. C.H.B.E., vol. II, pp. 78-82.

Hobart expressed the view that he "was anxious ... to give a British Constitution to Trinidad" and would "certainly do so as soon as it can prudentially be effected."[1] In the meantime he did not attempt to devise a form himself: this was to be settled much as Hawksbury had proposed for the French islands,[2] by a Commission.

The Commission to investigate the question of a suitable government for Trinidad had three members. Picton was to be one junior commissioner, and Hood, the local naval commander, the second. The Senior Commissioner was Colonel William Fullarton.[3] The Commission was to govern the island while it resided there in accordance with its instructions which were a copy of those given to Williamson. It was to report on the state of the island and make recommendations on a suitable form of government.[4] "It is not intended" Hobart wrote, "to establish in that island the form of legislature existing in the old West India colonies until the situation of it be such as to afford a reasonable

---

1. Hobart to Jordan, nd [1801-4], printed in G.W. Jordan, An examination of the principles of the slave registry bill ..., p. 41.

2. See above, p. 126

3. Instructions to Fullarton, Picton, Hood, on 15 October, 1802, C.O. 380/134/26.

4. Ibid.

expectation that the measure would be advantageous to the real interests both of the island itself and of the mother country."[1] In these circumstances the Commission was to prepare "for the consideration of His Majesty in Council a system of government applicable to the peculiar circumstances of the island where the population, though at present very limited, is composed of various nations distinct in their language, customs and prejudices."[2]

The Commission dissolved in dissension. The immediate antipathy which developed between Picton, supported by Hood, and Fullarton, made the further working of the Commission impossible. Fullarton's approach appeared to be to hold an inquisition into Picton's management of affairs. While Picton was peculiarly sensitive to personal criticism from a man who he regarded as a junior officer.[3] Two months after arriving, Fullarton fled from the island in dudgeon and devoting the remainder of his life to pursuing a vendetta against Picton, he left £5,000 in his will to finance further criminal proceedings.[4]

---

1. Hobart to Picton, 9 July, 1802, C.O. 296/4/66.
2. Hobart to Fullarton, Picton, Hood, 16 Oct., 1802, C.O. 296/4/73.
3. L.M. Fraser, History of Trinidad, vol. I, pp. 154-182.
4. Taylor to Horton, 19 Dec., 1823, C.O. 323/118/528.

The dissensions in the Commission led Hobart to recall the members and to appoint a lieutenant governor, Thomas Hislop, on whom the duties of the Commissioners were to devolve.[1] Since the cession of the island various representations had been received in the department on the subject of the government for the island,[2] and this enabled Hobart to give more precise guidance on the desirable course to be taken. "It has been strongly represented by respectable merchants of this city connected with Trinidad that the want of British laws is an insurmountable obstacle to the advancement of the commerce and cultivation of the island. It cannot, however, be supposed that the formation of a legislature similar to the Constitution of the Old Colonies can at present be expedient or even practicable in Trinidad, but there can be no question as to the general advantage of introducing the law of England to such an extent at least as the actual state of the island is prepared for its reception."[3] He suggested that a selection should be made of the existing law and customs which it was most desirable to preserve and the English laws most necessary "for the

---

1. Hobart to Commissioners, 20 May, 1803, C.O. 296/4/193.

2. E.g., Baillie to Hobart, 11 Nov., 1802, Hobart Papers, Bundle P. Picton and Hood to Hobart, 25 Apr., 1803, 7 Feb., 1804, C.O. 295/10.

3. Hobart to Hislop, 9 Jan., 1804, C.O. 296/4/205.

protection of justice in Criminal and Commercial cases."[1.] "It would however seem necessary for the purpose of effecting this object," Hobart continued, "that the governor and council should be invested with a legislative authority."[2.] Thus, Hobart, in a later despatch, took up the representation made by the attorney general of Trinidad in favour of a governor and council as a suitable form for the legislature in the island until the formation of an Assembly became practicable.[3.]

Hislop immediately prepared a long report on the state of the government in the island and enclosed the sketch of a bill to be enacted by Parliament.[4.] Gloster, the Attorney General, drafted the bill and he intended that it should be passed through Parliament in the manner of the Quebec Act. The provisions of the bill were designed to give effect to the recommendations he had made previously, and which Hobart had adopted in his despatch. For a suggested period of between three and five years, no assembly was to be summoned and legislative power entrusted to the governor and nominated

---

1. Ibid.
2. Ibid.
3. Hobart to Hislop, 2 Feb., 1804, C.O. 296/4/211.
4. Hislop to Camden, 9 July, 1804, C.O. 295/8.

council. Certain laws essential to the merchants and planters would be introduced immediately and otherwise it would be for the council to adopt British Criminal Law after making nedessary changes, and in general to effect the gradual introduction of British law and British institutions.[1.] By the time, however, that Hislop's report had arrived and was receiving attention, war was anticipated against Spain.[2.]

Once the war with Spain had begun[3.] there were fears for the security of the island. It was expected in Britain that Spain would attempt to recapture the island and that the invaders would be supported by a majority of the colonists. The Free Coloureds formed a majority of the free population, and Picton reported them to be "to a man irreclaimable republicans whom nothing but the heavy arm of authority, continually exercised without relaxation, can ever keep in order. They are formidable as well on account of their numbers and disposition as their known communication with the enemy and there is no doubt of their readiness to cooperate with any invader."[4.] Moreover, amongst the whites

---

1. Gloster to Hislop, 4 July, 1804, enclosed in Hislop to Camden, 9 July, 1804, C.O. 295/8.

2. Cooke to Hislop, 7 Sept., 1804, C.O. 296/4/228. Hislop to Camden, 5 Feb., 1805, C.O. 295/11.

3. Annual Register, 1804, p. 441.

4. Picton to Dundas, 1 Jan., 1799, W.O. 1/93. See also Fullarton to Hobart, 3 Jan., 1803, C.O. 296/1. Hobart to Hislop, 3 Nov., 1803, C.O. 296/4/198.

the French and Spaniards still predominated.[1] In such circumstances it was considered unwise to exacerbate the islanders by making a change in government. "It seems to me that considering the nature of the population it may be questioned whether it is prudent during a war and in a period of insurrection (it having been omitted during the peace) to make a complete change in the criminal laws at the hazard of producing immediate discontent in all but the English."[2] The Secretary of State and Under-secretary were periodically made aware of difficulties which arose from continued indecision but during the war with Spain the question of the form of government to be introduced was postponed.[3]

While the governor attempted to mollify the colonists by prevaricating, contending interests struggled for different forms. Merchants in Britain were concerned primarily

---

1. In 1817 the population returns were:

English	1,210
Other whites	2,583
Free coloureds	11,856
Slaves	23,828
Indians	1,157
Chinese	33

2. Harrison to Shee, 13 Apr., 1806, C.O. 295/15.

3. E.g., Hislop to Camden, 20 Aug., 1805, C.O. 295/11.
Hislop to Castlereagh, 8 Jan., 1806, C.O. 295/14.
Hislop to Castlereagh, 25 June, 1807, C.O. 295/16.

with the introduction of English Civil Law.[1] Immediately after the cession of the colony, these merchants, optimistic about the future of Trinidad both as a sugar colony and as an entrepôt for trade with the Spanish colonies of South America, invested to a considerable extent in the island; but under Spanish law credit could be secured only on the future produce of an estate, not on the estate itself and with their investments thus tied down, there were, by 1803, six English houses in difficulties.[2] Merchants were equally critical of the existing system of administering civil justice. As one representative wrote to his employer, "The courts here ~~they~~ are only ruin to every person who has anything to do with them."[3] The existence of three courts with equal and coordinate jurisdiction, the necessity of conducting proceedings in Spanish and entrusting the care of cases to the Spanish court lawyers gave rise in the view of the merchants to inordinate delay and expense and resulted in judgments biassed in favour of resident planters.

A growing number of the British residents in Trinidad

---

1. Baillie to Hobart, 11 Nov., 1802, Hobart Papers Bundle P.

2. Baillie to Hobart, 10 Dec., 1803, C.O. 295/7. Kingston to Sullivan, n.d. 1804, C.O. 295/9. Smith to Jenkinson, 13 May, 1810, C.O. 295/24.

3. Baillie to Sullivan, 15 Dec., 1803, C.O. 295/7.

were explicit in their demand not only for English Civil Law but for a constitution on the pattern of that in the old British islands.[1] English lawyers had a professional interest in the introduction of English law and institutions and they took a lead in the agitation.[2] Support was provided by merchants of all types.[3] Merchants in the colony had the same concern as merchants in Britain but they were also interested in gaining control of taxation and discontinuing the 3½% duty on imports and exports which had been introduced when the island was captured and provided the main source of revenue.[4]

Initially proprietors in the island, British, French and Spanish, opposed the early introduction of English law.[5] The Cabildo petitioned for a satisfactory system to be arranged between themselves and the governor.[6] The governor and council considered that control over any change should be

---

1. Address, n.d. [1802], C.O. 295/2. Hislop to Camden, 5 Feb., 1805, C.O. 295/11. Williams to Castlereagh, 12 Sept., 1809, C.O. 295/22.

2. Smith to Castlereagh, 4 Oct., 1809, C.O. 295/22.

3. Address, n.d. [1802], C.O. 295/2. Hislop to Camden, 5 Feb., 1805, C.O. 295/11. Smith to Cooke, 28 Oct., 1809, C.O. 295/22.

4. Smith to Jenkinson, 13 May, 1810, C.O. 295/24.

5. Hislop to Camden, 9 July, 1804, C.O. 295/8. Hislop to Cooke, 7 Feb., 1805, C.O. 295/11. Smith to Cooke, 28 Oct., 1809, C.O. 295/22.

6. Petition, 14 Dec., 1801, C.O. 295/2.

in their hands.[1] Both opposed an immediate introduction of English law and institutions. A major reason for this opposition of proprietors was the advantage they possessed under the existing law of mortgage. "The Planters speculated much under the general tenor of Spanish law by which their persons are free from arrest and their estates difficult to attach or sequester."[2] The effect of this law, however, was to make credit increasingly difficult to obtain, and the need for further credit combined with a general reaction against the continuing paralysis of government and led a majority of the white landed proprietors to change their attitude. They came to support the introduction of English law provided that the laws did not have retroactive effect and thus give their creditors power to recover existing debts.[3]

The merchants in Britain and all who voiced opinions in Trinidad agreed throughout that whatever the form, the government should be exercised and directed from within the colony. With this the humanitarians in Britain disagreed

---

1. Hislop to Camden, 9 July, 1804, C.O. 295/8.

2. Kingston to Sullivan, n.d. 1804, C.O. 295/9.

3. Smith to Cooke, 28 Oct., 1809, C.O. 295/22. Hislop to Liverpool, 19 May, 19 July, 1810, C.O. 295/23. Hislop to Liverpool, 12 Oct., 1810, C.O. 295/24.

fundamentally and in this James Stephen senior was the principle advocate from the time the island was ceded. Stephen was a "high minded fanatic".[1] In the face of poverty he had managed to gain a legal training. He had practiced in St.Kitts, was aroused by the horrors of the slave trade and slavery, returned to Britain and, obtaining employment in the Prize Appeal Court, devoted his life to abolishing slaving and slavery. He was vehement and pugnacious and, as his son wrote, laboured in the cause with ability, fervour, self-denial and sleepless energy.[2] He was associated with Wilberforce, for his second wife he married Wilberforce's sister, but as Stephen once wrote in criticism of Wilberforce, "if you were Wellington and I were Massena, I should beat you by distracting your attention from the main point."[3] Stephen regarded Trinidad as an undeveloped area in which men would seek to cultivate sugar by slave labour and thus stimulate the slave trade. He also regarded the vacant land on the island as providing an opportunity of showing the advantages of cultivating with

---

1. Henry Adams, quoted in L. Stephen, Life of James Fitzjames Stephen, p. 18.

2. Stephen to Brougham, 19 May, 1859, Brougham Papers.

3. L. Stephen, op.cit., p. 18. For Stephens early life see also The Memoirs of James Stephen, ed. M. Bevington.

free labour. "You have in this acquisition, the means of most favourably trying an experiment of unspeakable importance to mankind."[1] "Let a portion of that rich and unopened soil be sold at a low price or granted freely to all who will undertake as the condition of the tenure and on peril of reversion to the Crown to settle and cultivate it by the labour of Free Negroes."[2] If such use was to be made of free negroes a new system of government was required. He poured scorn on colonial laws passed to better the condition of slaves. "The miserable mockery of laws whose injunction no one will enforce and the breach of which can be ascertained only by the offenders themselves will here produce no good ... "[3] Moreover, he maintained that in Trinidad there were no persons of sufficient character to form a legislature and that therefore the country must be ruled from Britain. What was essential was that control over the government of the island should be taken from the island community, and in the place of government from within, the island ought to be ruled through Parliament in Britain. "The grand and essential spring and guard of all is Parliamentary legislation ... let the power of making laws for its

---

1. J. Stephen, The Crisis of the Sugar Colonies ... , p. 186.
2. Ibid., p. 187.
3. Ibid., p. 126.

internal government rest exclusively with Parliament."[1]. To enforce the laws extraordinary powers ought to be given to magistrates who would be amenable themselves only to British tribunals. The men appointed should be "of great respectability, independent of the island community in which they live and precluded from holding landed property in the island."[2].

This was the case which Stephen voiced in published letters which he addressed to Addington, the Prime Minister, in 1802. At the time he was practicing in the Prize Appeal Court and it was as a result of his experience with prize cases that he published a book entitled War in Disguise in 1805. In this he showed how neutrals and particularly Americans benefitted from the war. Two years later, partly as retaliation for Napoleon's Berlin decrees, Perceval, the Attorney General, introduced legislation to empower the government to make Orders in Council for the purpose of controlling neutral shipping. Both so that he could defend this policy and because of a personal friendship, Stephen was found a place in the House of Commons by Perceval in February 1808.[3] Through this association, Stephen was in a strong

---

1. Ibid., p. 189.
2. Ibid., p. 189.
3. L. Stephen, op.cit., pp. 19-20.

position to press his views on the subject of Trinidad on the government.

Meanwhile, since the war had begun against Spain, the general question of what government to introduce had been shelved, but particular problems arose to show the difficulties of this course. The inadequate revenue and the absence of any body with recognized powers of granting taxation was one problem which the governor repeatedly brought before the Secretary of State.[1.] In order to press their case in this and other matters the governor and council sent Gloster, the Attorney General, to make personal representation,[2.] and took the further step of employing Joseph Marryatt as agent.[3.] In the following years the governor had drawn on the Treasury without authority and discontinued certain salaries because of the shortage of revenue.[4.] Amongst these was the salary of the agent for the colony appointed by the Secretary of State. Mr. Maling had been given this place and assigned a

---

1. Hislop to Camden, 20 Aug., 1805, C.O. 295/11. Hislop to Castlereagh, 8 Jan., 1806, C.O. 295/14. Hislop to Castlereagh, 25 June, 1807, C.O. 295/16.

2. Hislop to Castlereagh, 8 Sept., 1808, C.O. 295/11.

3. Castlereagh to Hislop, 4 Feb., 1808, C.O. 296/4/338. [Marryatt] Memo. 1808, C.O. 295/20.

4. Hislop to Cooke, 6 Mar., 1806, C.O. 295/14. Hislop to Windham, 25 Oct., 1806, C.O. 295/14. Hislop to Castlereagh, 25 June, 1807,

salary, since it was felt necessary to give him the respectability which befitted the father-in-law to Lord Mulgrave.[1.]

Hislop's action of discontinuing salaries induced Castlereagh to take the question of Trinidad's constitution into his consideration. Castlereagh wrote a despatch to Hislop stating that the governor had no authority to sanction expenses and no power of appointment, and he therefore criticised strongly Hislop's action in sanctioning Gloster's mission and using Marryatt as agent when Maling had been duly appointed.[2.] Nevertheless, he gave no new instructions to Hislop on how Trinidad was to be governed. He did resort, however, to a temporary expedient as a prelude to finally settling the question of the government for the island. In his first period as Third Secretary of State, Castlereagh had met the governor of Grenada's request for a trained English lawyer to be appointed as chief judge of the island by sending out George Smith.[3.] Smith had taken up his appointment but being dissatisfied with the salary voted to him, he returned to Britain at the end of 1807 and pressed Castlereagh for a transfer to Trinidad and for the grant of

---

1. Sidmouth to [Windham], 5 Aug., 1806, C.O. 295/5.

2. Castlereagh to Hislop, 4 Feb., 1808, C.O. 296/4/335, 338.

3. Castlereagh to Maitland, 21 Oct., 1805, C.O. 102/18/99, and see above, p.87, 95

a liberal salary there.[1.] In the summer of 1808 hostilities with Spain ceased,[2.] and Castlereagh decided to send Smith to Trinidad to act as chief judge and assist in preparing a plan of government.[3.]

There were certain advantages in Smith's appointment. As a trained lawyer he was expected to be able to provide the speedy and efficient execution of justice which the merchants desired and to introduce English as the language of proceedings.[4.] He could also concert with the governor and "leading gentlemen of the island with regard to the form of law and constitution which is most likely to be suitable to the permanent administration and welfare of the island."[5.] This task could be confided to him because he had close relations with James Stephen.[6.] He was trusted to ensure that adequate consideration was given to certain aspects of the problem. Castlereagh adverted to these in a private

---

1. Smith to Castlereagh, 1 Mar., 1808, C.O. 101/47. Smith to Castlereagh, 23 Mar., 1808, C.O. 295/20.

2. Cooke Circular, 6 July, 1808, C.O. 324/103/188.

3. Smith to Castlereagh, 20 Oct., 1808, C.O. 295/20.

4. Instructions to Smith, n.d. 1808, C.O. 380/134.

5. Castlereagh to Hislop, 6 Mar., 1809, C.O. 296/4/352.

6. Smith to Castlereagh, 20 Oct., 1808, C.O. 295/20. Stephen to Perceval [1811], B.M. Add. MSS. 49177/96.

despatch to Hislop, "I am to turn your mind to the following objects: 1. to the formation of such a system as will provide for the due establishment of the Church of England and of a diffusion of the Christian religion among the mulattoes and slaves. 2. To frame such arrangements as will best secure certain abundance of food for negroes. 3rdly the preservation to them of all privileges which the negroes are entitled to under the capitulation by the Spanish law and the formation of a code of law for securing them from ill treatment and oppression. Fourthly, the amelioration of the condition of the free people of colour, the improvement of their education, the increase of their privileges as it is considered that upon the fidelity and attachment of this class of inhabitants the security and prosperity of the West India islands may hereafter greatly depend."[1] Smith's appointment therefore could be expected to go some way toward meeting the demands of the merchants - or at least those in Britain - and of the humanitarians.

Smith arrived in Trinidad in October 1809, with a Commission and instructions which he had drafted after familiarising himself with a limited amount of Spanish law.[2]

---

1. Castlereagh to Hislop, 6 Mar., 1809, C.O. 296/4/352.

2. Smith to Cooke, 3 Nov., 1808, C.O. 295/20. Smith to Gordon, 22 Dec., 1808, C.O. 295/20.

The Commission[1] appointed him to the position of Chief Oidor, Alcalde del Crimen and Fiscal. The aim was to retain the Spanish colonial judicial system and to reproduce in Trinidad the hierarchy of courts existing in the province of Venezuela. The effect was to give Smith concurrent jurisdiction in matters of first instance and sole jurisdiction over appeal cases. In addition Smith had duties which in the British view, did not belong to a chief judge. Thus the Chief Oidores had the duty of ensuring that the acts and ordinances of the council of the Indies were duly executed, and the fiscal was the governor's advisor in matters of law. In the draft instructions Smith had introduced the clause "you do most carefully abstain from all interference whatever in anything appertaining to the government of the said colony other than in the administration of its justice, except by your advice when you shall be required thereto by our governor in your character as a member of our Council."[2] Such a restriction may have been understood by Smith, although this clause was not in the final instructions. This omission served only to increase the room for conflict between Smith and Hislop. By his Commission, Smith was appointed to offices new in the island; his powers and duties were

---

1. Draft Commission, Smith to Cooke, 3 Nov., 1808, C.O. 295/20. Instructions, 1808, C.O. 380/134.

2. Smith to Cooke, 3 Nov., 1808, C.O. 295/20.

undefined; the remaining institutions and officials of a Spanish province were not introduced, rather the governor continued to act under instructions prepared for the governor of the French colony of San Domingo and Smith was to be a member of the Council which sat according to these instructions;[1] finally, Smith was to safeguard the interests of the free coloureds and negroes while consulting on a suitable form of government for the colony.

Discord was imminent in the situation when Smith arrived and his outlook brought immediate conflict. He divorced himself from the English Community,[2] replaced the English lawyers with four Spanish advocates recommended by the Audiencia of Caracas,[3] strictly enforced Spanish law and retained Spanish as the language of the court.[4] Three months after his arrival, when Hislop was absent from the island from January to April 1810, Smith and the acting governor attempted to promote vigorous government. They directed an investigation into the island accounts, took steps

---

1. Castlereagh to Hislop, Feb., 1809, C.O. 296/4/346.

2. Smith to Cooke, 28 Oct., 1809, C.O. 295/22. Smith to Hislop, 30 Apr., 1810, C.O. 295/23.

3. Smith to Jenkinson, 2 Mar., 1810, C.O. 295/24. Smith to Liverpool, 3 Mar., 1811, C.O. 295/27.

4. Smith to Cooke, 28 Oct., 1809, C.O. 295/22. Hislop to Liverpool, 19 Apr., 1810, C.O. 295/23.

to improve the police, raised the cost of licences for retailing spirits and, by means of a Court Order, Smith prohibited political discussion. One newspaper discontinued publication and the publisher of the second was committed to gaol for contempt of court.[1] This action aroused "considerable agitation"[2] and when Hislop returned and countermanded several of Smith's decisions the general opposition to the latter developed into a personal dispute between Hislop and Smith.[3]

Meanwhile Smith had been conducting a private correspondence with the Secretary of State and Undersecretary. Smith's approach appears to have been to present conditions in the worst light as a means of preventing the laws and institutions of the old colonies from being introduced. An incidental concern may have been his own esteem in Britain. "I care not one pinch of snuff for the opinion of anyone here and look for no better reward than to obtain your approbation by doing you credit to your appointment of me."[4] The English colonists

---

1. Folley to Liverpool, 7 Mar., 1810, C.O. 295/23.

2. Hislop to Liverpool, 9 Apr., 1810, C.O. 295/23.

3. Hislop to Liverpool, 30 June, 9 July, 1810, C.O. 295/23. Smith to Liverpool, 26 June, 1810, C.O. 295/25. Smith to Jenkinson, 13, 16 May, 1810, C.O. 295/24; 10 July, 1810, C.O. 295/25. Smith to Chapman, 8 July, 1810, C.O. 295/25.

4. Smith to Cooke, 4 Oct., 1809, C.O. 295/22.

he blackened as "the offal of the Community".[1] Those who took part in politics acted only from self interest and this discredited them, and since they consisted for the most part of indebted merchants and planters who sought to recoup themselves through the use of slave labour, they stood condemned. The only respectable persons were the French and Spanish who had withdrawn from an active part in island affairs.[2]

In such circumstances, Smith considered the form of government which existed in the old colonies to be totally unsuited to the circumstances of Trinidad. "If you mean to ruin the colony you will give us the British Constitution, a form of government whose foundation resting on the general liberty becomes an absolute caricature in a community where four fifths of the whole population are slaves; and in which of course the rights of humanity can only be guarded by an executive government holding over the masters an authority bearing some proportion to that which he claims over his slaves and the want of which in the other English colonies is the true cause why in those the slaves are treated with less humanity than in those of France and Spain."[3]

---

1. Smith to Jenkinson, 13 May, 1810, C.O. 295/24.
2. Smith to Cooke, 28 Oct., 1809, C.O. 295/22.
3. Ibid.

Smith recommended that the existing institutions should be retained. "As a groundwork the existing system is preferable to that of the English colonies."[1] The only points of moment which required improvement were the administration of criminal justice and the way the revenue was raised.[2]

While Smith was condemning the idea of introducing British institutions and becoming embroiled with the governor and white community, the planters and merchants were pursuing their aim of introducing British laws and institutions. By the time that Smith arrived on the island, a committee had been formed to urge the extension to the island of the British constitution and Knox, a lawyer who had become the leading advocate for the introduction of English institutions, had been sent to Britain to agitate the question.[3] Smith's actions only made the demand stronger. In February 1810, the merchants and planters connected with Trinidad, held a meeting and passed four resolutions. These noted that the colonists claimed a British colonial constitution and stated that Spanish laws were ill adapted to commercial relations with Britain. This view was to be expressed to the ministers, and, finally, it was resolved to present a petition to the

---

1. Smith to Liverpool, 14 Feb., 1810, C.O. 295/24.
2. Ibid.
3. Williams to Castlereagh, 12 Sept., 1809, C.O. 295/22.

House of Commons asking either that the King should accede to the wish of the colonists or that an act should be passed substituting English for Spanish law.[1.]

The threat of a petition to the House of Commons spurred Liverpool, the new Secretary of State, to action. The ministry, of which he was a member, was weak and unpopular. The expedition to the Scheldt had floundered at Walcheren, Portland had left office, Canning and Castlereagh had fought their duel and resigned. Perceval negotiating for a broader administration, had ended with one formed from the rump of Portland's.[2.] In the spring of 1810, when the Trinidad merchants and planters were resolving to petition Parliament, Wellington was writing "I am convinced that the government cannot last."[3.] Liverpool, therefore, persuaded the merchants and planters to postpone any Parliamentary action by undertaking that the question of introducing British institutions would be referred to the governor and council. He sent the promised despatch, ending it by writing "the expediency of deciding on some measure to that effect is strongly felt and in order to aid this decision, I shall be glad to receive from you a detailed statement of your sentiments on this head, and if you conceive that a reference

---

1. Inglis to Jenkinson, 16 Feb., 1810, C.O. 295/24.
2. J. Steven Watson, The Reign of George III, pp. 483-4.
3. Ibid.

of the subject to the members of the council either collectively or individually will furnish any explanations or suggestions of importance in the further consideration of the business you will obtain and transmit the same to me with your own observations."[1].

By the same mail Jenkinson, the undersecretary, sent a private letter to Smith. This appears to have been designed to secure an opinion which would be in conformity with Liverpool's inclinations and would contradict that anticipated from the council. Jenkinson explained that Liverpool was opposed to an assembly but favoured the introduction of English law and of a legislative council. Jenkinson doubted, however, whether a system of government without an assembly "would meet with the approbation of Parliament."[2]. Smith's views were requested on the point and finally, referring to the problem of the political rights of free coloureds, Jenkinson asked Smith what possibility there was of admitting them to the franchise.[3].

Liverpool's public despatch averted the threat of action in Parliament by those connected with Trinidad, but it led Stephen to threaten to resign his seat in Parliament in order

---

1. Liverpool to Hislop, 13 Mar., 1810, C.O. 296/4/364.
2. Jenkinson to Smith, 13 Mar., 1810, C.O. 296/4/378.
3. Ibid.

that he might criticise the government. "The Governor and Council of Trinidad are to be consulted on or rather desired to furnish a plan of constitution and laws by which the statesmen of every Party, successive Administrations and parliament stand solemnly pledged before God and man to exclude the oppression of the Old Sugar Colonies and the influx of slaves i.e. the very abuses in which everyone of these referrees is actively engaged."[1] He informed Perceval that the African Institution had resolved that Wilberforce should introduce a Bill to establish a registration of all slaves in Trinidad as a means of ensuring that no slaves were smuggled into the island.[2]

The government were as fearful of the followers of Wilberforce withholding their support as they had been concerned at the prospect of West Indian criticism. As before, in order to stop the threatened action, a price had to be paid. The postponement of a Registry Bill was secured by the promise of an Order in Council at an opportune time and the acceptance of Stephen in a semi official relationship with the Third Secretary's office. Stephen was permitted to prepare the draft of an Order in Council on registration[3].

---

1. Stephen to Perceval, 19 Apr., 1810, B.M. Add. MSS. 49177, part 8/61.
2. Ibid.
3. Stephen to Peel, 17 Jan., 1812, C.O. 295/28.

and correspondence relating to Trinidad was referred to him for his comment and advice.[1] Stephen supported Smith both in condemning British institutions and in retaining Spanish laws since these served to protect and benefit the slaves.[2] When the opposition to Smith developed into a personal quarrel between him and the governor, Stephen took Smith's part. He portrayed Hislop and his lackeys as trying to insult and provoke the chief judge in order to bring the local judicature into contempt and make odious the existing jurisprudence with the ultimate object of introducing English law and institutions.[3] "Who is this Governor Hislop that he should be thus allowed to put to hazard such interests and to expose us to such dangers and to compromise the national honour and justice in order to gratify his own party spirit, his pride and his lust of popularity with the noisy crew that support him ..... , Governor Hislop should be immediately recalled."[4]

By the time that Parliament met in the autumn of 1810, Hislop and Smith had sent the information requested in the

---

1. Stephen to Gordon, 1 Sept., 1810, C.O. 295/25. Stephen to Liverpool, 1 Sept., 1810, C.O. 295/25. Stephen to Perceval, n.d. BM. Add. MSS. 49177/85.

2. Stephen to Liverpool, 1 Sept., 1810, C.O. 295/25.

3. Ibid.

4. Stephen to Perceval, 20 Oct., 1810, B.M. Add. MSS. 49177, part 9/74.

letters of March. The island council and a committee appointed for considering the matter had both advocated the introduction of English law and British institutions such as existed in the other West India colonies.[1] Reports from the commandants of quarters showed that of the white landed proprietors a majority of nearly six to one favoured the introduction of British laws.[2] Smith, for his part, repeated his earlier recommendation to retain the existing institutions of the colony.[3] But an opportune petition had also arrived from the free coloureds imploring the King "to take into his Royal consideration the present state of existence of his faithful subjects of colour in the island of Trinidad and to extend unto them (under whatever system of jurisprudence his Royal wisdom may deem expedient for the future government of this Colony) such a participation in its operation as may secure to them (on a permanent and inviolable footing) their personal security and social happiness."[4]

At the end of November 1810, Liverpool sent a long and cleverly argued despatch to Hislop which reads as though it

---

1. Hislop to Liverpool, 20 May, 19 July, 1810, C.O. 295/23.
2. Reports of Commandants, C.O. 295/27.
3. Smith to Jenkinson, 13 May, 1810, C.O. 295/24.
4. Hislop to Liverpool, 19 July, 1810, C.O. 295/23.

was intended for presentation to Parliament. In this Liverpool expressed the determination of the government on the question of a legislature for the island, but the question of introducing English law, the matter about which British merchants were most concerned, was left for later consideration.[1] Liverpool argued that the devolution of power to an island legislature was inadvisable in the first place because of the difficulty of forming a legislative assembly: the free coloureds formed a majority of the free inhabitants and they would have a grievance if excluded, and in any case such an exclusion would be contrary to the capitulation. Moreover, the white population was of mixed nationality and the majority were ignorant of the British constitution. Such devolution was also inadvisable because of the responsibilities which had devolved on Britain through the abolition of the slave trade. Yet while it was intended that there should be no independent internal legislature, power to make laws would in some degree be delegated to the governor acting with the assistance of a council of advice.

Both Liverpool and James Stephen were apprehensive about the reception of this determination in Parliament. In order to strengthen their position Stephen sought to expose to the public the shortcomings in the government of the old

---

1. Liverpool to Hislop, 27 Nov., 1810, C.O. 296/4/369.

colonies. Stephen learnt of a particularly apt example in the Leeward Islands and he pressed for a report on this failure of justice in the trial of a leading planter in Nevis, called Huggins. "It seems very desirable in order to shew more clearly what the effects of English law especially trial by jury are in a West India Colony that an authentic report should be obtained of the Trial in Nevis."[1] Liverpool agreed and the subsequent letters from Governor Elliot were presented to Parliament in 1811.[2] "In order for the House to judge how far trial by jury and a representative Assembly are calculated to secure to the population of a West India island an impartial administration of justice and a wise system of internal government," Liverpool wrote subsequently to Elliott, "it was deemed wise to submit the Huggins correspondence to the House."[3]

The immediate reason for presenting these papers was a motion in the House of Commons urging the introduction of British laws into the island of Trinidad.[4] Liverpool's despatch had prompted merchants and planters connected with

---

1. Stephen to Liverpool, 23 Aug., 1810, C.O. 152/96.
2. PP. 1810-11 (204), XI, 353, and see above p. 94
3. Liverpool to Elliot, 27 Jan., 1812, C.O. 153/34.
4. Ibid.

Trinidad to take action in Parliament. In the session in 1811, Bragge Bathurst presented a petition from the merchants of Bristol trading to Trinidad for relief by placing "the said island upon the same footing as the British colonies in the West Indies or by such other mode as to the House may seem most fitting."[1] Marryatt moved for papers showing the refusal of the British government to establish a British constitution in the island - a motion which Perceval said he would not oppose provided the petition of the free coloureds was included among the papers presented.[2] Finally a debate was held on a motion proposed by Marryatt for the introduction of British laws, but the motion was withdrawn before a division.[3]

This debate showed that the apprehensions about the reception in Parliament which Jenkinson had expressed were unjustified. Yet, having expressed the determination of the government on the matter of introducing a local legislature, Liverpool did nothing further to settle a government for the island. He was, however, opposed to Smith's expedient of retaining the existing laws and institutions as a foundation. He thought in terms of a new government and the

---

1. 5 Apr., 1811, P.D. XIX/714.
2. 14 May, 1811, P.D. XX/134.
3. 13 June, P.D. XX/160.

tendency of his thoughts was shown when the French colony of Mauritius was captured. Mauritius was taken in 1810 by an expedition sent from India, but the island was removed from the East India Company and placed under the Crown.[1.] Although Mauritius was a colony largely of sugar plantations, Liverpool determined that within the limits allowed by the terms of capitulation the system of administration established in Ceylon should be adopted in Mauritius. "I believe it to be unquestionable," he wrote, "that the best administered of all the King's Colonies in any quarter of the globe is the island of Ceylon."[2.] Yet when Peel, Liverpool's under-secretary, became Irish secretary he reported to his successor that no progress had been made over Trinidad. "You will immortalise yourself if you will frame a constitution for Trinidad - it has baffled all your predecessors who have uniformly left it as they found it governed by Spanish law and petitioning for English. Trinidad is like a subject in a county hospital and on whom all sorts of surgical experiments are tried to be given up if they fail and to be practiced on others if they succeed. Stephen is the operator and there are occasional consultations with Doctor

---

1. A.G. Field, The Expedition to Mauritius in 1810 and the Establishment of British Control, London thesis, p. 30-79.

2. Liverpool to Eldon, 4 Sept., 1811, B.M. Add. MSS. 38328/163.

Wilberforce and Zachary Macaulay on the state of the patients health and the progress of the experiment. The poor patient has to go through some very severe operations, she is now actually bound down for a most painful one, a registration of slaves with penalties upon penalties on those who fail to observe the regulations of an Order in Council prescribed by Dr. Stephen ... "[1].

To Peel the problem remained one of devising a form of government for Trinidad but Bathurst and Goulburn, the new secretary and undersecretary, treated it as one of finding the right individuals to govern. Bathurst did not consider that the situation in Trinidad called for a drastic change in the institutions and working of government in the colony. In this they followed Smith, though evidence is lacking to show whether it was due to the latter's influence. What the colony needed was to be governed with vigour by men who were acceptable to the principle people concerned with it. Smith, Hislop and certain colonists had become involved in personal disputes which led to a Privy Council enquiry into Smith's conduct.[2] One cause of the dispute was the opposed views on the question of the desirable Government for Trinidad, but the dispute had become personal

---

1. Peel to Goulburn, 12 Aug., 1812, Goulburn Papers II/13.
2. Hislop to Peel, 29 June, 1811, C.O. 295/25.

and there was some prospect of government working if Hislop and Smith were replaced.

Bathurst chose Sir Ralph Woodford to be governor. Woodford had inherited estates in Tobago from his father[1]. and for this reason he may have been acceptable to the merchants and planters in London. He was also respectable. He had not acquired property through success in trade, it had been bestowed on his father, along with the baronetcy, for long and devoted service as British Resident at the Hanse Towns and then as Minister Extraordinary at the Court of Denmark.[2] As chief judge in place of Smith, Bathurst appointed Woodford's own nominee. J.T. Bigge was "a friend on whose prudence and professional judgment"[3] Woodford said he could rely. Bigge was ignorant of the Spanish law and language, but willing to endeavour to acquire some knowledge of both.[4] On these two individuals Bathurst relied for effective and acceptable government.

Bathurst made only minor alterations in the commission and instructions, under which Woodford was appointed,[5] but

---

1. Woodford to Hobart, 15 Nov., 1803, Hobart Papers, Bundle P.
2. Ibid. Burke's Baronetage, 1828.
3. Woodford to Bathurst, n.d. [? Jan., 1813], C.O. 295/31.
4. Ibid.
5. Commission and instructions to Woodford, 20 Oct., 1812, C.O. 296/5/39.

there was a clear policy that the government established by them should be conducted with a new vigour. Liverpool had announced the determination of the government to retain the power of legislating under the prerogative and this was a power which Bathurst showed a willingness to use for all matters including the introduction of new taxes.[1] In the colony Woodford and Bigge were to do what they could within the existing system of government. This government was no longer to be regarded as a temporary expedient, if there were weaknesses in it these were to be remedied as they appeared.[2] The initiative in government, therefore, lay in the colony, the role of the Secretary of State was that of supervisor. Stephen's ministrations were over. Bathurst had become Third Secretary as a result of the assassination of Perceval,[3] Stephen's confidant, and Bathurst's last major task as President of the Board of Trade had been to move the repeal of the Orders which Stephen had been brought into Parliament to defend.[4]

---

1. Bathurst to Woodford, 27 Sept., 1813, C.O. 296/5/93.

2. E.g., Woodford to Bathurst, 6 July, 1813, C.O. 295/29. Woodford to Bathurst, 15 Sept., 18 Oct., 1813, C.O. 295/30.

3. Steven Watson, op.cit., pp. 497-500.

4. Ibid., pp. 475, 522. Bathurst combined the Presidency of the Board of Trade with the office of Third Secretary from June to Sept., 1812.

Bathurst, therefore, sought neither to maintain the colonial system of Spain nor to construct a new form himself. He accepted what existed in 1812 when he became Secretary of State and the government with which Woodford was faced was no longer as the last Spanish governor had left it. The governor's council, which Picton had first summoned under his instructions in 1801,[1] had assumed powers and adopted practices in imitation of the council in the old colonies[2] but this was of transitory importance. The existing council was too deeply involved in the dispute between Hislop and Smith, and Woodford therefore summoned a new council which initially he restricted to its advisory role.[3] However, further changes had taken place. The inclusion of Trinidad within the British trading system had brought a customs establishment and Vice Admiralty court.[4] Other offices had been created for reasons of convenience or patronage. Picton had appointed an attorney general to provide him with legal assistance.[5] Successive secretaries

---

1. Picton to Hobart, 4 Nov., 1801, W.O. 1/94.

2. E.g., Hislop to Castlereagh, 19 Dec., 1805, C.O. 295/11.
Leake and Erskine Report, 7 Jan., 1806, C.O. 295/15.
Castlereagh to Hislop, 4 Feb., 1808, C.O. 296/4/338.

3. Bathurst to Woodford, 21 June, 1813, C.O. 296/5/90.
Woodford to Bathurst, 15 Sept., 1813, C.O. 295/30.

4. Returns of all appointments, 1817, C.O. 325/15.

5. Picton to Hobart, 6 Feb., 1802, C.O. 295/3.

of state in their desire for patronage had appointed persons to places which existed in the old British islands but not in Trinidad, and since the emoluments of these officials were derived from fees, the practices of the British islands had to be introduced so that officials might receive their fees. For instance, there was a provost marshall whose deputy executed duties which belonged to a provost marshall in the old islands, thus in part assuming work which had previously belonged to the Cabildo and in part introducing practices new to the islands.[1]

Woodford's appointment ended eleven years of indecision and vacillation about how Trinidad was to be governed. The instructions to the governor were retained but no longer as a temporary expedient. Any change which was made was to take the form of adapting and improving what was already established. These decisions arose out of the circumstances of Trinidad but they were applied to the conquered colonies in the West Indies which were retained at the end of the war. When St.Lucia and the three Dutch colonies of Demerara, Essequibo and Berbice were ceded to Britain, the existing instructions were continued and the course followed of seeking a pragmatic solution of problems as they arose.

---

1. Castlereagh to Hislop, 26 Sept., 1809, C.O. 296/4/35.
Liverpool to Hislop, 22 Dec., 1809, C.O. 296/4/356.
See also Returns of appointments, 1817, C.O. 325/15.

Among these conquered colonies in the West Indies, St.Lucia received least attention. According to the Chancellor of the Exchequer, the only advantage of possessing the island came from its situation.[1] The French were deprived of a harbour to windward of British islands and the British gained one from which they could launch an attack on Martinique and Guadaloupe, the two most valuable French West Indian colonies which had been returned because "France ought to have something to lose by a maritime war."[2] At the end of the war successive governors represented the state of the island to be highly unsatisfactory. The claims made by the Cour d'Appel constituted the major problem. What was required was "a specific definition of the powers with which they are invested."[3] All Bathurst did was to send instructions to the governor copied from those prepared for Picton in Trinidad.[4] Nothing was done to define the powers of the Cour d'Appel and since the existing laws were to remain in force, the court continued to claim powers beyond those allowed to a court in Britain. Nevertheless, governors

---

1. Vansittart to Castlereagh, n.d. [1814], B.M. Add. MSS. 31231/

2. Ibid.

3. Stehelin to Bathurst, 4 May, 1816, C.O. 253/10.

4. Instructions to Seymour, 31 July, 1816, C.O. 381/69/10.

began to play a more active part in government. Complying with their instructions they summoned a separate council of advice and under their own authority made laws by proclamation. For instance, Keane's view of his legislative power appears to have been that he could make laws himself on matters not covered by the existing law but where a law existed it was necessary to proceed by means of an Order of the King in Council.[1.] Keane used his legislative power to appoint a government secretary as part of his concern to place the offices of government as nearly on a footing of those in other West India islands as laws and usages would permit.[2.] Changes in the existing law and in the administration of justice were urged on Bathurst by the governor and by merchants both in the island and in Britain,[3.] yet as he minuted "I doubt whether we know enough as yet of the existing law to decide on an alteration of it."[4.] Rather than make changes, Bathurst eventually adopted the expedient of appointing a trained lawyer as President of the Court

---

1. Keane to Woodford, 15 Aug., 1818, C.O. 254/3. Keane to Bathurst, 6 Sept., 1818, C.O. 253/12.

2. Ibid.

3. Keane to Bathurst, 6 Sept., 1818, C.O. 253/12; 11 Aug., 1819, C.O. 253/13; 1 Nov., 1820, C.O. 253/14; 26 Mar., 1822 (covering memorial from merchants), C.O. 253/16.

4. Bathurst memo. n.d. [after letter dated 26 June, 1819], C.O. 253/13.

instructing him to send proposals for changes in the form of draft laws.[1.]

In Demerara and Essequibo, by the time that Bathurst became Secretary of State, Carmichael had completed his reforms.[2.] To the single court ~~for the rivers~~ for the two rivers thus created, Bathurst appointed a president.[3.] Nothing was done to delineate the spheres belonging to the governor and president. The president assumed the duties which had previously belonged to the governor of presiding in the Court of Justice but disputes soon arose between them, as they had between Smith and Hislop, about their respective powers. Governor Murray and the Court of Policy assumed the rights of a governor and colonial council and assigned to the president and Court of Justice the judicial powers of a chief judge and court in the old islands;[4.] the president and Court of Justice, on the other hand, claimed, not simply the duty of adjudication, but that the right of advising in legal matters and the executive duties connected with the administration of justice continued to belong to them.[5.] President Henry,

---

1. Bathurst to Officer Administering, 8 Nov., 1824, C.O. 254/7/1.

2. See above, p. 153-5

3. Bathurst to Carmichael, 25 Nov., 1812, C.O. 112/4/232. Murray to Bathurst, 22 June, 1813, C.O. 111/16.

4. Bathurst to Carmichael, 20 June, 1813.

5. Minutes Court of Justice, 12 Mar., 1813, C.O. 111/18; 21 Oct., 1814, C.O. 111/19. Murray to Bathurst, 11 Dec., 1815, C.O. 111/20. Rough to Bathurst, 1 Mar., 1817, C.O. 111/124.

for instance, made representations against Murray's action in selecting from the nominations the persons to sit in the Court of Justice, he disputed the validity of the governor's instruction to the Fiscal to apprehend a man selling rum without a licence and protested when Murray instructed him how the law on mortgages was to be interpreted.[1.] Henry's successor, Rough, contested with Murray the control of appointments in the courts and the right to issue dockets of fees amongst other matters.[2.] Although these disputes resulted in the resignation of Henry and the recall of Rough,[3.] Bathurst failed to tackle the general problem. The documents in each dispute were referred to Britain and Bathurst settled the particular issues. The general tendency of these particular decisions was to assign to the judicature in the united colony the role and powers which belonged to the judicature in the old West India colonies. The governor was entrusted with the prerogative power of mercy;[4.] he

---

1. Henry to Bathurst, 5 Oct., 16 Nov., 1814, C.O. 111/19. Bathurst to Murray, 13 Oct., 1814, C.O. 112/4/314; 18 Feb., 1815, C.O. 112/4/317. Murray to Bathurst, 27 Nov., 1814, C.O. 111/19; 7 July, 19 Oct., 1815, C.O. 111/20. Goulburn to Henry, 16 Feb., 1815, C.O. 112/4/322.

2. Bathurst to Murray, 12 Dec., 1817, C.O. 112/5/58; 20 Aug., 1818, C.O. 112/5/115. Murray to Bathurst, 22 Sept., 12, 13 Oct., 18 Nov., 22 Dec., 1820, C.O. 111/30.

3. Goulburn to Henry, 14 Oct., 1815, C.O. 112/4/345. Bathurst to Rough, 17 May, 1821, C.O. 112/5.

4. Bathurst to Murray, 20 Aug., 1815, C.O. 112/5/112.

acquired the sole right of appointment since this belonged "more properly to the executive authority."[1] The Fiscal ceased to be subject to the authority of the Court of Justice and resembled more closely an attorney general.[2] On the other hand, the governor was told that a governor's powers "do not extend to a control over the judicial proceedings of the colony."[3] Five years later the same point was being made "your duties and those of the court are altogether distinct and separate."[4] Bathurst clearly felt that there ought to be a clear separation between the executive and judicature and he acted on the assumption that one existed. However, he could do no more than give directions when there were conflicts: the information was lacking in the office for Bathurst to provide a general yet precise delimitation.

The confusion which reigned in Berbice at the end of the war led to a considerable reform. The governor, Court of Policy and Civil Court were all in conflict over their relative powers and responsibilities. The civil court and governor had become embroiled over the question of who had

---

1. Bathurst to Murray, 20 Aug., 1818, C.O. 112/5/115.
2. Bathurst to Murray, 18 Jan., 1821, C.O. 112/5.
3. Bathurst to Murray, 18 Feb., 1815, C.O. 112/4/317.
4. Goulburn to Murray, 3 Apr., 1819, C.O. 112/5/151.

the right to appoint and dismiss the curator of the property of a minor. In the course of the dispute the civil court refused to conduct any business and then when the members did assemble they behaved in a way which led the governor to dissolve the court.[1] The procedure for filling vacancies in the civil court was for the members of the court to make nominations from which the governor selected[2] and in order to constitute a new court the governor had to alter the method of selection to one in which the Court of Policy made the nominations. Having effected this, Governor Bentinck became involved in a prolonged dispute with the Court of Policy. By 1815 the colonial finances were in a state of distress and a committee of the Court of Policy recommended that there should be economies in government, involving the discharge of a number of salaried officials, and that for the future all payments by the Receiver should be sanctioned by the court. Bentinck maintained that resolutions in council on the subject of revenue were outside the power of the council. The council retaliated. It had become the practice for supplies to be raised after a vote in the court and now they refused to authorise the taxes.[3]

---

1. Bentinck to Bathurst, summarised in Memo. 1824, C.O. 116/137.

2. See above. p 146

3. Bentinck to Bathurst, 7 Nov., 1815, C.O. 111/83; 30 Apr., 1816, C.O. 111/84.

At this point Bentinck appealed to Bathurst. The latter ordered the inhabitants to pay the taxes authorized by the Berbice Charter, dismissed the Court of Policy and appointed a new one under the authority of an Order in Council.[1.] At the same time Bathurst attempted to introduce a separation between the judicature and executive by appointing a president of the "Court of Justice".[2.] It was left to Bentinck to make sense of this by making Samuel president of the civil court and also of the Court of Policy when it was engaged in the administration of criminal justice.[3.]

In each of these colonies while Bathurst was Secretary of State, changes were made only in order to adapt or improve what was already established. Bathurst had no more intention of devising a new form of government for the other conquered colonies than for Trinidad. Nor did he initiate reforms. Practical experience was to show what needed changing and how this was to be done. Reforms had to be promoted from within the colonies. Such a course left Bathurst in the rôle of supervisor in these colonies as in the old colonies. Yet there was a similarity in the problems which arose in these different conquered colonies and Bathurst

---

1. Bathurst to Bentinck, 22 July, 1816, C.O. 112/8
11 June, 1817, C.O. 112/8 . Bentinck to Bathurst,
20 Aug., 1817, C.O.111/86

2. Bathurst to Bentinck, 5 Dec., 1816, C.O. 112/8.

3. Bentinck to Bathurst, 15 Aug., 1817, C.O. 111/86.

applied fixed principles and adopted similar expedients. As problems had arisen in the relations of governors and colonists, Bathurst had supported the governor and bolstered his authority. In each of the colonies he appointed a lawyer as chief judge, assuming apparently that there was a separation between the judicature and other branches of government and that by appointing a chief judge he was providing a check on any arbitrariness by the governor.

On the surface there appeared to be one major difference between Trinidad and the other conquered colonies. In Trinidad, according to Liverpool's decision, not only was the power of the Crown to legislate retained, it was decided that in practice legislation should be by Order in Council. On the other hand, in St.Lucia and the former Dutch colonies, the Crown retained its legislative power but nothing was done to restrict the power to make law which bodies or individuals exercised. In practice, such differences as existed were rather between Trinidad and St.Lucia on the one hand and the former Dutch colonies on the other. In Trinidad the governor, Woodford, took to legislating on his own authority by proclamation in the same way as the governor in St.Lucia. In the former Dutch colonies laws were passed in the Court of Policy in Demerara and governor's council in Berbice and thus local legislation was under the control of the colonists.

Bathurst gave no general direction to the governors in

conquered colonies on what matters were to be dealt with by means of local legislation and what by Order in Council. For the most part the choice was the governors'. Major reforms in the judicature and in the law Bathurst did intend should be made by Order in Council. It was for the chief judge to submit proposals in a form in which they could be incorporated in an Order in Council. Bigge, like Smith before him, was given the task in Trinidad. Jabez Henry in Demerara, Smith when he was appointed to Mauritius, and eventually Jeremie in St.Lucia, did likewise. Their submissions brought a return of the predicament which had existed in relation to the government of Trinidad before 1812. Major changes were proposed - in Demerara, for instance, the introduction of the whole English criminal law and in Mauritius a new Charter of Justice[1]. - but, as in St.Lucia, insufficient was known in the Colonial Office for the recommendations to be approved. Bathurst, as a result, found ways of avoiding coming to a decision.

The legislative power of the Crown had been retained due to the pressure of humanitarians in Britain. Stephen had worked to prevent the introduction of British law and institutions because he saw that this would have adversely

---

1. Bathurst to Murray, 5 Sept., 1816, C.O. 112/4. Henry to Goulburn, 27 Dec., 1816, C.O. 111/22. Farquhar to Bathurst, 26 Nov., 1814, C.O. 167/21. Bathurst to Farquhar, 9 Apr., 1816, 1 Mar., 1817, C.O. 168/3.

affected the slaves and free coloureds. He wished also that Trinidad should be treated as an island of experiment: an island in which the merits of free labour were demonstrated. But by the end of the war not only had Stephen ceased to be closely associated with the Colonial Office, he had for a time lost his interest in the government of Trinidad. A British constitution had been denied the island and, in the pursuit of his other ends, he no longer relied on the direct intervention of government. The merits of free labour - or demerits as West Indians said - were being demonstrated on Crown estates in Berbice.[1] Furthermore, Stephen did not look to direct government intervention but to actions arising from the self interests of the planters for improvements in the conditions of the slaves.[2] Government was left, therefore, with the duty of preventing bad government but it had no positive rôle.

---

1. Report of the Commissioners appointed to inquire into the management of the Crown estates in Berbice. P.P. 1816 (509, 528) VIII, 409, 457. J. Marryatt, An Examination of the report .... . Wilberforce and Stephen were two of the commissioners and Z. Macaulay was secretary.

2. See below, p. 217-8

Chapter VI

THE DEMAND FOR SUPERVISION AND DIRECTION OF THE COLONIAL GOVERNMENTS

At the end of the Napoleonic War the old colonies in the West Indies continued to be governed as at its start. Difficulties which had arisen in the relations of Britain and Jamaica had not been sufficient to bring a revision or clarification of this relationship. Yet it had been decided that the old representative system was not to be introduced in the newly conquered colonies. Nevertheless, it had not become the practice for the Imperial Government to direct the government of these colonies. Stephen had started by advocating that Parliament should be the instrument for governing Trinidad and should rule it in a way to demonstrate the merits of free labour, but by the end of the war he no longer had a positive rôle for Parliament or the Imperial Government. This was only a stage, however, in the development of the ideas of the humanitarians. The failure of colonists to act in accordance with what was seen as their own interests led the Saints to demand that the Imperial Government should adopt a positive policy which involved interfering in the internal affairs of the West India colonies.

During the 18th century individuals had on occasion condemned slavery and the slave trade. Until the 1780's, however, there had been no attempt to convert beliefs based on moral precepts or expediency into legislative provisions, but in 1783 the Society of Friends turned from disciplining Quakers who indulged in the slave trade to promoting general regulation and prohibition by Parliamentary action. Leading Quakers were joined by others who had a similar aim in view, and in 1787 a Committee was formed to promote the cause of abolishing the slave trade. In the following year the previously intermittent political agitation was concerted into an effort to persuade members of Parliament to regulate and abolish the traffic in slaves.[1.]

The humanitarians who came forward to lead the campaign were mocked by contemporaries as the 'Saints'. To a later generation they were known as the Clapham Sect. This group, the chief among whom came to live in the 1790's in Clapham, had never the exclusiveness of a sect, yet it possessed a community of purpose.[2.] In pursuit of their causes the "very sun of the Claphamic system"[3.] was William Wilberforce.

---

1. F.J. Klingberg, The Anti Slavery Movement in England, p. 22-74.

2. J. Stephen, Essays in Ecclesiastical Biography, vol.II, pp. 287-383. E.M. Howse, Saints in Politics, pp. 15-27.

3. Stephen, op.cit., vol.II, p. 194.

Well connected and wealthy, witty, eloquent, a figure in demand in society, Wilberforce was the centrepiece. He had a power for friendship, the sincerity of his religious and moral beliefs carried conviction, the standards he maintained himself and preached to others brought him to be regarded as keeper of the nation's conscience. Wilberforce gave respectability to the group's enthusiasm.[1.] Other members - Zachary Macaulay,[2.] once a book-keeper on a West Indian estate, self-effacing, industrious, a mine of information; the fiery, impetuous, West Indian lawyer, James Stephen;[3.] Henry Thornton, the generous son of a self-made banker;[4.] William Smith, chairman for twenty seven years of the London Dissenting Deputies[5.] and others - these treated and presented Wilberforce as leader. With Wilberforce at their head, these humanitarians were a power in politics. They were not a party and those in Parliament - there were never more than a dozen - formed a coherent group only on moral issues.[6.] On such matters they were a force and the chief of these matters was the slave trade.

---

1. R. Coupland, Wilberforce.
2. Viscountess Knutsford, Life and Letters of Z. Macaulay.
3. See above, p.170
4. Howse, op.cit., pp. 15-16.
5. B.L. Manning, The Protestant Dissenting Deputies, pp. 40, 56.
6. M. Roberts, The Whig Party, pp. 334-5.

The Saints held moral and religious principles which contradicted the trade in slaves and ultimately slavery itself. They had a high estimate of man and considered all men by nature equal; they regarded restraints on man's liberty as contrary to his natural rights and as corrupting his natural goodness. They believed, moreover, that they had a personal responsibility to bring about moral and religious regeneration. Their religious convictions inspired them with a zeal to achieve their ends as part of the reform of society and extension of God's kingdom.

With most this zeal did not prevent them from being intensely conservative. The regeneration of individuals had to be achieved without disturbing the existing social order. Indeed a merit of reform was that it bolstered the natural pattern of society. The Christianity, which Wilberforce urged, rendered "the inequalities of the social state less galling to the lower orders,"[1.] it instructed them to be "diligent, humble, patient: reminding them that their more lowly path had been allotted to them by the hand of God."[2.] Similar advantages were anticipated from instructing the slaves in Christianity.[3.] Most of the Saints were reformers

---

1. Coupland, op. cit., p. 240.

2. Ibid.

3. E.g., J. Ramsay, An Essay on the Treatment and Conversion of African Slaves ...., p. 3.

for whom it was essential to maintain existing authorities.

Until the end of the Napoleonic Wars the humanitarian leaders sought simply the effective abolition of the slave trade. Its wretchedness made the trade a wrong in itself and abolition constituted the only adequate solution. The Saints abhorred also the effect the trade was supposed to have on negroes in Africa. It encouraged barbarism and prevented the growth of civilization in the interior of Africa. It was conceived, moreover, that abolishing the trade would have a beneficial effect on conditions in the West Indies. Abolition was a way of forcing the white colonists to ameliorate the conditions of the existing slaves. By abolishing the slave trade the planters would be forced to rely for their labour on the slaves who were already in the West Indies and for the future they would be compelled to depend on slaves born in the islands. Such a dependence was assumed to conduce to a better treatment of the slaves. They could no longer be regarded as readily expendable: new slaves from Africa could not be obtained to replace those who had died as the result of inadequate care, overwork and brutal treatment. The slaves themselves, isolated from the influence of newly imported negroes, would rise progressively to a higher state of civilization with the assistance of instruction from teachers and preachers. Abolishing the slave trade was expected to achieve through the operation of

economic interest the improvements in the state and conditions of the slaves which otherwise would require direct legislation.[1].

The mass of members of Parliament came to recognize that the slave trade was immoral but limiting or abolishing it conflicted with the national interest. After the initial flood of pamphlets and spate of Parliamentary speeches few denied that the slave trade was an evil needing some remedy. Men imbued with the same enlightened values as were current among humanitarians accepted that slavery and the slave trade were wrong once the grim realities of its existence were forced to the public's attention. Yet the desire for reform conflicted with the national interest because the wealth and power of the nation was accepted as being connected with her empire. There was, moreover, a widespread interest in West Indian property through the ownership of plantations, through mortgages sanctioned by Acts of Parliament and through investment in African and West Indian trade. Just as humanitarians were organized in a society for directing the campaign so opposition was coordinated by leading merchants and planters and the agents of the colonies through the society of West India planters

---

1. See particularly, Wilberforce, 12 May, 1789, Parliamentary History, XXVIII/41 ; 18 Apr., 1791, ibid., XXIX/250.

and merchants.[1.]

In 1792 Dundas had found a generally acceptable compromise which he embodied in resolutions. The slave trade was to be regulated in order to remove the worst abuses, and recommendations were to be made to the West India legislatures which were designed to make the trade unnecessary.[2.] But the West Indian legislatures declined to cooperate. If there was to be any legislation this had to be passed by the Imperial Parliament. In the following year the revolution in France, emancipation of slaves by the French convention, the slave revolution in San Domingo, war between Britain and France, these and other events served to increase apprehension about the wisdom of legislating on the subject of the slave trade; but sympathy for regulation returned and eventually, in 1807, during the Ministry of All Talents, an Act was passed.[3.]

The Abolition Act[4.] was claimed to be a measure of trade regulation. There was here a two-fold convenience. It was claimed - not without contradiction from Jamaica[5.] -

---

1. Klingberg, op.cit., p. 89.
2. 23 Apr., 1792, Parliamentary History, XXIX/1203.
3. Klingberg, op.cit., p. 97-130.
4. 47 George III, c.26.
5. See above, p.

that the Act did not interfere with the internal government nor therefore infringe the constitutional rights which the colonists asserted. The claim also allowed for the enforcement of the Act to be kept away from colonial courts and officials and entrusted to the customs officers and Vice Admiralty Courts.[1.]

Once the Act was in operation humanitarians worked to advance further the causes in pursuit of which the Act had been passed. "They had put an end to the trade which checked, or rather blasted in its bud, the improvement of the African continent but they were disposed to view this only as the removal of an impediment to their further operations ... "[2.] A meeting was held in April 1807 "for the purpose of concerting means for improving the opportunity presented by the abolition of the slave trade for promoting innocent commerce and civilization in Africa"[3.] and in consequence the African institution was formed.

The condition of the slaves in the West Indies took third place to the state of Africa and the effective abolition

---

1. 47 George III, c.36, s.7, 15. Castlereagh, Circular, 11 Apr., 1808, C.O. 324/103/178.

2. [Brougham], Edinburgh Review, January 1810, p. 487.

3. Christian Observer, 1807, p. 270, printed in Howse, op.cit., p. 138.

of the slave trade with all the leading humanitarians except James Stephen. Other leaders waited for the benefits in the West Indies which they anticipated from abolition. In 1804, the year he joined the other leaders of the cause, Henry Brougham had written that if the slave trade was "once adopted there needs no further interference with the structure of colonial society or the concerns of West Indian proprietors. Everyman may now be left to pursue his own interest in his own way. Few will continue so insane as to mal-treat and work out their stock when they can no longer fill up the blanks occasioned by their cruelty, or their inhuman and shortsighted policy ... In a very few years all the negroes in the West Indies will be creoles and all the masters will treat them with ~~the~~ indulgence for their own sakes ... the labour of the negroes will be much more productive and will in some degree resemble the industry of freemen; the negro character will be improved."[1.]

However, within two years of the passage of the Abolition Act, Wilberforce wrote to a leading West India merchant "It has grieved me not a little to hear that the planters in the West Indies are not at all proceeding to make such improvements in their system as their new situation requires."[2.]

---

1. H. Brougham, A Concise Statement, p.

2. Wilberforce to Manning, 18 Oct., 1809. R.&.S. Wilberforce, The Life of William Wilberforce, vol.III, p. 481. See also letter to Macaulay, ibid.

Nevertheless, Wilberforce did not look to government action to bring about further improvements. He trusted to influencing West Indian proprietors in Britain to bring about beneficial reforms within the colonies. They could reveal to colonists that through their blindness they were frustrating the very developments which would serve their own interests. He trusted, also, to the great benefits which would come from a spread of Christianity.[1.]

With such views Stephen disagreed. "Stephen," Wilberforce wrote, "ascribes so much less than I do to the effects of encouraging marriage etc. He however will I trust push his own improvements through the medium of Trinidad."[2.] Stephen's attention was concentrated on the West Indies. After the slave trade was abolished, he was continuing his struggle to prevent the introduction into Trinidad of British laws and a form of government on the model of that in the old colonies. He also came to press for the adoption of a scheme for registering all slaves in the island. It was in pursuit of the former that Stephen had directed Liverpool's attention to the case of Huggins in Nevis, and Liverpool had first ordered an inquiry and then publicised Elliot's report as a way of answering the demands

---

1. Ibid.

2. Life of Wilberforce, p. 482.

for British laws and institutions for Trinidad.[1] The exposure of Huggins' unpunished bestiality was followed by the report of the even more brutal and disgusting behaviour of Hodge, a planter in Tortola.[2] As a result, the attention of other humanitarians was redirected to the internal affairs of the West Indies. In December 1810, Wilberforce noted, as one matter for action and deliberation, "to watch over the case of Huggins at Nevis and the proceedings against his official abettors."[3] In 1811, for the first time, the African institution adverted to the internal affairs of the West Indies in its Annual Report. In the following year an account of the behaviour of Huggins and Hodge ended with the comment "the directors believe that the necessity of reform in the administration of our West India colonies is strongly felt not only by the public but by the persons connected with those islands who can no longer shut their eyes to the consequences of the system which has been established there."[4] In the Edinburgh Review, for the first time since 1807, Brougham was led by the cases to write about the condition of the slaves and the conduct of the

---

1. See above, p. 94, 188
2. Report of African Institution, 1812, p. 14.
3. 3 Dec., 1810. Life of Wilberforce, vol.III, pp. 484-5.
4. Report of the African Institution, 1811, p. 326.

government in the West Indies. He recommended that the Imperial Government should conduct administration in the colonies with vigour, and he urged also that certain amendments of the existing laws should be obtained from the colonial legislatures.[1]

In 1812 Stephen gained the support of his colleagues for a measure introducing a general registration of slaves.[2] Such registration was to be the way of achieving the improvements which had been expected from the Abolition Act. Under the plan a record was to be made of all slaves in the colonies and in succeeding years owners were to make a return of any changes which had taken place.[3] Since the absence of a name and description from the register was to be proof of freedom, the illicit import of slaves would be prevented. This, however, was a subsidiary object of the act, the main advantage was "its direct and infallible tendency to improve the condition of the negroes." The

---

1. Edinburgh Review, Nov., 1811, pp. 148-9. The incidents had a similar effect on Z. Macaulay (Macaulay to Brougham, 15 Oct., 1811, Brougham Papers), and the Quakers adverted to slavery at their yearly meeting in 1812 for the first time since 1807 (Epistle from the Yearly Meeting held in London May 1812)

2. 6 Jan., 1812. Life of Wilberforce, vol. IV, p. 3. They had already supported Stephen's proposal for a measure to be introduced into Trinidad, see above, p.184

3. [J. Stephen], Reasons for Establishing a Registry of Slaves in the British Colonies, pp. 70-78.

largest share of the miseries of slavery proceeded, in Stephen's view, from the misuse of discretionary private powers and what was required was a way of making it in the self interest of the planter to stop behaving oppressively. In spite of this lack of improvement he argued that abolishing the slave trade remained a "single sufficient mean" to the end, not only of improvement but of final emancipation.[1.] This had not become evident as yet because, although the trade was abolished, the planters had not changed their outlook. So long as planters thought it possible that the act might be evaded there would be no such change: if they thought it possible to secure replacements the planters would continue under the delusion that improved treatment of their slaves was unnecessary. Only when they realised that the traffic was extinguished would planters turn to the "breeding system" and pass remedial laws.[2.] Moreover, by requiring that in the annual returns any changes should be explained, atrocities such as those perpetrated by Hodge would be exposed.[3.]

The scheme of registration was a way of avoiding direct interposition of the government to secure amelioration. The Saints wished the act to be passed by the Imperial Parliament

---

1. Ibid., pp. 9, 12-13.

2. Ibid., passim. Also [Brougham], Edinburgh Review, Oct., 1815, pp. 319-339.

3. [Brougham], op.cit., pp. 338-9.

and they denied that there was any such limit on the legislative power of Parliament as colonists claimed.[1] The power, however, was to be used to enable the incentive of self interest to operate and bring the improvements in the conditions of the slaves on which they were determined. "What are the means then that can be devised for the attainment of a reformation ... it must either be accomplished by direct legislation, accompanied by coercive sanction or by such Parliamentary measures as may incline those who have the power of ameliorating the lot of the slaves to engage willingly in that beneficial work."[2] The only alternative to the expedient of registration was direct government intervention to achieve amelioration.

Although the Saints decided to press for a Registration Act in 1812, they delayed till 1815 before launching a campaign.[3] By then the measure was regarded as the more necessary because in the Treaty of Paris colonies were returned to France without any stipulation being made that the slave trade to these colonies was not to be resumed. As a result there was a danger of slaves being smuggled into the British

---

1. [Stephen], op.cit., pp. 106-7. [Brougham], op.cit., pp. 342-3.
2. [Stephen], op.cit., pp. 4-5.
3. R.L. Schuyler, Parliament and the British Empire, p. 121.

islands.[1] However, when Wilberforce proposed a motion in the House of Commons to bring in the Bill, Castlereagh urged the postponement of further proceedings on the ground that it was inexpedient for Parliament to act when it might be possible to induce the colonial legislatures to pass a law themselves.[2] The Bill was printed but no further action was taken on it.[3]

In the ensuing months West Indians organized opposition to the Bill. In Britain, meetings were arranged and pamphlets published and circulated. "Great diligence is used in cultivating support for us in Parliament and I am glad to say that we make much progress" the Jamaica agent wrote.[4] Moreover, the standing committee of the West India planters and merchants advised the West Inida legislatures to protest against the measure and the latter passed strongly worded resolutions in criticism of the proposed bill.[5]

---

1. [Stephen], op.cit., p. 21.
2. 13 June, 1815, P.D., XXXI/772, 784-5.
3. Schuyler, op.cit., p. 123.
4. Agents Letters, 1814-24, printed in Schuyler, op.cit., p. 129.
5. Report of Joint Committee (Antigua), 17 Sept., 1816, C.O. 7/2. Resolution of House of Assembly, Barbados, 17 Jan., 1816, C.O. 28/85, printed in V.T. Harlow and A.F. Madden, British Colonial Developments, p. 551. Journals of House of Assembly, Jamaica, vol. XII, p. 696.

The primary ground of opposition to the Bill was that it constituted an interference with the rights of the colonists. An act of the Imperial Parliament was intended to be used to regulate the internal affairs of the colonies and what was more, the requirement that a fee should be paid to the registrar amounted to internal taxation. The opposition was the more decided because the Bill was seen as "a commencement of a new system ... the new system of invading the legislative rights as the prelude to the ulterior measure of emancipating their slaves."[1]. Stephen had stated that emancipation was the ultimate aim but regarded registration as the means of achieving it. West Indians in Britain and the colonies regarded the premises on which the Bill was constructed to be false. There was no evidence for the belief that there were illicit imports of slaves and they controverted the circumstantial evidence which Stephen produced. Moreover, one of the assumptions behind the idea that by abolishing the slave trade it became the interest of the planter to improve the condition of the slaves and work for emancipation was that free labour was more productive than that of a slave. To the Saints this was self-evident - God would not have ordained otherwise -

---

1. J. Marryat , Thoughts on the Abolition of the Slave Trade, p. 217.

but planters took the opposite for granted.[1]

The colonists centred their rejoinder to the Saints around their constitutional rights and in stating the extent of these the Jamaicans introduced a new claim. When the subject of the Saints' Bill was raised a Committee of the Assembly presented a series of resolutions "declaratory of what they consider to be the Constitutional and inalienable rights of the inhabitants of Jamaica ... "[2]. The first of these declared that British subjects in Jamaica "had of right all the liberties and immunities of free and natural born subjects" and so long as no representatives were called to sit in Parliament they "have enjoyed and ought of right to enjoy ... a distinct and entire civil government of the like powers, preeminence and jurisdiction within the said island, as are established in the British Government in respect of the British subjects within the realm which government according to the Constitution of Jamaica, is composed of his majesty, the King of Great Britain and Ireland, and lord of

---

1. J. Marryat, Thoughts on the Abolition of the slave trade; More thoughts; More thoughts still. G. Chalmers, Proofs and demonstrations how much the projected registry of colonial negroes is unfounded and uncalled for. G.W. Jordan, An examination of the principles of the slave registry bill. G. Mathison, A short review. For view on superior productivity of free labour see The Correspondence between John Gladstone Esq. M.P. and James Cropper Esq. on the present state of slavery. J. Conder, Wages or the Whip. Anti slavery Monthly Reporter, No. 17, Oct., 1826.

2. 31 Oct., 1815, Journals of House of Assembly, vol. XII, p. 696.

Jamaica, the council appointed by his majesty, and the representatives of the people, freely elected and met in general assembly."[1] Reflecting arguments used during the American Revolution,[2] the colonists claimed that Jamaica was a distinct state which was united with Great Britain and Ireland under the same King. Ministers no more than Parliament, had any right to interfere in the colony's internal affairs.

"The stream runs strongly against us,"[3] Wilberforce noted in his diary in 1816. West Indians had built up opposition, the Saints feared that many of their own supporters would regard the Bill as unnecessary, in particular if Spain abolished the trade, and there was a general lack of enthusiasm in the circumstances immediately after the war.[4] Wilberforce was prepared, therefore, to accept a compromise. In a conference between the supporters and opponents of the measure, he agreed to allow the West India legislatures the opportunity to pass measures, and, only if they failed to act, would he introduce a measure himself.[5]

---

1. Ibid.
2. M. Beloff, The Debate on the American Revolution, pp. 157-179, 186-8.
3. Life of Wilberforce, vol. IV, p. 282.
4. Ibid., vol. IV, pp. 286-307.
5. Schuyler, op.cit., pp. 129-30.

Bathurst, the Secretary of State, accepted this compromise and sought to give effect to it. In a meeting with the colonial agents he informed them that he proposed to instruct the West India governors to recommend to their legislatures the enactment of Registry Bills, and provided the legislatures cooperated, Wilberforce would withhold his Bill.[1] Bathurst explained his course to Parliament - "it was the intention of the government to recommend in the most earnest manner to the colonial legislatures the adoption of some measure or other calculated to answer the purposes of the Slave Registry Bill ... He did not deny the right of the British Parliament to bind the colonies by such a law, but it would be very indiscreet to act upon that right unless in cases where the object could not be accomplished by any other method."[2]

By 1820 in each of the West India colonies local slave registration acts had been passed and a central registry for collecting the colony registers had been established in London by an Act of Parliament.[3]

The way the registration measure had been left to be passed by the colonial legislatures was regarded by the colonists as a vindication of their claims. The colonists had met the Saints' proposals for an Imperial Act by stating

---

1. Ibid.
2. 30 May, 1816. P.D. XXXIV/910.
3. 59 George III, c.120. African Institution, A Review of the Colonial Slave Registration Acts, p. 4.

their view of their rights. The proposed act infringed their right to an exclusive control over internal legislation and even, as the Jamaicans claimed, of internal government. Having stated their case, it had been left to them to pass their own Registration Acts.

Bathurst appears to have taken a different view to the West India colonists. He had achieved what he sought within the limits of what he regarded as the desirable relations between the Imperial and colony governments. Bathurst had expressly disavowed the colonists constitutional claims. The forbearance from not introducing the Registry Bill again, Bathurst wrote to the governors "has not arisen ... from any doubt ... of the right of Parliament to require a registration of slaves in the colonies, or to enforce obedience to such a provision."[1]. Yet it had not proved necessary to resort to this power. A compromise agreed between the political interests in Britain had proved acceptable to the colonists.

This success confirmed Bathurst's belief in the rightness of his existing policy. He had no desire to conduct a more forceful one. Bathurst was an unenthusiastic, unambitious and likeable man. "His friends speak of him

---

1. Bathurst Circular, 28 June, 1816, C.O. 29/30.

as a man of superior talents of which however he has not given the world much opportunity to form a judgment."[1.] An acceptable member of society and a wit, he was also "a man of business attentive to the duties of his important office."[2.] As a minister he regarded himself as an administrator. He was unsympathetic to change; in his politics Palmerston described him as "an old stumped up Tory",[3.] yet he was not himself intolerant or dogmatic; he could be convinced by argument of the need for change. He was as Greville put it, "greatly averse to changes but unwillingly acquiescing in many."[4.] Nor was Henry Goulburn, Bathurst's undersecretary, more forceful. Bathurst had a high regard for him as undersecretary. Hard working and methodical, conducting the office business was the limit of his concern with the colonies.

To Bathurst the way to secure changes in the colonies was through the influence of West Indians in Britain and that of governors in the colonies. Bathurst was concerned that

---

1. Sir Egerton Brydges, quoted in Cockayne's Complete Peerage (New ed.), vol. II, p. 31 n.

2. Times, 29 July, 1834.

3. E. Ashley, Life and Correspondence of Lord Palmerston, vol. I, p. 102.

4. C.C.F. Greville, Memoirs (1888 ed.), vol. III, p. 118.

5. Liverpool to Talbot, 27 May, 1818, B.M. Add. MSS. 38272/34. Harrowby to Bathurst, 24 Nov., 1821, H.M.C. Bathurst, p. 522.

the conditions of the slaves should be improved and that more should be done to give them the benefits of religious instruction, but he was not prepared to interpose government authority to advance these ends. He tried to promote particular changes through contact with West Indians. For instance, he supported a visit to St.Vincent made by Joseph Jackson, the Member of Parliament for Southampton, for the purpose of securing legislation within the colony to erect churches and ameliorate the conditions of the slaves.[1.] Extending all the privileges of whites to free coloureds, changing the day for negro markets from Sunday and in general urging a better observance of the Sabbath, supporting dissenting preachers; these were among the courses which Bathurst recommended to governors.[2.] He also sought reforms in the organization of the church in the West Indies. In the conquered colonies of Trinidad and St.Lucia, the population was predominantly Roman Catholic and after the war the British government induced the Pope to erect a separate province for the British colonies, and a bishop was appointed to reside in Trinidad.[3.] Bathurst urged the

---

1. Jackson to Bathurst, 3 Oct., 1814, C.O. 260/31.

2. Bathurst to Morrison, 3 May, 1813, C.O. 138/44/157.
Bathurst to D'Urban, 16 Aug., 1821, C.O. 393/1/127.
Bathurst to Manchester, 30 Nov., 1815, C.O. 138/44/220;
11 May, 1819, C.O. 138/47/169.

3. Bathurst to Woodford, 22 July, 1816, C.O. 296/5/282.
Goulburn to Hamilton, 20 July, 1816, C.O. 319/21/44.
Poynter to Bathurst, 15 Sept., 1817, C.O. 323/187/437.
Bathurst to Poynter, 18 Sept., 1817, C.O. 319/21/305.

Jamaicans to follow the example of the Roman Church and make sufficient money available to finance an episcopal organization in the island. "I feel too strongly the advantage which that church must derive from this measure not to be anxious to place the Church of England in the colonies on a similar footing of respectability."[1]. The Jamaican Assembly, however, was opposed to the establishment of a bishopric[2]. and Bathurst simply acknowledged that such an arrangement would have to await a change of attitude amongst the colonists. "We cannot move in this without the assistance of the West India planters etc.; and I am afraid they are not now in a way of being liberal."[3]. Much good could be anticipated from reorganizing the church but this, like other reform, was a matter for the colonists. Bathurst counselled Parliament against impatience: reforms "would best be obtained by giving time to the colonial legislatures to mature the measures they were disposed to adopt."[4]. In the meantime he continued to conduct the correspondence as though the government of the colony was the responsibility of these governors.

---

1. Bathurst to Manchester, 6 Feb., 1819, C.O. 138/47/154.
2. Manchester to Bathurst, 17 Apr., 1819, C.O. 137/148.
3. Anon to Goulburn (endorsement), 22 Oct., 1821, C.O. 137/152.
4. 4 Mar., 1819, P.D. XXXIX/852.

While the colonists and the Secretary of State had been drawing their different conclusions from the way registration acts were passed, the Saints had formed yet another opinion. In their view the episode proved the hopelessness of trying to work through the colonial legislatures. They anticipated little of benefit from the colonial acts which were passed.[1] There was no prohibition on slave owners being appointed as registers; even where a new position of register was created insufficient remuneration was provided, nor was he given a separate office; there were no stipulations that the returns were to be copied into suitable books; the descriptions which were to be made of slaves were inadequate; and the colonial legislatures had wholly rejected the self-executory principle of the Trinidad order that proof of a negroe's slavery depended on an entry in the register,[2] "no punctual or permanent execution of the laws for registering slaves could rationally be expected from such ordinary sanctions as civil remedies to be prosecuted or penalties recovered, in the colonial courts."[2] In all, the colonial assemblies had "justified the apprehensions of the Board ... that the work if left to them certainly would not be done."[3] The colonial registration acts were

---

1. African Institution, A review of the colonial slave registration acts.
2. Ibid.
3. Ibid.

inadequate. "Henceforth the only question," the directors of the African Institution reported, "can be whether a measure ... shall be carried into execution by the authority of the British Legislature, or wholly and openly abandoned."[1.]

After the war, however, circumstances in Britain made it inopportune to press Parliament for legislation. Victory was followed by disillusionment. Unemployment and popular discontent were the pressing problems. "When Parliament meets," Wilberforce wrote to Macaulay, "the whole nation ... will be looking up for relief from its own burdens."[2.] Members of Parliament could spare little attention for the sufferings of the slaves and the Saints had to avoid giving the impression that they lived in a world of their own of which the condition of England formed no part. It remained necessary for the Imperial Parliament to intervene in the colonies in order to establish an effective system of registration but circumstances made it impolitic to press this on Parliament.

Nevertheless, the Saints were not precluded from pressing for the active conduct of government. Even if it was inopportune to seek legislation they could enquire into the workings of government and stimulate the Secretary of State

---

1. Ibid., p. 138.

2. 27 Jan., 1817, Life of Wilberforce, vol. IV, p. 307.

to greater activity. The cases of Huggins and Hodge had led Brougham to write "much might be effected by a vigorous and zealous administration of the island, watched, encouraged and supported by the government at home."[1] In subsequent years the Saints called for reports in Parliament on conditions in the colonies and exposed the conduct of colonists and officials. Humanitarians demanded an inquiry into the conduct of Governor Ainslie in Grenada and Dominica.[2] Romilly moved for a select committee to consider the papers presented to Parliament showing the treatment of slaves and the working of justice in Nevis.[3] On these and other occasions, by exposing the behaviour of officials and failures of justice, the Saints tried to encourage the direction of the colonial governments by the Imperial government in order to improve the conditions of slaves.

The Saints' pressure for supervision came at a period when administration was being reorganized. At the end of the 18th century many of the most lucrative positions in the West Indies had been granted to men for reasons which rarely included the effective execution of the duties of the office. The work was done by a deputy. The emoluments of office

---

1. Edinburgh Review, Nov., 1811, pp. 148-9.

2. 25, 27 Apr., 1814, P.D. XXVII/522, 575. 2 June, 1815, P.D. XXXI/596.

3. 22 Apr., 20 May, 1818, P.D. XXXVIII/298, 841.

came primarily from fees and perquisites and the system largely regulated itself: the receipt of fees depended on the execution of duties. In Britain a comparable system had existed but since the American Revolution reform had been taking place. There was a long standing suspicion that the patronage system was being enlarged and this was reinforced by criticism of the waste, inefficiency and expense of public departments. In the course of the ensuing enquiries certain basic criteria had been stated for judging all offices.[1] An office existed for the advantage of the public "if the Good of the Community requires a Diminution or Annihilation of the Business of this Office or transferring it elsewhere, the Officer cannot oppose to the Regulation the Diminution or Annihilation of his Profits because not the emoluments of the Officer but the Advantage of the Public was the Object of the Institution; ..... to suppose the Office created for his Benefit that is to suppose it to originate in a Violation of public Trust, an Abuse of Power, an Offence against the State."[2] In a later report on the customs principles were advanced which it was maintained ought to be applied to all offices. "No Office should be

---

1. For the beginnings of administrative reforms, see J.E.D. Binney, British Public Finance and Administration, pp. 7-19.

2. Reports from the Commissioners on Public Accounts, 11th Report, 1783. H.C.J., vol. XXXIX, p.779

holden by Legal Tenure; Secondly Every Office should have a useful Duty annexed to it; Thirdly, Every Officer should execute, himself, the Duty of his Office; Fourthly, Offices where the Duty was of the same Kind should be consolidated."[1]. Offices were to be conducted efficiently and for the good of the public. The Commissioners had recommended, furthermore, that official business should be done in offices by salaried officials who received no fee or other reward. "Salaries should be annexed to the office"[2]. and the official who presided should retain his existing control although he no longer paid the salary of subordinates. In fact, if officials were to be remunerated by salaries the execution of their duties would depend on the supervision and control of superior officials.

The investigatory committees proceeded on the principle that the aim was to reduce public expenditure and for this reason committees, which reported in 1808 and 1810, doubted whether the Civil Establishments in the colonies came within their sphere of interest.[3]. However, certain practices exposed by Parliamentary committees were regarded as being wrong in themselves and when it was a form of appointment or

---

1. Ibid., 14th Report, 1785. H.C.J., vol. XLI/p.18

2. Ibid., 6th Report, 1782. H.C.J., vol.XXXVIII, p.714.

3. 3rd Report from the Committee on Public Expenditure. P.P., 1808 (331) III, 112. 1st Report from the Select Committee on the Resolutions of the House on the 3rd Report from the Committee on the Public Expenditure. P.P., 1810 (135) II, 353.

a type of place it did not make it any more right or exempt from censure simply because it was in the colonies or paid by funds outside the control of Parliament.[1] The wrongfulness of existing practices, the merits of efficiency and public utility and payment, not for doing particular stipulated tasks, but for executing the general duty of the position; these became part of the common currency of ideas and they served to strengthen the Saints' criticisms.

The movement for economical reform also had a direct effect on the colonies. The impetus for reform had declined at the end of the Revolutionary War but during the Ministry of All Talents it revived.[2] There was a new demand that expenditure should be controlled more stringently and that the influence of the Crown should be curtailed. After initially treating colonial patent places as beyond their sphere, the Parliamentary Committees turned their attention to the colonies and reported on them in 1810, 1811 and 1812.[3] In the outcome a Bill was passed to prevent offices in the colonies being held by absentees.[4] The act was to apply only to appointments made subsequent to its passing but on

---

1. 1st Report, op.cit. 3rd Report, P.P., 1812 (181) II, 191.

2. M. Roberts, The Whig Party, pp. 183-5.

3. 1st and 3rd Reports, op.cit. 2nd Report, P.P., 1810-11 (246) III, 961.

4. 22, 28 Mar., 18, 25 Apr., 6 May, P.D., XXVI/339, 365, 434, 522, 731.

these officials residence was required.[1.]

Bathurst enforced the act. The measure gradually achieved what it was designed to do: it was more than twenty years before the last patentee died,[2.] but, as vacancies occurred, Englishmen were appointed and compelled to reside. The measure also had an unintended effect, however. Although the emoluments of some offices amounted to no more than a pittance,[3.] Englishmen continued to apply for them, and as they were appointed and came to reside they replaced colonists who had previously filled the offices by acting as the deputies.[4.]

The Saints pressed for effective supervision and a vigorous conduct of government in the colonies, yet in doing so they were assuming a different relationship between the Imperial and colony governments from that held by Bathurst. These contrary views came to the surface in 1821 in relation, as in the cases of Huggins and Hodge, to an example of perverted justice.

---

1. 1st. Report from the Select Committee on Finance, P.P., 1817 (159) IV, 23.

2. Report of Select Committee to inquire into sinecure offices in the colonies, P.P., 1835 (507) XVIII, 441.

3. Smales to Bathurst, 25 Feb., 1815, C.O. 152/105. Wilkins to Bathurst, 25 Nov., 1815, C.O. 152/105.

4. Register of colonial applications, 1820-3, C.O. 325/21. Applications for colonial appointments, 1823-5, C.O. 323/118-121.

At the end of 1819 the Attorney General of Tobago, Benjamin Capper, arrived in England with the details of six cases concerning free coloureds and negroes where he considered there had been a failure of justice. Bathurst had sent Capper out from England at the beginning of the year at the request of Governor Robinson after the latter had found effective administration of justice to be hampered by the monopoly which two colonists had of all legal business within the colony.[1] When Capper arrived in the colony, however, according to the governor he had alarmed all the inhabitants. He was described as endeavouring to make a party with the slaves in such a way as would occasion internal disturbances. "He also avoided the society of the upper class and associated only with those who are never invited to the Government House."[2] Capper's own account was that when he arrived in Tobago "it was intimated to me that if I intended to live in Tobago it would be necessary for me to mind what I was about, to feel the pulse of the colony, not to talk about the Crown or the laws of England but to fall in with the ideas and views of the leading men in the island .... "[3] This Capper had refused to do and

---

1. Robinson to Bathurst, 9 Apr., 1818, C.O. 285/23.
   Goulburn to Capper, 10 Nov., 1818, C.O. 319/22/221.
2. Robinson to Bathurst, 26 Aug., 1819, C.O. 285/24.
3. Capper to Bathurst, 18 Oct., 1819, C.O. 285/24.

at a dinner party spoke of the chief judge, governor and gentlemen of property as a set of jugglers in league against public justice. Within a year he had resigned and returned to Britain. Bathurst's reaction was to criticise Capper for returning to air his grievances, he would have best served the cause of improving judicial administration by working in the island.[1.]

When the Saints learnt of the episode they demanded an investigation into judicial administration in Tobago. In 1820 Lord Nugent moved for the production of the relevant papers[2.] and in the following year introduced a motion for a committee to inquire into the abuses of justice in Tobago.[3.] In replying to the motion, Goulburn focussed attention on the central issue of the relations between the Imperial Government and that of a colony. He stated that he found a difficulty in Nugent's motion, "a difficulty which he always felt in questions of the present nature, that the West India islands had independent legislatures exercising within the several colonies all the privileges and power which the legislature exercised here but with diminished information and diminished moral authority. In nine cases

---

1. Bathurst, Minute, n.d., C.O. 285/26.

2. Correspondence on the administration of justice in Tobago, P.P., 1820 (293) XII, 401.

3. 6 June, 1821, P.D., New Series V/1119.

out of ten of this kind brought before the House, it was necessary to bear this system in mind and until the British Parliament decided against that system they must judge the conduct of the parties not as if their acts had been committed in this country but as happenings in another where there was so different and inferior a mode of government."[1] But Nugent's motion did not arise out of criticism of some particular colonial law which he found repugnant and which he considered Parliament should use its supreme legislative power to alter, nor was he complaining directly about the institutions of government, Nugent was concerned with the working of the administration. Yet Goulburn resisted inquiry on the ground that the conduct of the administration formed part of the distinct system which was established in the colonies. This amounted to claiming that what in Britain was subversion of justice formed part of the existing system of government in Tobago. However, in the view of Sir J. Mackintosh "the administration of justice in the colonies ought to be subject to Parliamentary vigilance and inspection."[2] If this was to be so and the existing system was as Goulburn described, the only solution was to introduce a different system of government.

---

1. Ibid., V/1123.
2. Ibid., V/1124.

Nugent called Goulburn's bluff. The motion for an inquiry into the abuses in Tobago was withdrawn and he gave notice of a Bill for the reform of judicial administration throughout the Lesser Antilles.[1] In the preamble of the Bill[2] he attributed existing abuses in great measure to the defective manner in which the judiciary was constituted and arranged. He aimed, by reconstructing the judicial administration, to assimilate the practice of the courts as far as possible to the practice of Britain and to exclude the influence of colonial planters and merchants. The several governments of the colonies were to be consolidated into two general governments: the northern district to consist of the Leeward Islands and Dominica and the southern to comprise Barbadoes, St.Vincent, Grenada and Tobago. In each district all the existing superior courts both civil and criminal were to be consolidated into a single district court. In each district there would be a salaried governor, chief justice, attorney general and solicitor general, and no one holding one of these positions might own slaves, act as attorney to a planter, or be a merchant. Nugent prepared his Bill only in outline but it showed a clear rejection of the existing system of government as Goulburn had portrayed it.[3]

---

1. Horton to Stephen, 6 June, 1822, C.O. 319/25/5.
2. Copy of proposed bill, C.O. 318/80.
3. Ibid.

Faced with this proposal, the government reverted to the less drastic solution of an inquiry. In July 1822 the under-secretary for the colonies moved for a legal commission "to inquire into the state of the criminal administration of justice in the Leewards Islands."[1]. Subsequently the scope of the inquiry was extended so that it covered the whole administration of justice throughout the British West Indies.[2]. The Saints were preoccupied with criminal justice but merchants and planters saw in the commission a means of bringing about reform in the administration of civil justice. While to the Secretary of State and Under-secretary the commission proved an opportune expedient for avoiding any decision on the recommendations which had been received from the conquered colonies.[3].

Nothing was said about the status of the commission. Commissions had been used to make inquiries in other colonies,[4]. and contemporaneously with the legal commission another commission was inquiring into "the whole state" of the Cape Mauritius and Ceylon.[5]. In these other colonies, however,

---

1. 25 July, 1822, P.D., New Series, VI/1801.

2. Bathurst to Commissioners, 21 Sept., 1822, C.O. 319/27/21. 3 Sept., 1823, C.O. 319/27/40. 18 Mar., 1824, C.O. 319/27/75.

3. See above, p.204

4. E.g., Commission of Enquiry, West Africa 1811, Mauritius 1812, New South Wales 1819.

5. 25 July, 1822, P.D., New Series, VI/1801. Instructions to Bigge and Colebrooke, 18 Jan., 1823, C.O. 324/139/250.

there was no question of a limit on the power of Parliament and indeed in the Cape, Mauritius and Ceylon, the Crown retained its powers in relation to conquered colonies. What was to be done with the report of the Legal Commissioners on the judicature in the old colonies was a question which was left unconsidered.[1] The colonial undersecretary believed that the report would be of a judicial nature: the commissioners would decide what was to be done.[2] How this judicial judgment was to be executed was a problem which he appreciated only when the commissioners submitted a report four years later.[3]

The appointment of the Legal Commission obscured the issue which had arisen from the episode in Tobago. No determination had been reached on the powers of Parliament and the responsibilities of the Imperial executive in supervising the working of government within the colonies. Both on what the relationship was and what it should be, there remained two opposed views.

By 1822 the Saints were prepared, once again, to press for Imperial legislation. They no more doubted the power of Parliament to legislate on the internal affairs of the

---

1. Bathurst to Commissioners, 20 Sept., 1822, C.O. 319/27.
2. Horton to Stephen, 12 Oct., 1823, C.O. 319/29/18.
3. Horton, Memo., 19 Jan., 1827, C.O. 320/4.

colonies than that the Imperial government had the authority to supervise the conduct of colonial government.[1] Since 1816 it had been impolitic to seek Imperial legislation but in 1822 it was decided that the time had arrived for further action. The Saints no longer trusted to the operation of self interest to lead the whites to better the conditions of their slaves. In the spring of 1822, Wilberforce still thought in terms of a really effective Registry Bill[2] but by the summer he had been brought to the view that the need was for Parliament to pass legislation which would directly improve the situation of the slave.[3]

The established leaders of the African institute were spurred on by others. In Liverpool, James Cropper took the lead. Cropper was a Quaker philanthropist and East India sugar merchant for whom there could be no divorce between the pursuit of Christian philanthropy and economic advantage.[4] When the West India sugar interest urged the government to

---

1. [J. Stephen], The crisis of the sugar colonies, pp. 126-133. [J. Stephen], Reasons for establishing a registry, pp. 106-7. African Institution, Review of registry acts, p. 138.

2. Wilberforce to Macaulay, 8 Apr., 1822, Life of Wilberforce, vol. V, p. 123.

3. Life of Wilberforce, p. 125. Stephen to Wilberforce, 2 June, 1822, Life of Wilberforce, p. 128.

4. J. Cropper, Letters addressed to William Wilberforce; Correspondence between John Gladstone Esq., M.P. and James Cropper Esq.; A Letter addressed to the Liverpool Society for Promoting the Abolition of Slavery.

raise the duty on East India sugar in 1821, Cropper reacted by founding the Liverpool Anti Slavery Society[1]. and pressed Zachary Macaulay to organize a similar society in London.[2]. Quakers in London had also started a movement to work for the emancipation of the slaves.[3]. In the latter half of 1822 Macaulay started to build up an organization to press for Parliamentary actions and in 1823 an Anti Slavery Society was founded in London as an organization quite separate from the African institution.[4].

Meanwhile, Fowell Buxton had agreed to lead a movement which Wilberforce felt too old and ill to head alone. Buxton was an evangelical, a London brewer, Norfolk land owner, relative of Quaker philanthropists.[5]. He was enthusiastic, determined, devoted to the cause, yet lacking in foresight and without an overall grasp of the problems before him. He was an agitator who could not be ignored, not the respected, admired reformer that Wilberforce was. He never achieved the command among fellow workers in the cause of the slaves, in Parliament or among the public which had belonged to Wilberforce. What gave Buxton force was

---

1. T. Fletcher, Autobiographical Memoirs, pp. 121-31.
2. C.W. New, The Life of Henry Brougham, p. 283.
3. Ibid.
4. R. Coupland, Wilberforce, pp. 470-2.
5. C. Buxton, Memoirs of Sir Thomas Fowell Buxton. R.H. Mottram, Buxton the Liberator.

the movement behind him, what was to leave the movement weak was its diffuse leadership.

During the winter of 1822 the Saints met in a "Secret Cabinet Council".[1] Buxton, Wilberforce, Macaulay, Stephen, Smith, Dr. Lushington and Lord Suffield were meeting and corresponding, deciding what was to be done in the approaching Parliamentary Session. They determined that emancipation was to be the goal if a distant one. Slaves were to be prepared for their freedom, their condition was to be ameliorated by the authority of Parliament.[2] At the beginning of March, Wilberforce launched the campaign by publishing an 'Appeal to the religion, justice and humanity of the inhabitants of the Empire, in behalf of the negro slaves in the West Indies'. In the middle of April, Buxton outlined to the colonial undersecretary the proposals which he intended to make in Parliament. The slaves conditions and status were to be improved, marriage encouraged, Sunday made a day of religious worship and instruction, the slave was to be allowed to buy his own freedom, his evidence was to be received in courts. No governor, judge or attorney general might be a slave owner. In addition, slavery was to be

---

1. Wilberforce to Buxton, 3 Dec., 1822, to Macaulay, Jan., 1823, Life of Wilberforce, V, pp. 154, 163. A.F. Madden, The Attitude of the Evangelicals to the Empire and Imperial Problems, Oxford thesis, pp. 113-4.

2. Madden, op.cit., pp. 113-4.

extinguished by declaring free all children born after a date to be determined.[1.]

While Bathurst was trusting to influence the Saints had come to demand the exercise of authority. The way the Registry Acts had been passed confirmed Bathurst in his belief in the rightness of the existing relationship. He left the government in the old colonies undisturbed. In the conquered colonies he trusted those he had appointed and left the initiative in government to those within the colonies, this was so even in Trinidad, Stephen's subject in an anatomy school. Yet as one contemporary observed, if there was to be any cordial union between Britain and her foreign settlements, "the only possible understanding in a case which must of necessity be a matter not of theory but of practice, seems to be good sense, moderation, and feelings of attachment shall be the guides on both sides."[2.] Concensus , however, was lacking. The registration controversy showed the West Indian colonists trying to establish their independence from enquiry, discussion and the control of British opinion, and also to destroy their antagonists by "the defeat of Registry Bills, the overturn of philanthropic

---

1. C. Buxton, Memoirs of Sir Thomas Fowell Buxton, pp. 128-9.

2. J. Walker, Letters on the West Indies, pp. 7-8.

institutions"[1]. and "the levelling of public and private characters with the dust."[2]. The Saints on their side could believe only the worst of West Indian colonists. Their distrust had reached such a level that they could see no action of the West Indians but as an insidious attempt to perpetuate all the evils of slavery. Even officials were involved in a conspiracy against the innocent slaves. In consequence the Saints were demanding both the supervision of the administration in the colonies and the interposition of Parliament.

---

1. Ibid.
2. Ibid.

Chapter VII

GOVERNMENT WITH A PURPOSE

By the 1820s the Colonial Office was regarded as having a general responsibility for the colonies but it had remained preoccupied with the traditional work of the department. The demand for greater activity in directing West Indian affairs had been resisted. Parliamentary legislation on the internal affairs of the West Indies had been prevented. Yet by 1823 the Saints considered the time opportune to press their demands and for the remaining four years of Liverpool's ministry the government was seeking to preserve the relations of Britain and the Plantation Colonies on the existing basis and yet at the same time to bring about ameliorations in the conditions of the slaves.

Faced with the threat of action by the Saints, the government took the question of amelioration into their own hands. The government tried to induce the anti-slavery leaders to desist from parliamentary action but failed,[1] and then attempted, therefore, to proceed much as they had when securing Registry Acts. A meeting was arranged between a group of ministers and West Indians representing the

---

1. Huskisson to Gladstone, 2 Nov. 1823, B.M. Add. MSS. 38745/77.

societies of West India planters and merchants in London and the outposts.[1] Here ministers explained that it was intended to press sufficient measures of amelioration to enable the government to keep the matter under their control. "By proposing some regulations," Canning was recorded as saying, "we may keep the matter in our own hands and proceed in it with caution and prudence, but if we are once in a minority all would be lost".[2] In the meeting it was agreed that measures ought to be taken to produce "a progressive improvement in the character of the slave population, such as may prepare them for equal rights and privileges as enjoyed by others of His Majesty's subjects".[3] It was apparently agreed, also, that when the slaves were fit to be emancipated and were freed then the planters would be given compensation, and that "in the meantime it is expected that those gentlemen whose claims are then to be decided upon will lend every resistance in their power in forwarding the wishes of government".[4]

---

1. T. Fletcher, Autobiographical Memoirs, pp. 132-4.
2. Ibid., p. 134, note.
3. Ibid., pp. 132-4.
4. Unsigned, undated minute after letter of 3 Feb. 1823. (Liverpool Papers) B.M. Add. MSS. 38292/28.

The conclusions of the meeting accorded with the views of the West India Body. The standing committee had already resolved that, in view of the intended parliamentary action by the Saints, the executive government should undertake a systematic plan for the improvement of the condition of the negroes in those colonies under their immediate jurisdictions and to recommend the same measures to the local legislatures in the other islands. They also stated "that they consider themselves as possessing the same title to compensation ... as is admitted in every other case of interference with private property for a public purpose".[1.]

When, therefore, Buxton introduced the resolutions drawn up by the Saints,[2.] Canning was able to counter with three resolutions which went far to meet the Saints' demands and yet had the support of the West India planters and merchants in Parliament. The resolutions stated that it was expedient that decisive measures should be adopted to ameliorate the condition of the slave population and prepare them for civil rights and privileges, and yet they recognized that this had to be done "with a fair and equitable consideration of the interests of private property".[3.] Buxton withdrew

---

1. Resolutions of Standing Committee, 25 Apr. 1823, C.O. 854/1/119.

2. 15 May 1823, P.D., New Series IX/257.

3. Resoluti ns, ibid., IX/285.

his motion and Canning's resolutions passed unopposed.[1] The government was left to conduct the amelioration policy themselves in accordance with the three general resolutions.

In determining the details of an amelioration plan, Bathurst consorted with a sub-committee of the West India Body.[2] In May and July, Bathurst sent despatches in which he explained the scheme. "Out of the nine propositions which those circulars contained" Bathurst wrote subsequently "eight of them are founded on those resolutions of the committee which, in more than one instance, went somewhat further than what His Majesty's government were prepared to suggest."[3] The ninth proposition was that slaves should be allowed to give evidence in courts under certain conditions.[4] At the same time the West India Body had written to the assemblies in the old colonies urging the need for immediate measures.[5]

---

1. Resolutions, 15 May 1823, P.D., New Series, IX/359.

2. Sub-committee's Report, 9 June 1823. Printed in V.T. Harlow and A.F. Madden, British Colonial Developments, pp. 358-9. Also L.J. Ragatz, The Fall of the Planter Class, p. 414.

3. Bathurst to Manchester, 14 Feb. 1824, C.O. 138/47/130.

4. Ibid., The W.I. Body favoured the admission of slave evidence under limitations. Resolutions, 29 Apr. 1823, C.O. 854/1/114.

5. L.J. Ragatz, The Fall of the Planter Class, pp. 413-4.

The government's plan was designed to further three general developments.[1] In the first place it was considered essential that the slaves should receive moral and religious instruction in order that they might be fitted to live as free members of society. Further, it was considered that those laws or practices, which were regarded as hindering the slaves from making moral and spiritual improvements or advances in civilization, had to be changed. Sunday markets, using a whip, flogging females because of the result, as Bathurst put it, of the "indecent exposure of the person of females",[2] maintaining obstacles to manumitting slaves; such practices had to be prohibited. None of the particular measures recommended was designed to further the third development, but, in a private and confidential despatch, Bathurst asked for opinions on the idea that slaves might be able to do additional work for wages in order that they might buy their own freedom. "The pre-supposition would be that a slave, who by the mere operation of his own industry had ultimately gained the means of procuring his own freedom, might be depended on for the continuance of the same habits of industry in his new character of a free labourer."[3]

---

1. Bathurst, Circulars, 28 May, 12 June, 9 July 1823, C.O. 29/30/246-91.

2. Memo., n.d., C.O. 324/75/109.

3. Bathurst, Circular, 9 July 1823, C.O. 29/30/266.

Bathurst anticipated that the recommendations in furtherance of the first two points would be adopted in the colonies in the same way as the registry acts. The proposals were approved by the Cabinet and the eventuality of the colonial legislatures declining to enact them, was not considered.[1] In the old colonies, Bathurst expected the assemblies to pass measures. In Trinidad and St. Lucia the governors and councils were to frame the recommendations as legislative proposals adapted to the situation of the particular colony.[2] In Demerara, as in Berbice, Bathurst intimated to the governor that were the Court of Policy to fail to accept the recommendations the government could resort to an Order in Council.[3]

The effect in the colonies was far from what had been anticipated. In October 1823 the government learnt that there had been a slave insurrection in Demerara. There was immediate fear that the truth of statements, regarded at

---

1. Bathurst to Cabinet, 1 July 1823, C.O. 29/30/266.
Liverpool to Canning, 9 Jan. 1824, H.M.C. Bathurst, p.560-1
Canning to Liverpool, 9 Jan. 1824. E.J. Stapleton, Some Official Correspondence of George Canning, vol. I, p. 134.

2. Bathurst to Woodford, 28 May 1823, C.O. 296/6.
Bathurst to Officer Administering, 28 May 1823, C.O. 254/6/254.

3. Bathurst to Murray, 28 May 1823, C.O. 112/5.
Bathurst to Murray and Beard, 9 July 1823, C.O. 112/5.

the time as unnecessarily alarmist, that the mention of amelioration and emancipation in Britain would result in slave revolts throughout the colonies, was about to be confirmed.[1] News that the revolt had been put down quickly did not allay Bathurst's apprehension.[2] Furthermore the white colonists reacted outspokenly against the resolutions of the House of Commons, Bathurst's recommendations and the urgings of the West India planters and merchants: resolutions were passed in the assemblies in opposition to the recommendations.[3]

It was in the light of apprehension about slave insurrections and the reaction of the West India colonists that ministers considered early in 1824 what further measures to take.[4] They accepted the existing policy of amelioration. "The first and unquestionably the only basis on

---

1. Bathurst to Wellington, 12 Oct. 1823, Wellington's Despatches, Correspondence and Memoranda, vol. II, p. 147. Liverpool to Bathurst, 13 Oct. 1823, H.M.C. Bathurst, p. 545, Frederick to George IV, 19 Oct. 1823, C.O. 325/31/65.

2. Bathurst to Wellington, 16 Oct. 1823, Wellington's Despatches, Correspondence and Memoranda, vol. II p. 151.

3. D'Urban to Bathurst, 9 Aug. 1823. Manchester to Bathurst, 6 Sep. 1823, C.O. 137/154. Ragatz, op. cit., pp. 416-9.

4. Liverpool to Bathurst, 2, 12 Jan. 1824; Liverpool to Canning, 9 Jan. 1824; H.M.C. Bathurst, pp. 560-1. Canning to Liverpool, 9 Jan. 1824, E.J. Stapleton, op.cit., vol. I, p. 134. Horton to Huskisson, 26 Jan. 1824, B.M. Add. MSS., 38745/188.

which you can proceed" explained the colonial undersecretary in a private and confidential letter "is - moral and religious instruction, practically enforced and secured. After that or rather upon that must be induced the artificial wants of civilized life - the fair desire of the acquisition of property, having relation to the individual and to the benefit of his family, and which desirable object he can only obtain through the medium of continued and not irregular industry - can any person suggest any state in which free labour can be advantageously, with reference to the proprietor, substituted for slave labour, that is not brought about by such a process?"[1].

Ministers took for granted the existing government of the West India colonies. "The interference of Britain with their internal government," the colonial undersecretary wrote, "that question ... is much too delicate to be mooted."[2]. In fact ministers did give the matter sufficient consideration to decide that no resort would be had to legislation by the Imperial Parliament, though this decision was not made public.[3]. They would try to induce the colonial

---

1. Horton to Huskisson, 26 Jan. 1824, B.M. Add. MSS. 38745/188.
2. Ibid.
3. Liverpool to Canning, 9 Jan. 1824, H.M.C. Bathurst, pp. 560-1. Buxton to wife, Feb. 1824, Memoirs, op. cit., p. 144. Canning, 1 Mar. 1826, P.D. New Series, XIV/973.

legislatures to pass ameliorative measures and in St. Lucia, Berbice and Demerara no compulsion was to be used for the present. Only in Trinidad were these recommendations to be enforced. There they were to be introduced by Order in Council as what Bathurst called an experiment; to Canning they appeared as an example to prove to the other colonies the merits of the government's scheme.[1].

The government did take one other step. The colonists were assisted in providing the necessary religious and moral instruction. By letters patent two dioceses were established, one comprising Jamaica, Honduras and the Bahamas, the other consisting of the Lesser Antilles.. Money was provided by an Act of Parliament in 1825 for the two bishops, and for archdeacons, ministers and catechists.[2].

Ministers did not contemplate any change in the secular government of the colonies in order to achieve an improvement in the condition of the slaves. Moreover the policy of amelioration provided an additional incentive both to maintain the form of government established in the old colonies and to persevere with a relationship between the imperial government and the colonies which forbore using authority and trusted to influence and persuasion. Government in the colonies depended on the active co-operation of

---

1. Bathurst, 16 Mar. 1824, P.D., New Series, X/1046.
   Canning, 16 Mar. 1824, P.D., New Series, X/109.
2. 6 George IV C88.

the colonists. The law of the colonies and even more the law administered in the courts, though this was not understood in Britain at the time, was an expression of what the influential members of colonial society thought right. In such a personal matter as the relations of a master and his slaves, law could not be used to coerce a unitedly uncooperative society to treat their slaves differently. Amelioration could only come through the general feeling of society regarding it as both expedient and right. "Even if a statute should be passed in this country how could that statute be passed into effect without their assistance?" Peel asked in the Commons, "Suppose the Parliament were to make a regulation for the education of the slave what security could they have that it would be rendered beneficial? If penalties were to be imposed who would levy them? Was it not far better then, he would ask, for the sake of the slave himself to conciliate them to estrange those authorities without whose assistance it was impossible to do anything important in his favour?"[1]. This was the more necessary because it was felt that the slaves had to be trained before they could take their part in free society.[2]. Slaves,

---

1. 16 Mar. 1824, P.D. New Series, X/1166.

2. Bathurst, Memo., n.d., C.O. 324/75/62, 101.

like children, required parental supervision and guidance before they could mature to adulthood, they also needed to be trained in the habits of regular labour if the colonies were to continue to have productive sugar estates. In this great undertaking of raising the slaves to industrious maturity the existing planters, overseers and book-keepers were the only conceivable instruments to associate with the clergy. "The masters are the instruments through whom and by whom you must act upon the slave population."[1]. Moreover if each of these societies in the colonies was to be preserved the slaves should look to the colonial legislatures as the instruments of change. There was the "important advantage" Bathurst wrote, "of shewing to the slave population that the chief Civil Authorities of the colony are the immediate authors of the beneficial change which it is proposed to accomplish in their situation."[2].

The Imperial government retained the existing system in each of the West India colonies and yet sought to follow a positive policy. The government had decided to keep control over slave amelioration policy in their own hands, they had chosen a particular course for raising the slaves

---

1. Canning, 16 Mar. 1824, P.D. New Series, X/1091.
2. Bathurst to D'Urban, 9 July 1825, C.O. 112/6/146.

to a state where they would be fit to receive their freedom. Internal government was to be left to the governor and colonists and yet the colonists were to be induced to ameliorate the condition of the slaves.

This policy had to be maintained in the face of humanitarian criticism. The Saints, after acquiescing in Canning's resolutions, became increasingly dissatisfied with the way the policy on amelioration was being carried out and they expressed their views in Parliament. The government for their part attempted both to discourage the Saints from their action and to prevent the Saints' agitation from dispelling the general apathy of members. At the same time the government felt the need to carry the West Indians in Britain in the course they were pursuing. It was with their assistance that ministers anticipated that these measures like the Registry Acts would be passed. Finally there was the great object of inducing colonists to co-operate.[1].

The pursuit of a positive policy brought developments in the Colonial Office as an instrument of government. The burden of this work of executing the policy fell on the

---

1. E.M. Howse, Saints in Politics, pp. 155-162. F.J. Klingberg The Anti-Slavery Movement in England, p.182-234.A.F. Madden The Attitude of the Evangelicals to the Empire and Imperial Problems, pp. 128-53.

Office. Canning, as leader of the House of Commons and being reputedly in sympathy with the Saints, was as he expressed it "a sort of mediator between the Cabinet and"[1]. the Saints. Otherwise the work belonged to Bathurst and his assistants and the Office as a result was fashioned into an instrument for formulating, justifying and executing this policy.

In the years since the war certain important developments had already taken place in the Office. After the war parliamentary interest in the administrative departments had been encouraged both by the desire for economy and by the fact that deficiencies in the fee fund, from which salaries were paid, were transferred as a charge from the Civil List, to a parliamentary grant by an Act in 1816.[2]. It was parliamentary pressure which stimulated an administrative reorganization in 1821-1822.[3]. On the basis of recommendations from the Treasury,[4]. Goulburn had reorganized the Third

---

1. Canning to Peel, 16 Oct. 1823, B.M. Add. MSS. 40311/39.

2. S.E. Finer, Patronage and the Public Service, Public Administration, XXX, 1952, pp. 352-3.

3. 27 June 1821, P.D. New Series, V/1345.
2 July 1821, P.D. New Series, V/1464.
E.W. Cohen, The Growth of the British Civil Service, pp. 60-4. D.M. Young, The Colonial office in the Early Nineteenth Century, pp. 40-44.

4. Lushington to Goulburn, 13 Aug. 1821, C.O. 323/194/163.

Secretary's Department.[1] The clerks were divided into three classes, a new system of superannuation was introduced and the system of promotion within the Office was changed. Previously promotion had been by seniority; after 1821 merit became a consideration.[2]

During the reorganization Goulburn had become Irish Secretary and he was succeeded by R. Wilmot Horton.[3] Where Goulburn was self-effacing, hard working, the ideal undersecretary, Horton was sensitive, impetuous, strong-willed and disorganized.[4] When he became undersecretary he straightway carried the reorganization a stage further, dividing the business of the Office largely according to the area with which it was concerned instead of by the type of work. The West Indies constituted one of the four areas into which the Empire was divided. The work concerned with each of these areas was done by a senior clerk with the

---

1. Goulburn to Lushington, 30 Nov. 1821, C.O. 324/143/34. Bathurst to Lord President, 31 Jan. 1822, C.O. 324/144/15.

2. Bathurst to Lord President, 31 Jan. 1822, C.O. 324/144/15.

3. Goulburn to Bathurst, 28 Nov. 1821, H.M.C. Bathurst, p. Bathurst to Wilmot, 29 Nov. 1821, printed in E.G. Jones, Sir R.J. Wilmot Horton Bart., Politician and Pamphleteer, Bristol thesis, p. 32.

4. For Horton, see Jones, op. cit. The name Horton was added in 1823; he is referred to here throughout as Horton.

assistance of clerks from the other classes all working under the general supervision of the undersecretary.[1]

Horton entered office ignorant of colonial affairs and he made greater use of his clerks than Goulburn had done: Horton depended on them for advice and information. Adam Gordon, the second clerk in the office, had been placed in charge of the West India section and Horton regularly sought his assistance more often in an interview than through written minutes.[2] Further Horton devolved more work on the clerks. Goulburn had taken to leaving it to the clerks to draft letters from short directions but on no matters, apart from postal questions, had he left it to the clerks to decide what should be done. After 1821 the practice continued of the undersecretary seeing all incoming correspondence directly after the letters had been registered, but on letters containing matters which Horton considered of minor importance he wrote no directions, simply referring them to

---

1. Horton to Lushington, 3 June 1826, printed in Jones, op. cit., p.40. For accounts of this re-organization, Jones, op. cit., Young, op. cit., pp. 54-5. For evidence that Horton made this alteration immediately on entering office, see endorsement on letters, Brisbane to Bathurst, 23 Feb., 29 May 1822, C.O. 260/39. Conran to Bathurst, 8 Mar. 1822.

2. e.g. endorsements on Amyot to Horton, 22 July 1822, C.O. 260/39. Harrison to Horton, 15 July 1822, C.O. 137/153.

the appropriate group of clerks to deal with.[1]

Thus, by 1823, important developments had taken place in the organization and working of the Colonial Office but the new demands placed on it in that year produced further changes. Horton again eased his own burden. The way business was conducted was altered so that more could be left to the clerks. In the summer of 1823, Horton was unwell and lived away from London, yet besides his office work he was involved with a Commission on Emigration and an election at Newcastle-under-Lyme.[2] It seems that during this period he left it to the head of the West India Section in the Office to read the incoming letters concerned with the West Indies, and for Gordon to refer to him only those which required his attention. When Horton returned to London the procedure appears to have continued.[3] The clerks dealt with the correspondence which they judged to be of minor importance and, where necessary, wrote letters in reply for the signature of the undersecretary or secretary of state in accordance

---

1. e.g. Brisbane to Bathurst, Apr. 1822, C.O. 260/39. Conran to Bathurst, 20 May 1822, C.O. 137/153.

2. Horton to Peel, 5, 26 July, 21 Oct. 1823, B.M. Add. MSS. 40357/50.

3. e.g. July 1823, letter under 'C' shows Gordon directing business C.O. 137/155. Despatches in, for instance, C.O. 260/40 (Grenada 1823) lack endorsements by Horton during the summer and from October certain despatches are marked 'Mr. H.' by a clerk.

with what they anticipated to be the wishes of their superiors.[1].

The following year Horton attempted to reduce his work through the appointment of a second undersecretary in the office. Bathurst agreed about the need for such an appointment and put the case to Liverpool. "I am myself quite confident that the business of the office is much increased, and that the best and most efficacious way of obtaining Assistance is by the Appointment of a second Undersecretary."[2]. The doubts, which Bathurst had about the reception of such an appointment in the House of Commons, were shared by Liverpool and the latter suggested that an appointment should be made in a form which would attract less notice.[3]. Nevertheless, in 1825 a second undersecretary was appointed, and, since R.W. Hay was assigned the work of the Mediterranean and Eastern Colonies, Horton was left to concentrate on the West Indies and North America.[4].

---

1. e.g. Manchester to Bathurst, 18 May 1815, followed by draft answers and minutes, Villiers to Horton, C.O. 137/160.

2. 3 Oct. 1824, B.M. Add. MSS. 38299/126.

3. Liverpool to Bathurst, 5 Oct. 1824, B.M. Add. MSS. 38299/133.

4. Bathurst to Lord President, 1 July 1825, C.O. 324/145/148. Taylor to Horton, 27 July 1825, C.O. 323/202/62.

In the same year the work connected with colonial chaplaincies was assigned to an Ecclesiastical Board. The two English Archbishops and the Bishop of London constituted the Board, and the Secretary to the Society for the Propagation of the Gospel acted as part time secretary.[1] Under the supervision of the Board, the secretary had the responsibility first of ensuring the supply of duly qualified clergy for the colonies by enquiring into the character and attainment of applicants, and also of corresponding with colonial chaplains in colonies where episcopal authority was not as yet established.[2] The work which had previously belonged to the Colonial Office was to be done more effectively in this way.

Besides making manageable his own work, Horton sought assistance over what remained. Others were brought to play a part in taking decisions and in justifying them.

Horton gained the full time assistance of a lawyer. Since 1801 the Third Secretary had followed the practice of the Home Secretary in referring all colonial acts he received

---

1. Horton to Harrison, 12 Feb. 1825, C.O. 324/145/81. Hamilton to Bathurst, 23 June 1825, C.O. 323/203/314. Hamilton to Horton, 1 July 1825, C.O. 323/203/320.

2. Memo. Dec. 1824, C.O. 323/199/439. Horton to Harrison, 12 Feb. 1825, C.O. 324/145/81.

to a legal Counsel for advice in point of law. The Counsel was a practising lawyer, the acts were sent to his Chambers and he was paid a fee for each act on which he reported.[1] All other matters which required the assistance of lawyers were referred to the Law Officers of the Crown. Since 1813 the Counsel was James Stephen, the son of the Saint, and he had given increasing assistance.[2] Colonial problems accumulated at the Law Officers and the Attorney and Solicitor Generals were frequently unforthcoming with their opinions.[3] As a substitute Goulburn had occasionally sought Stephen's advice and Horton consulted him more freely but for this work Stephen remained unpaid.[4] In 1823 the amount of business he performed gratuitously led Stephen to ask for a guaranteed income, security in his position and permission to remain in private practice.[5] All three were granted.[6] In the following year, however, after

---

1. Stephen to Horton, 21 Apr. 1823, C.O. 323/197/162.
2. Ibid.
3. By 1825 a series of problems were awaiting the opinion of the Law Officers. Of these one had been referred in 1817 and two in 1819. Stephen to —— 13 Oct. 1825, C.O. 323/202/196.
4. Stephen to Horton, 21 Apr. 1823, C.O. 323/197/162.
5. Ibid.
6. Bathurst to Stephen, 29 Nov. 1823, C.O. 319/26/20.

Liverpool had refused to agree to the appointment of a second undersecretary, Horton asked Stephen to give up his outside business, and in February 1825 he was placed on the establishment as full time legal counsel.[1]

Stephen had a religious devotion to his work which he saw as a service in the cause of the slaves and yet he had all the fairmindedness that was so markedly absent in his father. He was acute, had an outstanding memory and had accumulated a phenomenal knowledge and understanding of West Indian law. In the Office he was indispensable. "The absence at this moment," Horton wrote in 1826 when Stephen was ill, "of all legal assistance of persons conversant with West Indian Law is possibly the most inconvenient state of things that I have ever experienced."[2]

Stephen was used for three general purposes. He continued to advise in point of law on colonial acts and also on judicial cases referred to the Office. He gave advice on other legal problems which were not of sufficient moment for it to be necessary for the secretary of state to be able to quote the authoritative opinion of the Law Officers

---

1. Stephen, Statement on Circumstances Attendant on his Connection with the Colonial Department, 16 Feb. 1830, Murray Papers 171/54, National Library of Scotland.

2. Horton to Dwarris, 4 Mar. 1826, C.O. 324/98/281, also Horton to Manning, 22 Feb. 1826, C.O. 324/98/277.

of the Crown. Finally he was used to unravel and write a coherent report on involved problems.[1] Much of this work, as Stephen remarked some years later, had "but a faint and fictitious relation to his profession as a lawyer."[2] Even in his reports on colonial acts connected with slavery he had to choose the criteria on which to base a recommendation for confirmation or disallowance. He was not so much judging legality as giving his opinion on whether something conformed to policy. Nevertheless where he was stating his opinion he made this clear. He explained the issue to be decided and left the decision to the secretary or under-secretary.[3]

A second man that Horton brought in to assist him, was Major Thomas Moody. In April 1824 Moody was appointed to a position which was designated as Home Secretary for

---

1. These aspects are illustrated by the papers referred to him 31 Dec. 1823, C.O. 319/29/83. Stephen occupied an office (in Whitehall) separate from the Colonial Office, and a record was made in the entry books of domestic correspondence (offices) of many of the despatches that were referred to him.

2. Stephen to Howick, 10 Feb. 1832, 3rd Earl Grey's Papers/ Stephen.

3. e.g. Stephen to Horton, 28 June 1822, C.O. 239/8.
Stephen to Horton, 26 Aug. 1823, C.O. 239/9.
Stephen to Bathurst, 26 Sep. 1826, C.O. 260/43.

Foreign Parliamentary Commissioners,[1] but as Moody himself wrote "it is well known ... that my real duties had been more connected with the West India Department, the Colonial Finance Accounts, and the Correspondence and details relative to Emigration".[2] Moody had passed the greater part of his life in the West Indies, and "being a very intelligent person and having been employed in various situations these gave him opportunities of acquiring a thorough knowledge of the local details, etc. of those colonies and islands and a great deal of useful information may be collected from him."[3] Moody had spent seven years as mathematics master at Codrington College in Barbados. Then, as an officer in the Royal Engineers, after a West India staff appointment, he spent three years as government secretary in Demerara and Berbice, acted as superintendent of Crown Plantations in Guadaloupe, and was then secretary in Barbados to

---

1. Horton to Harrison, 29 Apr. 1824, C.O. 324/145/5. Moody to Hay, 5 Jan. 1828, C.O. 323/209. The Parliamentary Commissions referred to were the Commission of Inquiry into the Administration of Civil and Criminal Justice in the West Indies; Commission of Inquiry into the State of Apprenticed Africans in the West Indies; Commission of Eastern Inquiry; Commission of Inquiry into the State of Sierra Leone.

2. Moody to Hay, 14 July 1828, C.O. 323/209/139.

3. Combermere to Horton, 15 Dec. 1821, C.O. 323/195/108.

governors Leith and Combermere before being appointed one of the Parliamentary Commissioners whose duty it was to report on the state of apprenticed Africans in the West Indies.[1]

Horton used Moody to investigate and advise on particular problems, and as Horton wrote, "I do not know any man more competent (if so competent) to direct the application of labour as yourself.[2] He accumulated information in the office, improved the annual Blue Books, and introduced Brown Books in which further statistical information was entered half yearly and transmitted to Britain.[3] He wrote memoranda on such subjects as "the duties and means of increasing the utility of naval officers in the West Indies,"[4] on the history of the Crown estates in Berbice[5] and, above all, on the problems connected with the transition from slave labour

---

1. Codd to Bathurst, 7 Oct. 1813, C.O. 111/16. Combermere to Horton, 15 Dec. 1821, C.O. 323/195/108. Goulburn to Harrison, 25 Feb. 1816, C.O. 319/22/63. Moody to Goulburn, 30 Nov. 1821, C.O. 323/195/290.

2. Horton to Moody, 2 Apr. 1831, B.M. Add. MSS. 40879/420.

3. Moody to Horton, 20 July 1824, C.O. 323/200/412. Moody to Hay, 13 Oct. 1825, C.O. 323/204/335. Horton to Planta, 27 Apr. 1826, C.O. 319/26/22. Moody to Hay, 14 July 1828, C.O. 323/209/139.

4. Moody to Horton, 20 July 1824, C.O. 323/200/412.

5. Moody Memo., n.d. C.O. 320/2/part I.

to free labour on sugar plantations.[1] He helped to provide an understanding in the Office of problems which were barely comprehended, he raised fundamental questions and explained the wider implication of the government's course. Moody conceived his own rôle to be to present the relevant facts to Bathurst and Horton for them to take the decisions. "It is of infinitely great importance for Lord Bathurst to have laid before him clear statements of facts rather than mere opinions .... It is so much easier to give an opinion than to describe carefully and accurately a tedious series of facts. It is however from these facts only that Earl Bathurst can form his own principles practically to guide his judgment."[2] Moody, however, also assisted in justifying the government's policy. He wrote part of at least one of the books which emanated from the Office explaining and justifying government policy on slave amelioration,[3] while in 1827 he was to be the witness before a Privy Council

---

1. e.g. Moody Memo., n.d. C.O. 320/2/284. Moody to Horton, 3 July 1826, C.O. 320/5. Bathurst Memo. discussing Moody's papers, n.d. C.O. 324/75/62, 118. Horton to Moody, 2 Apr. 1831, B.M. Add. MSS. 40879/420.

2. Moody to Horton, 3 July 1826, C.O. 320/5.

3. Vindex, Considerations in Defence of the Orders in Council for the melioration of slavery in Trinidad. The copy in the library of the Royal Commonwealth Society was formerly in the Colonial Office and the authors of the different letters are entered inside the front cover.

Enquiry which justified the government amelioration policy.[1] Moody met the need which was felt both for an expert advisor and an apologist.

Finally, besides this assistance from Stephen and Moody, Bathurst and Horton made further use of the head of the West India section. In 1824, as part of a general reshuffle in the office, Gordon became chief clerk and Hyde Villiers was made senior clerk in the West India section.[2] Villiers was one of the newest recruits to the office, having been appointed only in 1822, but due to the change in the system of promotion it had been possible to make him a senior clerk and head of the West India section within two years. Young and impatient, he was an accomplished speaker with the reputation of being a Benthamite in the Debating Club of which J.S. Mill was a member.[3] However, he left office in 1825 and he was succeeded by Henry Taylor. Taylor had entered the office only the previous year and had been

---

1. Minutes of evidence taken by H.M's Privy Council, in the matter of the Berbice and Demerara manumissions, P.P. 1827-8 (261) XXV, 443.

2. Horton to Lushington, 3 June 1826, printed in Jones, op. cit., p. 40; also Young op. cit., p. 68.

3. H. Taylor, Autobiography, vol. I, pp. 73-7. After leaving the office, he entered the House of Commons and died in 1832 while Secretary to the Board of Control in the Whig Ministry. See below p. 455

recruited because of the ability he had shown while writing in the Quarterly.[1] Villiers and Taylor were used in what Stephen called an intellectual capacity.[2] They did not start as experts like Stephen and Moody, but they were at the centre of West Indian business, and were able to contribute their knowledge and advice on matters which passed through their hands. For instance on one particularly involved problem which arose in a despatch from Trinidad in 1826, there were nine minutes and memoranda. First Taylor wrote remarks on the subject of the despatch; Bathurst then proposed the substance of a reply; Stephen wrote a letter on the subject; and Taylor commented on Stephen's letter and then proposed alterations in Bathurst's despatch; Horton wrote two minutes on the general subject and Moody contributed his observations, before, finally, Horton sketched another despatch which was submitted to Bathurst.[3] Moreover Villiers and Taylor, like Moody, assisted in justifying the government's policy. Villiers wrote part of the series of anonymous letters published under the title "Considerations in defence of the Orders in Council for the

---

1. H. Taylor, Autobiography, vol. I, pp. 63-4.
2. Stephen to Howick, 10 Feb. 1832, 3rd Earl Grey's Papers/ Stephen.
3. Horton to Bathurst, 11 Oct. 1826, C.O. 320/1/118.

melioration of slavery in Trinidad".[1] Taylor wrote at least one anonymous article in support of Horton, while Horton was undersecretary.[2]

Thus between 1823 and 1827 the Office developed as an instrument for executing business, in particular that connected with the West Indies. Part of the Undersecretary's work was devolved on to junior clerks and Stephen, Moody and the head of the West India section gave assistance in the intellectual work of the Office. The Office had become a more effective instrument for conducting the policy to which the government had committed itself.

While Liverpool remained in office, the resolutions of 1823 remained the guide to the government on their course in the West Indies and it was this policy which the Office assisted in furthering. In 1824 the government had determined to introduce the measures of amelioration into Trinidad by Order in Council but otherwise to trust to the co-operation of colonists[3] and both in that year and again in 1825 the

---

1. Vindex, Considerations ... inscribed copy in Royal Commonwealth Society.

2. [Taylor] to Horton, n.d. [Oct. 1827], C.O. 318/67. See also Taylor to Lockhart, 7 Sep. 1827, National Library of Scotland, MSS. 930/126.

3. Bathurst, Canning, 16 Mar. 1824, P.D. New Series X/ 1046, 1091.

government succeeded in postponing further discussion of the way they were carrying out the directions of the Commons.[1] In 1826, with an election pending, the Anti-Slavery leaders undertook a public and parliamentary campaign to secure further action in Parliament[2] but the government baulked them. Brougham was frustrated in his intention of bringing in a Bill when Canning convinced the House that the colonial legislatures had adopted sufficient of the points in the Trinidad Order for further patience to be warranted.[3] Bathurst introduced the Commons resolutions into the House of Lords as a demonstration of the government's sincere concern to secure amelioration, and, attributing the inadequacies in existing colonial acts to failures in drafting and insufficient appreciation of the implications of provisions, Bathurst announced that the Trinidad Order was to

---

1. Klingberg, op. cit., p. 192-234.

2. Macaulay to Babington, Sep. 1825. Viscountess Knutsford, Life and Letters of L. Macaulay, p. 430. Klingberg, op. cit.,

3. Canning, 1 Mar. 1826, P.D. New Series XIV/273. Macaulay to Babington, 4 Mar. 1826, Knutsford, op. cit., p. 434. Only after they had been frustrated were the Saints able to show that Canning had presented the House with a faulty statement of progress. The statement had been prepared by Taylor in the absence of Stephen who was ill. Horton, 3 Mar. 1826, P.D. New Series, XIV/1080. Horton to Stephen, 24 Apr. 1826, C.O. 319/26/219.

be sent to each colony in the form of eight draft bills.[1] In 1827 when Liverpool's ministry broke up the government were still persevering in the general course on which they had decided in 1823 and 1824. The government retained control of amelioration policy and Parliament had not legislated on the internal affairs of the colonies.

Ministers deprecated parliamentary discussion of slavery and other West India matters,[2] but they accepted that if the government was to pursue the course which they desired, it was necessary to explain this policy and also to give account of particular incidents. Abolitionists were dissatisfied, they pressed for direct action but they also exposed incidents, not simply in order to secure redress of grievances, but for the purpose of discrediting the whole course to which the government was committed. Horton recognized that it was necessary, first of all, to meet such criticism in order to prevent it damaging the whole policy of government, and, secondly, to be prepared to answer the attacks of the Saints. In 1825 he wrote to Stephen, for instance, that Bathurst had directed that an argumentative letter should be written to the governor of Berbice on the

---

1. Bathurst, 17 Mar. 1826, P.D. New Series XIV/1140.

2. Bathurst, 30 Mar. 1824, P.D. New Series XI/4.
Horton, 15 June 1824, P.D. New Series XI, p. 422.

appointment of agents so that it could be produced in Parliament to show that the prayer of Berbice had not been rejected without examination.[1] On another occasion he commented, "I always thought that sooner or later public attention would be turned to this subject and was peculiarly anxious that the case should be made safe in every respect".[2] There was no constitutional doctrine accepted that ministers were politically responsible to Parliament,[3] but the assumptions crucial to the doctrine were being made. Accountability and culpability were being built up because it was seen as necessary to justify a policy or course of past action. A closer relationship between the Office and Parliament was, thus, one effect of the successful attempt at preventing Parliament from disturbing the existing relations between Britain and the colonies.

The government had decided on a policy founded as Horton said on "unquestionably the only basis".[4] The Colonial Office had developed as an instrument for working

---

1. Horton to Stephen, 31 Aug. 1825, C.O. 324/98/156.
2. Horton to Stephen, 2 June 1827, C.O. 324/99/287.
3. See above, p.52-3
4. Horton to Huskisson, 26 Jan. 1824, B.M. Add. MSS. 38745/188.

out this policy, justifying and executing it. The government had not been forced by Parliament to change its course. Yet the policy depended for its execution on the colonists and the ministry had accepted a relationship with the colonies in which the imperial government was dependent on exhortation and influence and not on authority. The attempt to gain the co-operation of colonists in ameliorating the condition of the slaves posed the question of whether this was a desirable or indeed a possible relationship.

It was in Demerara that this relationship was put to the test. Here there were two ways in which the government could act. Ministers could follow the course taken in Trinidad, where the Crown having the power to act by Order in Council, the plan of amelioration had been introduced as an example or at least as an experiment. Alternatively, the government could act as in the old colonies relying on persuasion and avoiding direct legislation. In Demerara the Crown possessed the power to proceed by Order in Council: no limitation was accepted by the imperial government on its power in the internal affairs of the colony. Yet, although they could have acted by authority, it was decided that the desirable course was to seek the co-operation of the colonists acting through the Court of Policy.

In 1823 there remained a difference of opinion on the extent of the legislative power belonging to the Court of Policy,[1] but Bathurst made his view clear. While sending the despatches outlining the amelioration scheme which the government desired to see adopted in the colonies, Bathurst had written to Governor Murray stating that it was "competent to H. M's Government to issue an Order in Council to enforce what His Majesty wished should have been voluntarily adopted by the Court of Policy".[2] When the Court of Policy responded by asserting an exclusive right of internal legislation, Bathurst sent two Orders in Council[3] expressly in order to assert the Crown's rights.[4]

Bathurst thus showed that he was able to proceed by Order in Council, but he nevertheless attempted to act through the Court of Policy in securing measures of amelioration. Bathurst's prime concern, was that the colonists themselves should introduce the measures. This he explained in a private letter to the governor. "Although the attempt made

---

1. Stephen to ——— 30 Mar. 1823, C.O. 111/43. D'Urban to Bathurst, 4 June 1824, C.O. 111/44. Murray to Horton, 10 July 1824, C.O. 111/44.

2. Bathurst to Murray and Beard, 9 July 1823, C.O. 112/5.

3. 10 Mar. 1824, 14 Aug. 1824, C.O. 111/47.

4. Bathurst to D'Urban, 20 Sep. 1824, C.O. 112/6/23.

by the Court of Policy to deny the right of the Crown to legislate might make me anxious to take at the present moment every opportunity of exercising this right of the Crown until it be acknowledged, yet I see so many advantages in allowing whatever is done in favour of the slaves to emanate from the planters in the settlement rather than from the Crown that I am not only disposed to waive the exercise of this right but even to forbear pressing upon the Court of Policy a strict and vigorous adherence to all the provisions of the Trinidad Order provided that in spirit and in substance their measure and the Trinidad Order are the same."[1]. The Court submitted a draft which Bathurst regarded as inadequate.[2]. A second draft he considered revealed a willingness to adopt part of the Trinidad Order and he approved of the steps taken in the colony to promote the religious education of the slaves.[3]. He, therefore, gave the court one further chance to produce an acceptable measure.[4]. The Court responded in 1825 by improving their draft to the extent of providing for the appointment of a salaried protector of

---

1. Bathurst to D'Urban, 6 Oct. 1824, C.O. 324/73/62.
2. Bathurst to D'Urban, 6 Oct. 1824, C.O. 324/73/62; 20 Nov. 1824, C.O. 112/6/90.
3. Bathurst Memo., n.d. C.O. 320/5.
4. Bathurst to D'Urban, 9 July 1825, C.O. 112/6/146.

slaves, but they refused to include the clause which would have allowed a slave to compel his master to sell him his freedom.[1]

This was to have been the Court's last chance, and while he was deciding what to do about this inadequate draft, Bathurst was also considering what action to take on D'Urban's strong recommendation for changes in the colonial constitution.[2] D'Urban had reported that meetings of the Combined Court had become unruly. The Financial Representatives claimed and exercised novel powers and since they constituted also the College of Kiezers they were able to exercise a strong influence on the elected members of the Court of Policy. He implied that this state of affairs was partially responsible for the inadequate measure of amelioration since those without property - merchants, artisans and attorneys - controlled the elections of representatives to the College of Kiezers. In these circumstances D'Urban recommended that a return should be made to the position before Carmichael's reforms.[3] Bathurst's reaction was that it was "clear that there must be a change in the present

---

1. D'Urban to Bathurst, 15 Sep. 1825, C.O. 111/50.
2. D'Urban to Bathurst, 27 Apr. 1825, C.O. 111/49.
3. Ibid.

construction of the combined court"[1]. and the nearer it returned to the Dutch form the better. Bathurst, however, showed no inclination to adapt the constitution to suit the requirements of the British government. He decided that the question of reforming the colonial constitution should be left to await the return of the legal commissioners.[2].

Bathurst treated the question of how to achieve slave amelioration as distinct from that of how the constitution should be reformed. Despite the inadequacy of the draft on amelioration Bathurst decided that the measure should be promulgated provisionally.[3]. One further chance was to be given to the Court to adopt the clause for compulsory manumission. This clause was "one which has been always considered as so much a feature of the system itself that it will not be possible to allow the law in Demerara to continue long without a provision on the subject. But it is one also which would come with much better grace from the Colonial Assembly than from the Crown."[4]. Bathurst explained

---

1. Bathurst minute on D'Urban to Bathurst, 27 Apr. 1825, C.O. 111/49.
2. Stephen to Horton, 5 Dec. 1826, C.O. 111/58.
3. Bathurst memo., 16 Nov. 1825, C.O. 320/5.
4. Ibid. (My underlining)

the plan for enabling a slave to buy his freedom. The price the slave was to pay was to be settled by arbitration and where there was disagreement a judge would act as umpire. The price was to be determined according to the effect the loss of the slave's services would have on a plantation. Should this price be increased to a point where the slave would be unable to pay the amount and private benevolence did not provide, then the state would have to do so. Bathurst concluded by stating that he would have "no other alternative in the event of their declining to admit them than that of my humbly submitting to His Majesty the expediency of enacting them by direct Royal Authority."[1].

The dispatch admitted in effect that the government's plan as originally conceived was impracticable. It had been imagined that a slave who had worked for his freedom "might be depended on for the continuance of the same habits of industry in his new character of a free labourer."[2]. Now in this dispatch Bathurst admitted that a slave by gaining his freedom would adversely affect the value of the plantation. Due to the writings of various West Indian pamphleteers - particularly M'Donnell the Secretary of the Demerara

---

1. Bathurst to D'Urban, 25 Feb. 1826, C.O. 112/6/209.
2. Bathurst Circular, 9 July 1823, C.O. 29/30/256.

planters in Britain[1]. - and to the investigations and arguments of Moody,[2]. Bathurst had concluded that "manumission is a step to putting an end to the property as a sugar plantation."[3]. The planters were, therefore, to be recompensed through the way the slaves price was calculated. This concession provided a justification for allowing a further chance to the Court of Policy in Demerara.

A further effort was made to publicise the governments amelioration policy. Horton printed the speech he made in Parliament on the government's slave policy.[4]. He also published two pamphlets anonymously. Besides explaining and justifying the policy of the government, the first of these pamphlets answered James Stephen Senior's influential book Slavery Delineated[5]. and the second was intended as an

---

1. A. M'Donnell, Consideration on negro slavery.
2. Moody's views are most fully presented in his report on Apprenticed Africans, Reports of Commissioners, 2nd part, P.P. 1826 (81) XXVII, 90.
3. Bathurst, memo on the problem of introducing the Trinidad Order into Demerara, n.d., C.O. 324/75/101.
4. Speech ... on the debate in the House of Commons on the 19th May ...
5. [R.W. Horton] The West India question practically considered.

answer to the arguments of the West India Body.[1] One of these pamphlets Horton also circulated to the colonies.[2]

Meanwhile in Berbice, Bathurst was adopting a different course. Up to 1826 the main problem in these former Dutch colonies was seen to be the need to carry the Demerara Court of Policy, Berbice was treated as subordinate: it was anticipated that whatever was done in Demerara would be accepted in Berbice. During 1825, however, Lieutenant Governor Beard had been on leave in Britain following a dispute with his Council[3] and he persuaded Bathurst to change the members of the Council.[4] In Demerara, Bathurst was not prepared to alter the constitution but in Berbice he dissolved the existing council by Order in Council and constituted a new one composed of more co-operative members. Moreover, Bathurst ordered that should an improved Order

---

1. 'A Member of the Late Parliament' Remarks on an address to the members of the new Parliament on the proceedings of the Colonial Department. I attribute this to Horton (and the Office) on the basis of its content. It is a defence of the office and both the arguments in favour of the government's policy and the advocacy of a scheme of compulsory manumission agree with those set out in the above pamphlet. The humanitarians and West India Body were agreed in opposing this course. The pamphlet is an answer to An Address to the Members of the New Parliament on the proceedings of the Colonial Department.

2. Warde to Horton, 22 Feb. 1827, C.O. 28/100. Beard to Horton, 22 Feb. 1827, C.O. 111/104. Neither governor mentions the title of the pamphlet.

3. Bathurst to Beard, 21 Oct. 1824, C.O. 112/9/190.

4. Beard to Bathurst, 4 Mar., 4 Aug., 21 Aug. 1825, C.O. 111/99. Horton to Beard, 17 Dec. 1825, C.O. 112/9/312. Bathurst to Lord President, 3 Jan. 1826, C.O. 112/14/72.

be adopted in Demerara this was to be introduced into Berbice by proclamation forthwith.[1] Here was a shift from influence to authority.

In Demerara the Court of Policy refused to accept the clause on compulsory manumission. It appeared that the attempt to reason the Court of Policy into compliance had failed. In Berbice, however, Beard, on his own authority, proclaimed the existing Demerara order on amelioration after introducing into it the clause on compulsory manumission and other lesser improvements.[2] Planters in Berbice and others in Demerara petitioned both against Beard's proclamation and against the scheme of compulsory manumission.[3] In consequence, Horton arranged that a Privy Council Committee should meet to consider the petitions and to investigate the general question of compulsory manumission. Horton intended that an impartial committee should investigate the question and that the West Indians, the Saints and representatives of the Colonial Office should each present their case.[4]

---

1. Bathurst to D'Urban, 17 Mar. 1826, C.O. 112/6/239.

2. Beard to Bathurst, 23 Oct. 1826, C.O. 111/102.

3. Decision of the Privy Council on the Berbice and Demerara Petitions P.P. 1829 (301) XXV, 29.

4. Horton to Gladstone, 8 Feb. 1827, C.O. 324/99/206. Correspondence with Anti-Slavery leaders 1827 printed in Anti Slavery Monthly Reporter, No. 75, 1 Feb. 1831.

The colonists' petitions provided a reason, therefore, for postponing again the use of an Order in Council. But before the Committee met Liverpool collapsed, and in April 1827 the ministry broke up.

In the old colonies less had been achieved than in Demerara. The compliance of the colonies in the government's plan of amelioration, Brougham was to describe as "so slow as to be imperceptible to all human eyes save their own".[1.] Yet neither this failure nor the issues which had arisen between Britain and these colonies, had produced a change in the relationship of Britain and the old colonies. Only in the little island of Anguilla had the Office been compelled to intervene and consider the question of how the colony should be governed. The state of the island had been first brought to the attention of the Colonial Office in 1822.[2.] The island had been devastated by a hurricane, then afflicted first by a drought and next by a gale, provisions had run short and disorders had resulted. The islanders sought help in the form of permission to export their principal product, salt, in American ships; they desired also to be able to remove their slaves from the

---

1. 5 Mar. 1828, P.D., New Series XVIII/978.

2. Wilson to Bathurst, 18 Dec. 1821, C.O. 239/7.
Maxwell to Bathurst, 20 Jan. 1822, C.O. 239/8.

island, but this was possible only if the slaves were registered, and there were doubts about whether there was any legislative authority within the island empowered to pass such a law. In 1822 Horton simply ignored the problem of internal disorder and instructed governor Maxwell in St. Kitts that Anguilla should come under the legislature of St. Kitts.[1] Maxwell considered this idea impracticable and recommended a government like that in Sierra Leone.[2] As Stephen pointed out, however, since Anguilla was a settled colony, this could be achieved only by Act of Parliament.[3] After informing him of this, Bathurst gave Maxwell instructions in a passage where the grammar was such that it remains incomprehensible.[4] There the matter stood till May 1824. By then further reports had been received of the poverty of the island and of the disorders within it, and, furthermore, the government had become committed to working for amelioration. In these circumstances Bathurst's view was that this community, at least, could not be entrusted with the

---

1. Horton endorsement on Maxwell to Bathurst, 20 Jan. 1822, C.O. 239/8.

2. Maxwell to Bathurst, 1 Aug. 1822, C.O. 239/8.

3. Horton to Stephen, 7 Oct. 1822, C.O. 319/25/100. Stephen to Horton, 29 Mar. 1824, C.O. 239/11. Bathurst to Maxwell, 11 Nov. 1822, C.O. 407/1.

4. Bathurst to Maxwell, 11 Nov. 1822, C.O. 407/1.

duty of legislating or executing law. "I have to observe that the moral condition of the community, which is itself the evil to be met, renders the community an unfit instrument of counter action."[1]. The state of the island does "not allow me to hesitate in rejecting the expedient of convoking any portion of such a society with the view of entrusting to it the charge of a corrective legislation."[2]. Nevertheless, it remained inexpedient to introduce an act into Parliament and Bathurst trusted, therefore, that Maxwell would be able to follow Horton's original suggestion. In addition, Bathurst hoped that the St. Kitt's legislature would provide for the enforcement of order and the administration of justice.[3]. Maxwell presented these proposals to the assembly and council, and then, on an address, appointed a commission to enquire into the state of Anguilla.[4]. The commission supported Bathurst's proposals and the legislature passed the necessary legislation.[5]. However, since responsibility for the administration of justice was

---

1. Bathurst to Maxwell, 6 May 1824, C.O. 407/1.
2. Ibid.
3. Ibid.
4. Maxwell to Bathurst, 10 Jan. 1825, C.O. 239/12.
5. Maxwell to Bathurst, 10 Jan., 15 Feb., C.O. 239/12.

to be removed from the colonists of Anguilla and entrusted to the Chief Judge of St. Kitts, it was necessary to provide some remuneration. Fees were expected to provide little and therefore, at Maxwell's recommendation, the Treasury was strongly urged to meet the Chief Judge's expenses. The Treasury agreed to grant a salary of £200 until resources could be found in the island, and, in anticipation of criticism in Parliament, the commissioners report on the state of Anguilla was presented to the Commons.[1] Colonists in Anguilla could no longer be left to govern themselves but it was inexpedient to disturb the accepted relationship with the colonies and the task of governing Anguilla, therefore, was entrusted to the government in St. Kitts.

Both in Demerara and in the old colonies the government had refrained from using authority. Bathurst had acted within the accepted relationship of Britain and the old colonies, yet there were two weaknesses in the way these relations were conducted. In the first place, using the refashioned Colonial Office, Bathurst and Horton had been able to work out and justify a detailed policy of amelioration. They believed that there was one right way to proceed towards eventual emancipation; in the light of criticism

---

1. Bathurst to Maxwell, 15 Dec. 1825, C.O. 407/1/258
P.P. 1826 (174) XXVI, 325.

and further investigation they modified their policy but they clung to the idea that it was their duty to devise a complete answer. The plan was put into operation in Trinidad through the exercise of authority. Yet if compulsion was to be avoided in the other colonies it was necessary to negotiate the terms of the colonists co-operation. This the government would not do. The problem was that there was a further weakness in the government's position. The price of co-operation was compensation for the property both in the slave and in the plantation. "The question of compensation for the loss of property consequent on any plan of negro emancipation is the main point at issue with every colonial proprietor."[1]. Without an open commitment to compensation the colonists remained intransigent, and, while West Indian planters in Britain were prepared to exhibit a willingness by urging the assembly to pass measures, they did not assist further by directing their attorneys to promote measures proposed by government.[2]. The ministry were not prepared to make any proposals on compensation in Parliament, more members of Parliament were concerned about reducing expenditure than about legislating for slaves. When, for instance, in 1826, Bathurst wished

---

1. A. M'Donnell, The West India Legislatures Vindicated, p. 22.

2. Mulgrave to Goderich, 2 Mar. 1833, B.M. Add. MSS. 40863/22.

to appoint protectors of slaves and urged the Treasury that "the payment of that office by the Mother Country appears to be the natural consequence of the Resolutions of Parliament," the Treasury insisted that this letter of request be withdrawn.[1] If the accepted relationship was to be retained the price of co-operation had to be paid; the alternative was a resort to authority. In Anguilla, Bathurst and Horton had no trust in the colonists, in Berbice they had moved towards authority, elsewhere they opted for neither alternative.

In the final months of the ministry some attempt was being made within the office to discover the limits of the relationship with the old colonies. Since 1822 the Legal Commissioners had been touring the colonies. Their field of enquiry had been extended to include all the colonies in the West Indies[2] and their work had been increased by Bathurst and Horton's practice of parrying parliamentary criticism of the execution of justice in the colonies by stating that the matter was under the investigation of the commissioners.[3] In 1825, however, the first series of

---

1. Horton to Herries, 3 Apr. 1826, C.O. 319/26/210 and endorsement dated, 13 Apr. 1826.

2. See above, p.240

3. Stephen to Twiss, 24 Aug. 1830, C.O. 101/70. Bathurst to Commissioners, 3, 4 Sep., 23 Dec. 1823, C.O. 319/217/40, 58, 68.

reports were presented to the Office.[1] In these reports the commissioners described the administration of justice in each of the Leeward and Windward Islands, and privately they submitted a plan of reform. Following a hint from Horton, the plan was founded on the scheme which Nugent had incorporated in his Bill in 1822.[2] Dwarris, one of the commissioners, recommended that there should be two circuits, one for the Leewards and Dominica and one for Barbados, Tobago, Grenada and St. Vincent.[3] In each colony there would be a single supreme court with a puisne resident judge and a crown law officer who would also be protector of slaves. In addition in each circuit court there would be two superior judges - one for equity and one for common law - and an attorney general, and these three would go on circuit to attend the courts in each island. The judges and law officers were all to be salaried and prohibited from owning slaves or taking part in trade within their district. Dwarris's colleagues suggested certain alterations but these were of minor importance.

Bathurst accepted that some reform in the administration of justice in the colonies was necessary. Effective execution

---

1. 1st Report of Commissioner Dwarris 1825, C.O. 318/59.
2. Horton to Commissioners, 9 Nov. 1822, C.O. 319/217/34.
3. Dwarris to Horton, 17 Apr. 1826, C.O. 318/61.
4. Henry and Coneys to Bathurst, 9 Dec. 1826, C.O. 318/61.

of justice was desirable in itself but Bathurst also granted, what the anti-slavery leaders reiterated, that ameliorative measures were ineffective without a sure administration of the law. While sending the Trinidad order in the form of eight bills, Bathurst wrote that once these measures had been passed "nothing will then remain but to provide for the improvement of the judicial system and for its accommodation to the present state of the whole community including the slave population".[1] When Nugent introduced a motion on the regulation of justice in the West Indies, Horton informed him in the House that the government intended to submit measures for the attention of Parliament.[2]

The great difficulty was how to effect reforms. Horton described the question as being "not inferior in delicacy and difficulty to any colonial question which has arisen since the period of the American War."[3] The government was committed to doing something. Parliamentary commissioners had recommended reforms and these could not be made by an island acting alone. Horton recognized that the existing ambiguous relationship was at issue.

---

1. Bathurst to Officer Administering, 19 Mar. 1826, C.O. 29/31/100.

2. Horton, 25 Apr. 1826, P.D. New Series XV/589. Horton to Nugent, 24 Apr. 1826, C.O. 324/99/13.

3. Horton, Memo., 19 Jan. 1827, C.O. 320/4.

In considering what should be done within the limits of this relationship Horton suggested that there were three possible ways of proceeding: direct Imperial legislation, an Imperial Act which it would be for the colony to adopt as with Robinson's act regulating West Indian trade in 1822,[1] or a recommendation to the colonists to pass a local act. On the first, Horton maintained that it was "unconstitutional for the British Parliament to enforce these judicial changes by an act of its own."[2] Horton favoured the third course. Draft bills should be sent out like the eight heads of bills incorporating the Trinidad Order. At the same time Parliament should pass a resolution stating the nature of the relationship between the Imperial Parliament and the colonial legislatures. The resolution was to state that the Imperial Parliament would forbear legislating "even in a case in which unmixed good could only be expected by all parties from internal legislation not sanctioned by the colonial compact."[3] Nevertheless, Parliament retained an ultimate power "which is only to be resorted to in the case of an irremediable necessity," and this necessity would only arise if "contumacious resistance" occurred which was "strictly incompatible with

---

1. 3 George IV C45.
2. Horton, ibid.
3. Ibid.

the interests of the Empire taken as a whole."[1] Parliament was, therefore, to make explicit that the nature of the relationship between Parliament and the colonies was much as Dundas had described it in 1796.[2] Bathurst, however, rejected these ideas of Horton. He objected to "sending drafts of Bills to be enacted by the colonial legislatures which we know by experience they will not do,"[3] and he also "felt a great repugnance to any parliamentary resolutions which to please both sides of the nation must be ambiguous and therefore only lay the foundation of future quarrels."[4]

While rejecting Horton's recommendations, neither Bathurst[5] nor Stephen[6] favoured direct parliamentary legislation. Stephen did not consider that such an act would "involve the general question of unconstitutional interference and legislation in colonial matters."[7] Unity of

---

1. Ibid.
2. See above, p. 56
3. Bathurst to Horton, 21 Jan. 1827, C.O. 325/35/259.
4. Ibid.
5. Ibid. and Bathurst, Memo., n.d., C.O. 320/4.
6. [Stephen] Memo., n.d., C.O. 320/4. Also Copy, n.d. C.O. 318/80.
7. Stephen, op. cit.

design in this matter was essential to the well being of the islands and "it must be assumed that there is some provision in the constitution for carrying into effect measures which must have their operation at the same time in several parts of the Empire which though dependent on the parent state are wholly independent of each other."[1]. Establishing circuit courts involved, however, the prior abolition of the existing courts and the raising and appropriation of money to pay the expenses of the new courts. Both Stephen and Horton appear to have assumed that where there was a conflict between local statutes and acts of Parliament the local statutes had priority and, therefore, that the colonial acts would have to be repealed,[2]. but "no precedent for the direct repeal of colonial acts by parliamentary authority can be found and the introduction of such a precedent would be alarming and offensive".[3]. Moreover, any fees that were imposed to support the new courts would have to be authorised by the imperial act and this would be "a breach of the faith of parliament as pledged to the colonies in 1778."[4]. Besides

---

1. Stephen, op. cit.
2. Horton, Stephen, op. cit.
3. Stephen, op. cit.
4. Ibid.

these constitutional objections, there were political difficulties. Many would "support the measure in Parliament as a precedent for interfering upon the question of slavery and such support would be the most certain means of awakening opposition from the West India interest."[1]. There would be the further difficulty that "the utility of the measure would obviously depend in no slight degree upon the favourable disposition of those who would be immediately affected by it."[2].

A measure similar to the Robinson's Act was favoured by Stephen. Bathurst considered that this was "on the whole the least objectionable course".[3]. He agreed that there should be an Act "to be in force whenever a given number of West India Legislatures shall have given their consent by proper enactments. It would not make the British Act compulsory at the expiration of any given time."[4]. Such a bill would maintain the existing constitutional relationship for as Stephen wrote it would be "avowedly on the principle that in those cases, of a common interest between

---

1. Ibid.
2. Ibid.
3. Bathurst, Memo, n.d., C.O. 320/4.
4. Ibid.

the different colonies which the separation of their Legislatures may have rendered unattainable, it belongs to Parliament to interpose but still to leave to the Assembly to judge whether the projected law would promote their interest and whether they would accept or reject altogether this Parliamentary enactment."[1]. Such was the course which it was decided to take.[2].

Bathurst opposed Horton's suggestion of a parliamentary resolution declaratory of the relations between Parliament and the colonies because the resolution could not but be ambiguous. He preferred the expedient of an Imperial Act which it would be for the colonies to adopt and he intended to include in the bill a clause allowing slaves to give evidence in court. Yet this idea the colonial legislatures had consistently rejected since Bathurst had recommended it to them in 1823. It was unreal to expect any greater compliance on this occasion. By 1827 Bathurst and Horton had become frustrated at their inability to secure what they desired and what was politically necessary, yet in seeking these judicial reforms they intended to accept the limitations

---

1. Stephen, op. cit.

2. An outline Bill was prepared along these lines. Stanley to Brougham, 17 Oct. 1833, Brougham Papers.

of the existing relationship. Only the outline of the bill had been prepared when the ministry broke up.

Chapter VIII

FROM EXHORTATION TO AUTHORITY

By the time that Liverpool's ministry broke up ministerial policy was at a critical stage. Among other matters the government's slave amelioration policy had reached the point where each of the old colonies had refused to accept the eight draft bills in their entirety, a Privy Council enquiry was pending on the Orders in Berbice, and legislation to reform judicatures was promised. There followed three and a half years in which ministers vacillated and procrastinated. Yet the office had a momentum independent of the secretary and undersecretary of state and this, together with ministerial incompetence, brought a move towards the exercise of authority.

During the following years there was a succession of ministries and secretaries of state. In April 1827 Goderich succeeded Bathurst. Goderich lacked the dynamism to come to grips with the problems of his department, let alone to take any action in the hundred days of Canning's ministry. When Goderich himself formed a ministry in August 1827 and made Huskisson Third Secretary, the latter confessed "these slave questions, I verily believe will drive me mad the more I read up on the subject and whether

I look to authority or argument, the more I am perplexed."[1] After three months as secretary he had sufficiently recovered his bodily health to come to London, but he was preoccupied with party issues. When Wellington became Prime Minister in January 1828, Huskisson remained as secretary but as his undersecretary wrote privately, Huskisson's time was "so completely taken up of late as to render it impossible for him to dedicate any portion of it to colonial affairs however important and pressing they may be."[2] However, Huskisson only stayed in the ministry till May, then, having voted against the government, he was surprised to find that his offer of resignation was accepted.[3]

Nor during this period had the undersecretaries entirely compensated for the secretaries of state. Horton had remained in office till November 1827 and had continued to conduct West India business. There was, however, dissensions within the office. Stephen described Horton as "that stupid fellow" and commented "if he were here I should be very angry with him but distance of place quiets one like distance of

---

1. Huskisson to Horton, 7 Nov., 1827, B.M. Add. MSS. 38752/26.

2. Hay to Keane, 12 Feb., 1828, C.O. 324/88/21.

3. For the correspondence on Huskisson's resignation see Wellington's Despatches Correspondence and Memoranda, vol. IV, pp. 449-69; also E. Halevy, The Liberal Awakening, pp. 258-262.

time."[1] Taylor also had some quarrel with Horton.[2] When Horton left office, Hay took on West Indian business,[3] and for both personal and political reasons relations were poor between him and Stephen and Taylor.[4] Hay surrendered the West India business when Wellington appointed Sir George Murray to succeed Huskisson and Horace Twiss to be under-secretary.[5]

After a year of disruption, the office was to keep Murray and Twiss till the end of the ministry in November 1830. Murray was a likeable gentleman. He had served under Wellington in the Peninsular, but he was unfamiliar with ministerial work. Neither the Duke, nor other members of the Cabinet, trusted his judgment. His support of Peel in the House of Commons was regarded as feeble: even on the matters of his department he managed to display his incomprehension.[6] While in the office his contribution went little

---

1. Stephen to his wife, 24 July, 1827, quoted in C.E. Stephen, The First Sir James Stephen, p. 15. For evidence that Stephen is referring here to Horton, see Stephen Minute, 18 July, 1827, C.O. 260/44.

2. Taylor to Miss Fenwick, 29 Nov., 1827, Bodleian MS Eng. letters d 6/180.

3. Hay Circular, 14 Nov., 1827, C.O. 324/105/39.

4. Taylor to Miss Fenwick, 4 July, 1828, Bodleian MS Eng. letters d 6, and see below, p. 467

5. Hay Circular, 20 Mar., 1830, C.O. 324/105/54.

6. C. Greville, Memoirs (1888 ed.), vol. II, p. 11. Ellenborough Diary, vol. III, p. 107. P.R.O. 30/29/30. See also Murray's remarks on compensation, 13 Dec., 1830, P.D. 3rd Series, vol. I/1062.

further than adding his signature to dispatches. "Hay told me" Greville noted, "that for the many years he had been in office he had never met with any public officer so totally inefficient as he .... "[1].

The undersecretary in charge of West India business was only a little more effective. Not only did Murray give no direction to the work of his office, but Twiss found the business beyond his control. Twiss lacked the grasp and decisiveness that was needed. While the House of Commons was sitting, he found Parliamentary business as much as he could cope with. It required, as he wrote in 1830, "incessant application and the perusal of voluminous papers both in print and in manuscript to the sacrifice even of necessary sleep."[2]. At the end of 1828 Hay suggested that responsibilities within the office should be reallocated, he was prepared to take charge of all office business and Twiss could thus be left to concentrate on Parliamentary matters.[3]. Taylor opposed this change and dissuaded Twiss from adopting it.[4]. The result was that Taylor and Stephen conducted

---

1. Greville, op.cit., vol. II, p. 11.
2. Twiss to Innes, 10 May, 1830, C.O. 112/14/318.
3. Taylor to ——— , 18 Feb., 1829, Bodleian MS d 6/347.
4. Ibid.

West India business themselves. They did not have to contend with Major Moody. As a result of the current concern for economy and because of his unpopularity with the Saints, Moody's office had been abolished.[1] Nevertheless, while Taylor and Stephen executed West India business they had to overcome the obstacle of Twiss's incompetence. Taylor described him as "for ever occupied with details and incapable of coming to a conclusion - routing and grunting and tearing up the soil to get at a grain of the subject."[2] Initially, Taylor had regarded Twiss as a likeable, intelligent man[3] but, having come to execute a large part of West India business, he disapproved of Twiss's obstructiveness and took a dislike to this "fleshliest incubus."[4]

Under Twiss the procedure of the office was a development from that followed under Horton. Taylor continued to supervise the work of the West India department. He cooperated closely with Stephen sending legal problems direct to him and drafting dispatches on the basis of Stephen's

---

1. Moody to Hay, 14 July, 1828, C.O. 323/209/139. Moody to Goderich, 5 Mar., 1832. B.M. Add. Mss. 40879/418.

2. H. Taylor, Autobiography, vol. I, p. 118.

3. Taylor to Miss Fenwick, 4 July, 1828; to 18 Feb., 1829. Bodleian MS Eng. letters d 6/347.

4. H. Taylor, Autobiography, vol. I, p. 117.

opinion before the matter was referred to Twiss or Murray.[1] Taylor broadened the scope of matters of minor importance on which he took the decision and if necessary prepared a dispatch for signature.[2] Finally, on questions of greater importance, which were passed on to Twiss or Murray, Taylor normally submitted a draft reply at the same time. Writing in 1833, Taylor claimed that he had "done more for the Secretary or Undersecretary of State for the time being of their peculiar and appropriate business than they have done for themselves. I have been accustomed to relieve them from the trouble of taking decisions, of giving directions, of reading dispatches and of writing them. In ninety-nine cases out of a hundred the consideration which has been given to a subject by the Secretary of State has consisted in reading the draft submitted to him and his decision has consisted in adopting it; and the more important the question has been the more I have found my judgment to be leant upon."[3] Much of what Taylor claimed is borne out by the evidence in

---

1. Belmore to Murray with endorsement, 4 Feb., 1830, C.O. 137/171. Skeete to Huskisson, 24 Mar., 1828, followed by Stephen to Taylor, 18 July, 1828, and draft dispatch, 31 July, 1828, C.O. 28/102.

2. See Taylor's notes on: Skeete to Huskisson, 27 Feb., 1828, C.O. 28/102. Masters to Huskisson, 20 Mar., 1828, C.O. 7/24. Hackshaw to Murray, 19 July, 1828, C.O. 260/45. Smith to Murray, 26 Feb., 1830, C.O. 137/173.

3. Taylor to Howick, 6 Feb., 1833, 3rd Earl Grey's Papers/ Taylor.

the files. Most of the dispatches sent in these years were either drafted by Taylor or were written by Stephen and adapted as dispatches by Taylor. The Colonial Office had been fashioned as an instrument for assisting in formulating, justifying and executing policy but it had developed to the point where it could conduct colonial business in spite of incompetent superiors. The absence of effective control meant, however, that the policy of the office bore the imprint of Stephen and Taylor.

Stephen and Taylor had a close personal friendship based on mutual respect rather than community of feeling. Stephen was acutely shy and sensitive yet beneath a cloak which made others regard him as stern and pompous, he was kind, humble, considerate. His religious fervour and asceticism inspired a devotion to the cause of the slaves. "I hold the practice of slavery such as it is in the West Indies," he wrote in 1827, "to be a practice which God has forbidden and from which, therefore, man should desist, be the expense or risk what it may. That risk or expense should, I think, be borne entirely by ourselves the Authors and Patrons of the system. I cannot believe that any good will come of any method of cure which does not proceed upon the distinct recognition of these plain Rules of Morality."[1]

---

1. Stephen to Taylor, 29 June, 1827, Bodleian MS Eng. letters c 3/84.

In these years, as he claimed in 1829, Stephen devoted himself mainly, so far as the duties of his office would permit, to the extinction of slavery.[1] He had a phenomenal capacity for work. He employed two amanuenses and starting work at six in the morning he continued till night "with no deduction of any part of my time for amusements or for studies of a different nature."[2] And yet in this work, he conceived it to be his duty to subordinate his own passionate feelings. While West Indians branded him as a partisan, he was in fact adopting something of the methods and outlook of a judge, applying general principles of law or policy to the problem in han. Here he showed breadth of outlook, percipience, utter fairness. His mind was lucid, subtle and decisive. Only when he was required to be imaginatively constructive did he manifest shortcomings.

Taylor provides a contrast. He was eleven years Stephen's junior and still both a batchelor and an agnostic.[3] He was forceful and confident; an egalitarian in the face of superiors, he had a disdain for all others. He was

---

1. Stephen to A. Stephen, 1829, printed in C.E. Stephen, The First Sir James Stephen, p. 16.

2. Stephen Statement of Circumstances attendant on Stephen's connection with the Colonial Department. Murray Papers, 171/54.

3. Ten years later Stephen and Gladstone did much to educate Taylor in Christianity, he also married and these two experiences appear to have had a considerable effect on him.

intolerant and authoritarian. Impatient of his work as a clerk, he wanted recognition as well as power; his ambition was torn between literature and politics. In the late 1820's he was writing a play, Philip van Artevelde. Stephen applied to him the lines:

> Business, the great impertinence,
> Business, the thing which I of all things hate,
> Business, the contradiction of thy fate.[1]

Nevertheless, he applied himself to his office work, he was acute in his understanding, he wrote clearly and forcefully, but unlike Stephen, he did not divorce his personal views and government policy. Dispatches he wrote expressed his opinion. In memoranda, frequently unsolicited, he was powerful in his advocacy of constructive policy. In matters of slavery, in the late 1820's he was an advocate of Horton's scheme of compulsory manumission and he was impressed with the need for legislation. However, his political opinions moved with the times.

The development in the office, which brought Stephen and Taylor to the fore, resulted in an important change in the relations of the office and all the plantation colonies. Stephen and Taylor acted on the assumption that the colonial

---

1. Stephen to Taylor, 7 Aug., 1830, printed in Correspondence of Henry Taylor, ed. E. Dowden, p. 22.

executive was subject to the supervision and direction of the Imperial government. This the Saints had urged during the period after the Napoleonic War when they considered it impolitic to promote legislation in Parliament, but Goulburn had denied their assertion.[1] He had claimed that the administration in the old colonies must be considered as part of a separate system, a "different and inferior mode of government"[2] as he called it. Yet there could be no clear distinction between treating colonial administration as part of a separate system and exercising supervision over it, unless, indeed, the Jamaicans' claim to a distinct government with only a common allegiance to the Crown was accepted, and this claim was never entertained in Britain. Giving a governor advice and assistance, and informing him of the will of the Crown was not sharply distinguishable from supervising administration in the colonies through the medium of the governor. It was largely a matter of the degree to which a governor's discretion and judgment was to be trusted. The need to gain colonial legislation and to answer Parliamentary criticism of practices or incidents in the colonies had led Bathurst and Horton on occasion to go beyond what was implied by Goulburn's statement.

---

1. See above. p237-8

2. 6 June, 1821, P.D., New Series, V/1123.

Governors had been required to make investigations and they had been instructed how certain subordinate officials were to act. Yet, as in the case of Lescesne and Escoffery in Jamaica,[1] the need was for documents which would convince Parliament, otherwise, as Horton wrote, "incalculable injury ... will have been done to the character of West India Legislatures ...." [2] After Bathurst's departure there was a subtle shift in the way colonial administrations were treated.

Investigation and supervision of officials and their conduct of administration became the duty of the Colonial Office. The governor was treated as the agent of the office both in enabling the office to form a decision on the conduct of affairs and in executing that judgment. When Brisbane, who had been governor of St.Vincent since 1808, acknowledged the circular announcing Murray's appointment as secretary by writing "it will give me great pleasure to co-operate with you at all times", Taylor gave a hint of the change by taking exception to the word 'cooperate'.[3] In all cases of complaint about officials which were not

---

1. Lescesne and Escoffery were two free coloureds who had been deported from Jamaica. Humanitarians maintained that the deportations were illegal. Madden, op.cit., P. 138.

2. Horton to Manchester, 18 June, 1825, C.O. 137/172.

3. Brisbane to Murray, 28 July, 1828, C.O. 260/45.

manifestly frivolous or absurd, Stephen conceived it to be the clear duty of the Secretary of State to send the complaint to the person accused and for him to offer an explanation.[1.] The Crown had the power to dismiss officials and it was the duty of the Colonial Office to form a judgment on whether the official should be kept in office. This decision the Colonial Office took: it was not left to the governor. As Stephen wrote, over Murray's signature to the Lieutenant Governor of Jamaica, "I infer from what you write that the magistrates made representation or vindication of their conduct, but this is not sent, and therefore, I can form no opinion on the merits of the case", and Keane was instructed to send the relevant documents.[2.] A similar supervision was exercised over judges and the administration of justice. It was Stephen's view that for the protection of the public, it was necessary for the Crown to retain its power of dismissing judges, otherwise they would be "the instruments of insufferable tyranny"[3.] and he investigated whether they acted contrary to rules of natural justice.[4.]

---

1. Dyer to Murray, 9 July, 1830, followed by minute Stephen to Taylor, 6 Aug., 1830, C.O. 137/173.

2. Murray to Keane, 16 Dec., 1828, C.O. 138/51/387. The letter was drafted by Stephen - Stephen to Twiss, 3 Dec., 1828, C.O. 137/168.

3. Stephen, Minute respecting judicial independence [1830], Murray Papers, 172/134.

4. Murray to Ross, 4 May, 12 Oct., 1829, C.O. 393/3/139, 169. Twiss to Ross, 19 Sept., 1829, C.O. 393/3/165.

Criminal administration was supervised. The Crown had the power of mercy and, at Twiss's suggestion, court records and judges notes in all capital cases were required to be sent to the Colonial Office.[1] Not the governor's recommendation but a personal assessment formed the basis of a decision. In these cases and in others where there was complaint about a failure of justice, Stephen undertook a minute review and his review was incorporated in despatches. The aim was to impress "the indispensable necessity of making provision for the more correct and regular performance of the duties of the judicial office in criminal trials."[2]

Furthermore, besides exercising this supervision, the office began to demand the active assistance of subordinate colonial officials. Bathurst had required governors to send returns of information. Blue Books had been introduced in 1821, Moody had enlarged them and introduced half-yearly Brown Books and Parliament had required further information. In the Crown Colonies, where officials were salaried, there was little difficulty in securing this information, but by 1827 the office was pressing governors in the old colonies to produce long overdue returns. Governors pointed out in

---

1. [Twiss], Minute, n.d. 1828, C.O. 28/102. Murray to Skeete, 17 July, 1828, C.O. 29/31/328. Keane to Murray, 28 Jan., 1829, C.O. 137/169.

2. Murray to Lyon, 7 May, 1829, C.O. 29/31/369.

reply that there was no law requiring officials to complete the returns and there was no way of recompensing officials who were paid by fees for work done. Keane wrote from Jamaica that should similar returns to those demanded by the Finance Committee "be required in future, that your Lordship would be pleased to state in what manner the expense is to be provided for, for I have no contingent account to which any expense of printing can be charged and the nature of the public offices here differs so much from those in England that any extra service is always provided for by those who require it."[1] While to the complaints that no Blue Books had been completed since 1824, Keane replied "I know of no authority which the governor possesses to enforce a more prompt obedience."[2] As similar letters were received from other islands,[3] Taylor drafted replies insisting that officials must regard such work as part of their duties. "The duty ... must be considered a necessary condition of holding the office of secretary for Antigna."[4] Although he received no remuneration from Britain, and no

---

1. Keane to Goderich (No.15), 24 Sept., 1827, C.O. 137/165.
2. Keane to Goderich (No.16), 24 Sept., 1827, C.O. 137/165.
3. Skeete to Huskisson, 3 Apr., 1828, C.O. 28/102. Brisbane to Murray, 4 Mar., 1829, C.O. 260/46. Maxwell to Murray, 8 Apr., 1830, C.O. 239/22.
4. Murray to Ross, 16 July, 1829, C.O. 393/3/138.

law required the execution of this duty, nevertheless he was required to do the work as a condition of holding his appointment.

This change in the relations of the Colonial Office and the administration in the old colonies was connected with the emergence of Stephen and Taylor to a dominant part in the execution of West India business. There is no indication that it was seen as a conscious change of policy - at least in the Colonial Office: in Jamaica there was complaint of unconstitutional interference[1]. and in Barbados a judge saw the Colonial Office's action as an attempt to cast reprehension and obloquy on him when he was doing his best to administer justice.[2] In the office, however, the course reflected a pragmatic approach to problems as they arose. Bathurst and Horton had ordered investigations and returns of information. A tradition of enquiry had been built up, but, for the most part, information was gathered to enable policy to be formulated or so that criticism in Parliament could be answered. Complaints had been referred to the Legal Commissionersfor their investigation and advice where it had been inexpedient to entrust the matter to a governor.[3]

---

1. Murray to Belmore, 21 May, 1829, C.O. 138/53/11.
2. Lyon to Murray, 21 July, 1829, C.O. 28/103.
3. Stephen to Twiss, 24 Aug., 1830, C.O. 101/70.

During Murray's secretaryship there was a marked increase in the number of complaints made to the office. Missionaries made representations through their societies;[1] anti-slavery leaders submitted charges against colonists;[2] merchants and absentee planters complained about the way justice was perverted to the ends of resident colonists[3] and colonists themselves found that allegations could be made to the Colonial Office as a means of pursuing personal squabbles.[4] No longer, however, was there the expedient of referring complaints to the Legal Commission: by 1828 all the commissioners were back in England. The office chose to order investigations on these complaints and to assess the evidence themselves. These enquiries had the direct purpose neither of contributing to the formulation of policy, nor answering Parliamentary criticism. Stephen and Taylor sympathised with the Parliamentary critics, they also distrusted colonists and certain colonial officials but they were primarily acting

---

1. Murray to Keane, 19 Jun, 1828, C.O. 138/51/266. Murray to Belmore, 6 May, 19 Aug., 1830, C.O. 138/53/105, 130.

2. Huskisson to Keane, 16 Apr., 1828, C.O. 138/51/345. Murray to Belmore, 23 Oct., 1829, C.O. 138/53/42.

3. McQueen to Murray, 14, 22 Feb., 1, 30 June, 7 Aug., 1830, C.O. 293/23. A. McDonnell to Murray, 2 Sept., 1830, C.O. 239/23. Murray to Ross, 4 May, 1829, C.O. 393/3/139.

4. Murray to Ross, 3 July, 1828, C.O. 393/3/22. Stephen to Twiss, 12 July, 1828, C.O. 7/27.

administratively. Stephen, like Moody, believed in basing a decision on evidence not opinion, and Taylor's insistence on officials completing returns, reflects not only the absence of available funds from which to pay for this work, but the changed attitude to administrative officials when in Britain a fee system had largely given way to one based on salaried officials in an hierarchical organization. In the process of executing West India business they treated the colonial administration as subject to the direction and supervision of the Colonial Office.

While the Colonial Office was extending its authority over the administration in the colonies, the ministry was ostensibly continuing the policy on amelioration of Liverpool's ministry. In the old colonies the colonial legislatures were to be left to legislate and the measures they were to adopt were those included in the Trinidad Order. In the summer of 1828, Wellington explained and justified this policy. The government had a duty to act in accordance with the 1823 resolutions. They had to proceed "gradually so as to keep in view the peace and tranquillity of the colonies and the property and prosperity of all classes of the inhabitants."[1] It was a matter of persuading the colonists to adopt measures. "When the government proposed

---

1. Wellington, 23 June, 1828, P.D., New Series, XIX/1465.

these measures they knew they proposed them to legislatures which possessed the power to adopt, to modify or to reject them. And having that power Government cannot interfere and force these measures upon them. ... We can only govern them, as this country is governed, by means of laws which are enacted by the sanction of the Houses of Legislatures."[1] Harsh language only irritated, instead they had to be encouraged and persuaded. Moreover, the execution of the laws depended on the cooperation of the colonists. "Does the noble Lord wish to use force?" Wellington asked of Lord Calthorpe in the House of Lords, "If so I tell the noble Lord that we have not the power of governing these colonies by force any more than we have the power of governing this country by force."[2] Wellington further explained in a letter to James Stephen senior, "Without the assistance of the resident gentry and proprietors these provisions of law could not be carried into execution."[3] The Duke was explicit in his determination to maintain the existing relationship with the colonial legislatures; on whether the basis for this was a matter of constitutional right or one

---

1. Wellington, 18 July, 1828, Anti Slavery Monthly Reporter, Aug., 1828, pp. 283-5. The speeches on Lord Calthorpe's petition are not printed in Hansard's Parliamentary Debates.

2. Ibid.

3. Wellington to Stephen, 25 July, 1828, Wellington's Despatches Correspondence and Memoranda, vol. III, p. 556.

of expediency, he showed himself to be confused.

Wellington's policy was founded on ignorance. He considered it to be "more wonderful to behold the progress already made rather than to express any strong censure for what remained to be done in furtherance of this business."[1.] He maintained that the legislatures in all the colonies had adopted the principle of the measure recommended to them. What was required was that they should adopt the actual provisions of the Trinidad Order. This was to be achieved by sending out a "pretty vigorous instruction to the governors"[2.] and by pointing out to governors "the mode which each ought to pursue to induce the legislature of the colony under his government to adopt some measure in the same view."[3.] The governors were to contact members of the assemblies and "point out to them individually the advantages which the colonies would receive."[4.] Wellington seemed unaware of all that had been attempted in the previous five years, and the little that had been achieved. Wellington's policy was a personal one. In 1828 he instructed Murray what was to be

---

1. 18 July, 1828, Anti Slavery Monthly Reporter, Aug., 1828, pp. 283-5.

2. Wellington to Murray, 18 Aug., 1828, Wellington's Despatches, Correspondence and Memoranda, vol. III, p. 629.

3. Wellington to Murray, 20 Aug., 1828, ibid., vol. III, p. 642.

4. Wellington to Murray, 24 Aug., 1828, ibid., vol. III, p. 662.

done. Murray, for his part, did nothing to educate Wellington or his Cabinet colleagues, indeed, in 1828[1] the policy was determined by Wellington in isolation from the Colonial Department.

The Office was distrusted as an instrument for assisting in formulating policy. Wellington regarded Stephen as what he called "a Partisan in favour of the Abolition of Slavery."[2] In such circumstances, it was for ministers to look at a matter "seriously ourselves and oblige those under us to carry into execution our intentions and not their own fancies."[3] On another occasion he considered that Stephen was acting in the spirit of an enthusiastic party and the Duke in consequence arranged for the Chancellor to look his work over carefully.[4] In 1830, when Taylor wrote a paper urging the government to threaten a reduction of the drawback on sugar or else impose preferential duties as a means of inducing the colonies to pass legislative measures,[5]

---

1. Murray to Wellington, 19 Aug., 1828, ibid., vol. III, p. 638.
2. Wellington to Murray, 10 Oct., 1829, ibid., vol. V, p. 206.
3. Ibid.
4. Wellington to Murray, 27 Jan., 1830, ibid., vol. VI, p. 444.
5. Taylor Memo. on the sugar duties, n.d., C.O. 320/10.

he was annoyed to find that no attention was given to the matter.[1] Murray neither directed the working of the Office nor educated Wellington, or later other ministers as they interested themselves, in West Indian affairs. He failed to provide a link between the Office and Wellington or the Cabinet.

In these circumstances, although the government's policy was to act in accordance with the 1823 resolutions, what was decided by ministers bore more relation to British politics than to developments in the West Indies.

During Wellington's ministry, the demand in Parliament and the country for resolute action on behalf of the slaves had weakened. Abolitionists were still seeking more effective measures of amelioration and looking forward to eventual emancipation for the next generation of slaves, but their demands had lost force. It was partly that national politics diverted attention from the cause. There was a pressing demand for retrenchment; in the summer of 1828 dissenters at last secured the repeal of the Test and Corporation Acts; in 1829 Catholic emancipation was the burning issue.[2] It was more, however, that the abolition-

---

1. Taylor to his mother, 27 Apr., 1830, Bodleian MS Eng., letters d 7/5.

2. E. Halevy, The Liberal Awakening, pp. 263-303.

ists were in disarray. There was a lack of effective leadership. In the summer of 1827, Buxton collapsed and he had still not recovered sufficiently in the spring of 1828 for him to resume his exertions.[1] Likewise, Brougham became ill. From March to October 1828, he was unable to assist the anti slavery movement.[2] Finally, in the autumn of 1829 Zachary Macaulay was seriously ill.[3] Furthermore, in 1828 Smith was preoccupied with the dissenters' cause and Lushington was engaged as judge of the London consistory court and too busy to take his seat.[4] Yet even in what they were able to do, abolitionists showed that they had lost a collective purpose. Even after he resumed his exertions Buxton continued to direct his energy to exposing the existence of a slave trade in Mauritius.[5] Brougham used his rhetoric to publicise the cruelty of slave owners in the Bahamas[6] and his relations with Buxton were such

---

1. C. Buxton, Memoirs of Sir Thomas Fowell Buxton, p. 201. Buxton, 25 May, 1829, P.D., New Series, XXI/1575.

2. C.W. New, The Life of Henry Brougham, p. 325.

3. Viscountess Knutsford, Life and Letters of Zachary Macaulay, p. 450.

4. W.L. Mathieson, British Slavery and its Abolition, p. 194.

5. C. Buxton, Memoirs of Sir Thomas Fowell Buxton, p.

6. 3 June, 1829, P.D., New Series, XXI/1696; 13 July, 1830, P.D., New Series, XXV/1171.

that neither attended the debate on the motion of the other.[1]

The government was left to pursue a course which amounted to showing that the need for amelioration had not been forgotten. The necessity for showing this much did require some action. Weak as the abolitionists were, some response had to be made to their demands. In 1829, after Brougham had recovered from his illness and before Macaulay succumbed, these two sought Parliamentary legislation to admit the evidence of slaves in the old colonies. In reply to Brougham's notice of a bill in May 1829, Murray stated that he agreed with Brougham about the advantage of a bill but that the session was too advanced for a measure to be enacted.[2] However, he stated that "it was his intention in the next session to propose a bill for the reform of the Colonial Judicatures founded on the reports of the Commissioners of Judicial Inquiry in the West Indies and he proposed to introduce into that Bill a clause for admitting, universally, the evidence of slaves on the same footing as that of other persons."[3] By February 1830, Murray was inclined

---

1. On the division between Buxton and Brougham, see A.F. Madden, The Attitude of the Evangelicals to the Empire and Imperial Problems, Oxford thesis, pp. 153-6.

2. 25 May, 1829. Anti Slavery Monthly Reporter, No.49, June 1829, p. 2. The debate is not recorded in Hansard.

3. Ibid.

to withdraw from his undertaking for as he told the anti slavery leaders, "public interest in the anti-slavery question had subsided."[1] Brougham, however, questioned Murray in the House of Commons about his undertaking in the previous session to introduce an act for judicial reform which was to have included a clause admitting slave evidence. Murray initially pleaded that the expense of reform hindered the introduction of measures[2], but when he was pressed a second time he stated that some measure of reform would be mooted before the end of the session "if circumstances permitted the government so far to consult its inclination."[3] In consequence Stephen prepared a bill to provide for the admission of slave evidence. Murray referred the draft to the law officers of the Crown and sought their opinion on whether there was any law or principle of the constitution which would render illegal the interference of Parliament. In reply the law officers stated "we have the honour to inform you that we are not aware of any Law or principle of the Constitution, that would be violated by the adoption of that Bill by the British Parliament. The right of Parliament to legislate for the Colonies has never been doubted

---

1. Minutes of Anti Slavery Committee, 9 Feb., 1830, printed in Madden, op.cit.

2. 23 Feb., 1830, P.D., New Series, XXII/856.

3. 4 Mar., 1830, P.D., New Series, XXII/1264.

and the Statute of the 18th George III ch.12 which is a pledge to abstain from Taxation of the Colonies by Parliament, is confined to that subject of legislation only, and has never been considered as going further ... "[1]. The death of George IV and the resulting general election then intervened and in November 1830, before the bill was introduced, the government fell.

Murray had been pressed to introduce a measure and he had had a bill prepared. The ministry was declaredly pursuing the same policy as followed under Liverpool. Wellington had maintained that there was no intention to force the colonists though he was confused about whether this was due to the fact that there was no right to do so, or that it was impracticable to enforce such measures in the colonies. Such a measure Murray had found was not contrary to law or to a principle of the constitution and he had decided to introduce the bill. The general issue of the desirable relations between Britain and the old colonies was left unconsidered. Horton had described internal legislation as too delicate a subject to be mooted,[2]. Murray overlooked the question. The particular measure allowing slave

---

1. Jenner, Scarlett, Sugden (law officers) to Murray, 22 June, 1830, Murray Papers, 171/127.

2. Horton to Huskisson, 26 Jan., 1824, B.M. Add. MSS. 38745/188.

evidence was necessary and the wider question was ignored.

In the conquered colonies - or as they were now called, the Crown Colonies[1] - the ministry moved further towards a new relationship. As in the matter of slave evidence the ministry was preoccupied with securing a specific measure; here likewise, while seeking particular reforms they moved from a reliance on exhortation and influence to an exercise of authority. In March 1829, fourteen months after hearing the evidence, the committee of the Privy Council gave its verdict on the petitions from Demerara and Berbice.[2] The committee decided in favour of the compulsory manumission clause. This prompted the question of whether the slave order proclaimed by Beard in Berbice should be confirmed and what should be done on the Demerara Order. Bathurst suggested that, rather than consider these orders, it would be preferable to make a new one.[3] The suggestion was accepted, but Wellington and Peel did so initially in the belief, apparently, that nothing new could be included in this order because Orders in Council containing new law would be invalid in the colonies.[4] Bathurst corrected this

---

1. See, for instance, Colonial Office list of colonies [1828], Murray Papers, 168/62.

2. 18 Mar., 1829, printed in P.P., 1829 (301), XXV, 29.

3. Bathurst to Murray, May, 1829, Murray Papers, 169/98.

4. Wellington to Murray, 10 Oct., 1829, Wellington's Despatches, Correspondence and Memoranda, vol. V, p. 206. Bathurst to Murray, 16 Oct., 1829, Murray Papers, 169/158.

misapprehension in the course of the consideration which a group of ministers undertook during the summer and autumn of 1829.[1] A new order was prepared in which improvements on the Trinidad Order were included and some safeguard against non-compliance was introduced.[2] The order was to be enforced in all the Crown colonies. Demerara and Berbice were to be treated like Trinidad, there was no longer, apparently, any need to secure the cooperation of these colonists in making improvements in the conditions of the slaves. Ministers had taken no clear decision specifically on the question of how to proceed in Demerara and Berbice. The course they pursued was indicative of an attitude. They had to do sufficient to conciliate Parliamentary feeling and there was a declining sympathy for West Indian legislatures. Their action reflected an assumption that it was possible and desirable to proceed by authority.

At the time that this sympathy for authority was being shown, reform in the government of the Crown colonies was being considered after years of procrastination. The arrival of the Legal Commissioners had precipitated a review of matters which had been postponed till their return.

---

1. Bathurst to Murray, 18 Oct., 1829, Murray Papers, 169/158.

2. Murray to D'Urban, 4 Feb., 1830, C.O. 112/7/53.

After the war Bathurst had found it convenient to refer to the Commission those problems of reform in the law and administration of justice which he felt incompetent to consider.[1] Constitutional problems had also been left pending their return. In Demerara, Bathurst had favoured a return to the constitution as it had existed before Carmichael's reforms.[2] In Trinidad and St.Lucia it had been intended to establish a local legislative council similar to that introduced in the Cape, Mauritius and New South Wales and modelled on the Indian councils.[3] These matters, however, had been left to await the return of the commissioners. On their arrival Stephen had consulted them about desirable reforms in the government of Demerara, but he found that they had no useful opinions on the matter.[4] Horton then referred all the correspondence on constitutional reform to C. Wray, the President of the Demerara Court of Justice, who was on leave in Britain.[5] Wray was directed to consider in particular the two recommendations that in Demerara there should be a return to the constitution which

---

1. See above, p.240

2. See above, p.281-2.

3. Horton to Woodford, 12 Oct., 1825, C.O. 324/98/202.
   Woodford to Horton, 31 Dec., 1825, C.O. 295/67.
   Bathurst, Minute [1825], C.O. 320/1/131.

4. Stephen to Horton, 5 Dec., 1826, C.O. 111/58.

5. Horton to Wray, 28 June, 1827, C.O. 324/99/295.

had existed before Carmichael's reforms, and that the colonies of Demerara and Berbice should be united.[1] If these suggestions had been adopted colonists would have continued to play a major part in government but the respectable - property owning - colonists would have dominated.

Here the matter rested till soon after Murray became Secretary of State, then the absentee proprietors of estates in Berbice began to use their influence to secure the union of Berbice and Demerara.[2] The financial state of Berbice was such that absentee proprietors wished to achieve economy in government, and they desired also to be able to transfer their slaves to the more prosperous colony of Demerara.[3] In response to this pressure, a despatch was sent to Governor D'Urban stating that it was intended to unite Demerara and Berbice.[4] The public debt of Berbice would be transferred to the united colony and the united colony would be governed under the constitution of Demerara, though some alteration would be made in the position of the financial representatives. Only at this point did the Office hear of the state of the

---

1. Ibid.
2. Innes Memorial, 1828, C.O. 111/115.
3. [Taylor] Memo, 6 May, 1828, C.O. 320/5. Green to Murray, 1828, C.O. 111/71/G.
4. Murray to D'Urban, 18 Oct., 1828, C.O. 112/6/417.

Berbice finances.[1] Paper money circulated in the colony and additional notes had been issued to meet deficits in the exchequer. At the end of 1828, at the same time as hearing of this practice, it was learnt that a further issue was intended. This information was considered to make union more necessary though the task of achieving it had become more difficult.[2] The financial problem was referred to the Treasury, discussions took place between the departments and negotiations were conducted with the Berbice planters on the subject of the debt.[3] Nothing was settled and once the Parliamentary session of 1830 had begun Twiss was occupied with House of Commons' business. By this time the representations from Berbice against union had been ignored and Twiss had promised the Berbice planters that he would unite the colonies, but he was too busy to be able to settle the details.[4]

In the meantime the problem had widened. The report from the Legal Commissioners on Demerara and Berbice had

---

1. Beard to Murray, 18 Nov., 1828, C.O. 111/106. Brande to Hay, 6 Feb., 1829, C.O. 111/108. For the previous ignorance of the office, see [Taylor] Memo, 6 May, 1828, Hay to Taylor Minute, 8 May, and Taylor, Minute, 8 May, C.O. 320/5.

2. Hay, Memo, 14 Feb., 1829, C.O. 111/115.

3. Twiss to Stewart, 26 Aug., 1829, C.O. 112/9/266. Walpole to Twiss, 10 Sept., 1829, C.O. 111/115. Twiss to Innes, 6 Nov., 1829, C.O. 112/14/294.

4. Twiss to Innes, 24 Apr., 10 May, 1830, C.O. 112/14/317, 318.

been presented to Parliament in 1828.[1] The report on Trinidad had been received in the office in 1827 but it had been withheld from Parliament.[2] In 1830 the commissioners submitted their final report, that on St.Lucia, and included in this recommendations for a circuit court system for Demerara and Berbice, Trinidad and St.Lucia, similar to that suggested for the Leewards and Windwards.[3] Moreover, the reports of the Eastern Commissioners on Mauritius were awaiting consideration.[4] Only those reports connected directly with slavery had been presented to Parliament but the others had been received. Finally, in April 1830, Sir Lewis Grant, the governor of Trinidad, arrived in England and as Stephen informed Twiss, proposed reforms in Trinidad had "been standing over for the arrival of the present governor."[5]

After the end of the Parliamentary session, Twiss tried to face these problems. It was a consideration of Demerara

---

1. P.P., 1828 (577), XXIII, 507.
2. Report, 1827. C.O. 318/69.
3. Report, 1830. C.O. 318/79.
4. A.G. Field, The Expedition to Mauritius in 1810 and the Establishment of British Control, London thesis, p. 155-7.
5. Stephen to Twiss, 21 Apr., 1830, C.O. 295/85.

which provided the foundation for Twiss's plans. In the new circumstances he was inclined to make far more drastic changes than he intended when the major problem was the concern of the Berbice proprietors for union. An entire constitution was to be worked out in Britain and introduced to replace what existed.[1] There would be an executive council consisting of the governor and certain officials and a legislative council half of whose members would be officials and half elected by a college of electors. The Legislature could consider measures for enactment only on the recommendation of the King in Council. The shape of the judicature is unclear though it appears to have borne some resemblance to that established in Demerara. A government conforming to this outline was what Twiss considered should be introduced into the united colony of what was to be called British Guiana, but he also suggested that it was suitable for Trinidad, St.Lucia and Mauritius and ultimately for the Cape and Ceylon. Twiss started from the existing institutions in Demerara and refashioned these to suit the ends of better government of British Guiana and of other Crown colonies. He considered it both possible to work out

---

1. Twiss's paper has not been found. His views have been reconstructed from the paper in which Stephen expressed his criticism of them (Stephen to Twiss, 25 Aug., 1830, C.O. 111/98).

a detailed constitution in Britain to suit these colonies, and desirable that subsequently the government should be under the direction of the Imperial Government.

Twiss submitted his scheme to Stephen and Stephen's criticisms were such that he felt it necessary to apologise for his outspokenness.[1] What his conclusion amounted to was that Twiss's scheme was, in general, illegal, impolitic and inadequate. He doubted whether the Crown had a right to make such a radical change. "Do not the capitulations guarantee to the colonists their ancient institutions? I agree that these compacts for the military occupancy of a conquered country are not to be understood in such a manner as to prevent useful and necessary innovations. The contrary opinion leads to absurdities which sufficiently refute it. But the necessity must be clear, and the utility undeniable to justify a change in fundamentals."[2] It was, moreover, impracticable to destroy "at a blow the whole system of government throughout its details",[3] and Twiss's scheme scarcely began to build up all that had to be created in such circumstances. "The comparitive insignificancy of the

---

1. Stephen to Twiss, 25 Aug., 1830, C.O. 111/98.
2. Ibid.
3. Ibid.

place in which it is to operate does not much diminish the difficulty."[1]. On the details in the scheme Stephen's criticisms were scathing.

Stephen had a view of the desirable government for these colonies which contradicted Twiss's. Stephen accepted that "some unity of system in the internal government of these colonies is highly desirable"[2]. but this should be limited to one common system for regulating the expenditure of the public revenue and a measure of uniformity in the legislature. "I would have in each a Legislative Body in which a certain number of officials dependent on the Crown should meet an equal number of proprietors who are exempt from any such dependence. I would define in each colony the limits of the legislative authority in the same terms and in each I would prescribe certain forms of proceeding for the enactment of laws. The rules should be the same throughout the whole range respecting the transmission of their Laws to England and respecting the exercise of the Royal Prerogative and respecting the time and manner in which colonial enactments should take effect."[3]. Beyond this there was no advantage in proceeding considering the ignorance of the Colonial Office and the great variations between

---

1. Ibid.
2. Ibid.
3. Ibid.

colonies. If common institutions and procedures were introduced into all the colonies for the sake of uniformity, these could not but conflict with existing traditions and result in disorder. The expedient of an electoral body might be appropriate in Demerara where they were used to the right and in Berbice "which would rapidly imbibe the habits of the neighbouring settlement"[1]. and in Trinidad where English feeling predominated, "but in St.Lucia and Mauritius, where French minds would misunderstand and French fervour would pervert the privilege - and in the Cape which is a country of wastes and impervious tracts and dispersed occupancies - and in Ceylon which is a different world altogether", the result would be "incessant controversy and confusion."[2]. Apart from providing for a limited unity in system, changes should be left to the colony governors. "Though not perhaps men of very large capacity, their proximity to the scene of action is an advantage which in this case would more than compensate for every other incompetency."[3]. In brief, Stephen's view was that government should conform as far as possible to the traditions of the colony and it should be conducted by those within the colony.

---

1. Ibid.
2. Ibid.
3. Ibid.

Twiss's scheme was altered; who prepared the new plans, the surviving papers do not reveal. In British Guiana, however, the changes brought the constitution into general conformity with Stephen's views. The new constitution was to conform with what Stephen called the fundamentals of the capitulation.[1] The capitulation referred to was that of Demerara, no mention was made of the terms arranged in Berbice. British Guiana was to have a Court of Policy, College of Kiezers and separate Financial Representatives. Narrow limits were placed on the sphere of the Financial Representatives and the right was reserved to the Crown of imposing and levying taxes. In general the form of government detailed was similar to that which had existed before Carmichael's reforms.

Instructions were prepared on the Civil Establishment for British Guiana.[2] The Colonial Office lacked adequate knowledge of offices in Berbice for a comprehensive survey to be made. Certain alterations and reductions were intended to be ordered but otherwise Governor D'Urban was to be asked to send further information. For Demerara, however,

---

1. Draft Order in Council [1830], C.O. 380/134. Draft Special Order [Nov., 1830], Draft General Order [Nov., 1830], C.O. 111/115. The latter two are an earlier version of the first.

2. Murray to D'Urban, n.d. [Nov., 1830]; Nov., 1830, C.O. 111/115.

the instructions were detailed and precise. It was intended that certain offices should be reduced, other economies made, the patents of the remaining patentees terminated. All remaining officials were to be salaried and those occupying positions were to understand that they had to execute necessary additional duties for the sake of the public service. "No servant of the Government shall be permitted to receive the public money without giving his best assistance in any department for which his qualifications may fit him."[1] The administration was to be reformed in accordance with the principles of economy, efficiency and public utility.

In Trinidad, Mauritius and St.Lucia, there was to be a different form of government.[2] There was to be an executive council consisting of the governor and three officials. All questions to be discussed had to be proposed by the governor, other members had to raise matters by writing to the governor, and, should the governor not propose the matter for discussion, the member was allowed to have his letter

---

1. Murray to D'Urban, n.d. [Nov., 1830], C.O. 111/115.

2. Murray to governor of Trinidad with Order in Council, Commission and Instructions, Nov., 1830, C.O. 380/134/37. Murray to Mackie (St.Lucia), despatches, Order in Council, Commission and Instructions, Nov., 1830, C.O. 380/134. Murray to Colville (Mauritius) despatches, Order in Council, Commission and Instructions, Nov., 1830, C.O. 380/137. Murray to Colville, Nov., 1830, C.O. 380/134.

entered in the minutes. Where the governor disagreed with the advice of the council, he might postpone acting until he received instructions from Britain. The executive council was to be distinct from the legislative council. The latter was to "perform such functions as belong to the business of passing Legislative Ordinances."[1] The legislative council was to consist of an equal number of officials and unofficial members, the governor having a double vote. Any idea of indirect elections was discarded, the unofficial members were to be nominated for appointment by the Secretary of State. Legislation or subjects for discussion had to be proposed by the governor, and ordinances were to take effect before submission to the King in Council only if there was an urgent reason.

At the same time as making these changes, reforms were to be made in the judicatures of British Guiana, Trinidad and St.Lucia in line with the recommendations of the Legal Commissioners.[2] There were three principal objects in view. It was intended "to provide for the administration of justice by judges educated to the law and unconnected with local interests and prejudices; secondly to consolidate ... a great variety of jurisdictions and duties which are now

---

1. Order in Council, C.O. 380/134.

2. Murray to D'Urban, Nov., 1830, Order in Council, n.d., [Nov., 1830], C.O. 380/134.

scattered among the several functionaries enumerated ... These consolidations will it is hoped enable each colony to possess and adequately remunerate two officers whom professional experience may have fitted for such duties and whose whole time may be devoted to the discharge of them; thirdly to provide a jurisdiction by appeal present by turns in every one of the three colonies subject to its authority and yet affording in each case a majority of judges disconnected with the particular colony where the case arises. This institution I trust will in almost all cases be found to supercede the necessity of any recourse to the Privy Council."[1] Thus there were to be General Courts of Civil and Criminal Jurisdiction in each of the colonies. They were to be courts of record and have original jurisdiction. In addition, in order to establish "a uniform and competent jurisdiction to hear and determine appeals applications ... "[2] and to regulate the officers and jurisdictions of the inferior courts, there was to be a circuit appeal court to be held by the presidents of the three General Courts in each colony at least once a year. This court was to judge appeals according to the law of the relevant colony and it had power to review the proceedings of lesser courts.

---

1. Murray to D'Urban, Nov., 1830, C.O. 380/134.

2. Order in Council on Judicature, [Nov., 1830], C.O. 380/134.

From it, appeals could be taken to the Privy Council. With the consent of the circuit appeal courts governors might constitute inferior courts of civil and criminal jurisdiction to be held by single magistrates and having limited jurisdiction. Further, in order to provide for the execution of the judicial duties, which in England belonged to Masters in Chancery, commissioners in bankruptcy, sheriffs or coroners and which in these colonies were entrusted to a variety of officials, there were to be judges fiscal - two in British Guiana and one each in Trinidad and St.Lucia.

This plan was intended to introduce within these three colonies a simplified system which was uniform in outline. But as it was explained "you will perceive that except for the purposes of remitting committing or mitigating sentences in Criminal cases and for the purposes of the Piracy and Admiralty Courts [which were to remain unchanged since they rested on statute] no judicial authority or power of interference with the courts of law is to remain vested in any of the governors."[1] The governor was to be effectively subjected to the rule of law through the operation of an independent judicature.

In all, this amounted to an attempt at a radical reconstruction of government in these Crown colonies. The

---

1. Murray to D'Urban, Nov., 1830, C.O. 380/134.

reversion to the constitution in Demerara before Carmichael's reforms owed much to Stephen. Otherwise the outline may have stemmed from Twiss's scheme. Sir Lewis Grant contributed a determination to retain as much authority in the hands of the governor as could be allowed[1]; but the detail of the reforms bears the imprint of Taylor. The reforms were incorporated in a series of Orders in Council, letters containing instructions and explanations were prepared and duly signed by Murray. They were awaiting despatch when Wellington's government fell.

Taken as a whole, the policy pursued towards the government of the Plantation colonies during these three and a half years shows a move towards authority. The exercise of supervision over the administration in the colonies, legislation on amelioration for all the Crown colonies by Order in Council, intended drastic reconstruction of the government in these colonies, projected legislation by Parliament for all the colonies: in each of these the use of authority was intended. The Duke of Wellington had explained that it was the government's policy to achieve improvements in the colonies by exhorting the colonists to carry these out themselves. In practice, officials in the Colonial Office and ministers in the government began both to use officials and institutions

---

1. Grant to Murray, 19 Aug., 1830, C.O. 295/85. Grant to Twiss, 12, 20, 31 Aug., 1830, C.O. 295/85.

in the Crown colonies and old colonies as instruments of the Imperial Government, and to use the power of the King in Council and Parliament to give directions on the internal affairs of the colonies. This development owed much to ministerial incompetence; vacillation and indecisiveness also explain why the development remained one of intention as much as achievement.

Chapter IX

REFORM IN THE COLONIAL GOVERNMENT

The Whigs came into office committed to peace abroad and to retrenchment and reform at home.[1] They also brought a general sympathy for change. During Grey's ministry there was a new determination in the conduct of colonial affairs. Reforms projected under the Tories were carried through and the hesitation and vacillation which had existed, in spite of the efforts of Stephen and Taylor, gave way to decisiveness in administration.

In the Whig ministry Goderich returned to the Colonial Office as Secretary of State. As before, Taylor found him good humoured, talkative and inactive in his office work.[2] He had a cautious sympathy for change which took the form of exhibiting his good intentions rather than trying to achieve anything specific. Indeed, he had few ideas and these few were on the issues which others brought to the fore. "He may be truly said," his undersecretary wrote of him "... to have no will or opin^{n}. of his own."[3] West Indian problems,

---

1. E. Halevy, The Triumph of Reform, p. 15.

2. Taylor to Miss Fenwick, 27 Nov., 1830, Bodleian MS Eng. letters d 7/17. Taylor to Villiers, 15 Oct., 1827, Bodleian MS Eng. letters d 6/175.

3. Howick to Grey, 29 May, 1832, 2nd Earl Grey's Papers/ 3rd Earl.

even that of slavery, were not raised in Cabinet.[1] Goderich, in fact, was only a little more effective than his incompetent predecessor.

Nevertheless, there was a marked difference between the operation of the Office under Murray and Goderich. This stemmed from the new undersecretary, Viscount Howick, son of the Prime Minister. He came into office with the reputation of being a difficult man.[2] Yet Stephen and Taylor worked closely with him and held him high in their estimation. Taylor described him at the time as "able, unassuming, active, honest and ardent."[3] In his enthusiasm Howick snatched at ideas, failed to appreciate their implications and showed a determination to have his way. Running through much that he attempted, there was a conflict between the liberal and the reformer. The liberal sympathised with Stephen, the reformer with Taylor. Howick, however, brought drive to the Office, such resistance as Goderich offered was usually ineffectual. Howick, indeed, regarded Goderich as an inconvenience at times, he thought him quite unfit for

---

1. See below, p.391

2. Taylor to Miss Fenwick, 27 Nov., 1830, Bodleian MS Eng. letters d 7/17.

3. Taylor to Miss Fenwick, —— 1831, Bodleian MS Eng. letters d 7/34.

the situation he occupied but for, what he acknowledged as selfish reasons, Howick did not wish Goderich to be moved.[1] With Goderich as Secretary of State, Howick largely directed the work of his half of the Office.

Howick accepted the developments which had taken place in the Office. In West Indian business Stephen and Taylor were associated with Howick and Goderich in formulating policy and taking decisions. Stephen, Taylor and Howick circulated memoranda and consulted each other on particular problems and general policy. Otherwise the general office procedure continued much as before except that Taylor made greater use of his clerks. He assigned a number of colonies to each of the clerks in his section and on matters connected with their particular colonies he treated them as experts and advisors.[2] With promotion dependent in part on merit this provided an incentive to activity among the clerks which was the greater because the other geographical departments were not organized in the same way.[3]

---

1. This was his opinion in 1833. Howick to Grey, 7 Feb., 1833, 2nd Earl Grey's Papers/3rd Earl. In the previous year Goderich's incompetence had led Howick to suggest that Goderich should be removed, or, at least, that some other Cabinet Minister should be instructed to interest himself in colonial affairs. Howick to Grey, 29 May, 1832, 2nd Earl Grey's Papers/3rd Earl.

2. Harrison to Howick, 17 Dec., 1832, 3rd Earl Grey's Papers/Harrison.

3. Ibid.

Even before this last development the Office had an unexploited potential, at least for the conduct of West Indian affairs. Howick's arrival released pent up energy. Previously Stephen and Taylor had acted under governments that did not show the vigour they desired. At least in the previous three years Secretaries of State and Undersecretaries had been obstacles to what Stephen and Taylor considered needed to be done.[1] Yet a fortnight after Howick had arrived, Taylor was writing, "At present I cannot tell you how hard I am working, having the satisfaction of knowing that when I have done a thing I shall not be supplicated to keep it back and put it off but get it considered and decided on at once. One has no heart to go to work when the chances are that it passes out of one's hands into a drawer to be taken into consideration when the session is over or when some never ending still beginning press of matter sh.d be disposed of. This used to be particularly the case but I find Howick disposed quite the contrary way - eager to dispatch things to be done with them."[2]

Furthermore, Howick accepted a relationship with Parliament which itself gave strength to the work of the Office. His predecessors had appreciated the expediency of answering

---

1. Taylor to Howick, 23 Apr., 1832, 3rd Earl Grey's Papers/ Taylor.

2. Taylor to Miss Fenwick, 9 Dec., 1830, Bodleian MS Eng. letters d 7/18. Also Taylor to his mother, 19 Mar., 1831, Bodleian MS Eng. letters d 7/32.

criticism in the Commons explaining and justifying what had been done. They accepted that matters connected with the colonies could not be kept out of the purview of members of Parliament, nevertheless Parliamentary interference in colonial questions was regarded as an encroachment and undesirable, and in West Indian affairs it had been the contention that for Parliament to agitate the question of amelioration only made the solution of the problem more difficult.[1] Parliament was a stumbling block to good government. Howick's view on his relations with Parliament provides a contrast. Parliament was to be guided so that it would provide a bolster to his own intended policies. Papers showing the evils of slavery were selected for presentation but when West Indians desired papers scruples were found about printing costs.[2] It was the same in financial matters. Wellington's government had met the demand that the Committee on Finance should be reappointed, so that it could examine the colonial system, by appointing a government committee of enquiry and by explaining that popular views about the expense of colonies were exaggerated.[3] To do

---

1. See above, p.275.

2. Burge to Howick, 9 Dec., 1831, C.O. 137/180. Mayers to Goderich, 26 May, 1832, C.O. 28/110.

3. 20 Feb., 1829, P.D., New Series XX/444. Taylor to his mother, 27 Apr., 1830, Bodleian MS Eng. letters d 7/5.

more would, as Hay wrote in a memorandum, "end in placing the government of the colonies practically in the hands of Mr. Hume and his associates."[1] Howick wished to go to the opposite extreme; to lay all dispatches or edited extracts from the colonies would reveal the difficulties, and also the superficiality of much of the criticisms.[2] In any case, Howick wrote, there was "much safety in a multitude of papers ... when everything is produced those who are too idle to examine into the case are inclined to think that nothing can be wrong where there seems no desire for concealment."[3] Howick discarded a defensive approach to ministerial responsibility; he had confidence in his ability to manage Parliament, to carry members with him in his chosen course, and to use their support to further his ends. This self confidence ~~is~~ combined with the general desire for reform in the government and the unleashed energy within the department gave vigour to the work of the Colonial Office in the following two and a half years.

When Goderich and Howick arrived at the Office they were confronted by the instruments which were awaiting despatch to Trinidad, St.Lucia, Mauritius and British Guiana.[4] The

---

1. Hay to Goderich, 4 Jan., 1832, B.M. Add. MSS 40862/302.
2. Howick to Goderich, 9 Jan., 1832, B.M. Add. MSS 40862/310.
3. Ibid.
4. See above, p. 336-41

Orders in Council and despatches were withheld. Stephen had maintained from the beginning that changes could not validly be made except by sending out new commissions and instructions to the governors.[1] In consequence new instruments were prepared and the opportunity was taken to introduce certain changes in the schemes which had been prepared.[2]

In March 1831, a new Commission and Instructions was issued to the governor of Trinidad.[3] The only important change from the government which it had been intended to introduce under different instruments was in the size of the legislative council: this, while remaining half official and half unofficial, was increased from ten to twelve.[4] The form of government worked out in the autumn of 1830 was here presented in a legally valid form and as Adam Gordon noted in August 1831, this Commission and Instructions was intended as the model for the Commission and Instructions which were "to be adopted generally in the crown colonies."[5] The governor of St.Lucia received his Commission and Instructions, prepared in conformity with that for Trinidad, in 1832.[6]

---

1. Stephen to Twiss, 25 Aug., 1830, C.O. 111/98.
2. Goderich to Attorney General, 30 Dec., 1830, C.O. 112/12/474.
3. Commission and Instructions, 21 Mar., 1831, C.O. 381/74/1.
4. Instructions, clause 4.
5. [Gordon], Aug., 1831, C.O. 380/134/before 34.
6. Commission and Instructions for Farquharson, 4 Feb., 1832, C.O. 381/69/1.

A Commission and Instructions was sent to Colville in Mauritius in June 1831 establishing this form of government,[1] but over the details in these instructions there had been disagreement within the office. The immediate point at issue was the size of the legislative council. Taylor considered that the council should be kept small, but in fact Colville was instructed that it should contain seven officials and seven unofficial members[2] - a council of fourteen being regarded as a reformed version of a traditional island institution.[3]

What appears on the surface as a minor issue arose out of a basic division of opinion. Taylor believed "that measures essentially favourable to the negroes in a Slave Colony can be successfully carried into effect only by means of a despotic government."[4] In his view the institutions established under the new commission and instructions were designed to assist the governor and the Colonial Office but not to hamper the exercise of authority. Within the colony ultimate power remained in the hands of the governor but the

---

1. Commission, 25 June; Instructions, 20 July, 1831, C.O. 381/43/1, 24.
2. Instructions, clause 4.
3. Taylor to Douglas, 4 Oct., 1832, 3rd Earl Grey's Papers/ Colonial Papers, Mauritius.
4. Ibid.

deliberations of the councils were to assist him in the exercise of it. The governor's responsibility lay to the Colonial Office and the minutes of the two councils provided the Office with the information necessary both to effective supervision and to the formulation of policy for the colony. As he wrote, in relation to Trinidad, "the real use of the New Council consists in the check which it places upon the Gov.ors statements to the Sec.y of State."[1] The preparation of policy was, in this view, the duty of the Colonial Office and, judging by the detailed instructions on the civil establishment in Demerara,[2] someone in the Office was confident that the Office was sufficiently informed to be able to work out a precise and detailed course. However, if such system was to work effectively in Mauritius, Taylor considered it necessary to restrict narrowly the size of the legislative council.[3] Other aspects of the government's course of action unconnected with the form of government, Taylor regarded as equally reprehensible and in 1832 he wrote in criticism, "the government has gone too far in attempting to combine a liberal policy as regards the Whites with a liberal policy as regards the Blacks, two things which appear

---

1. Taylor Minute for Stephen, n.d., C.O. 295/96/Marryatt.

2. Murray to D'Urban, draft not sent, [Nov., 1830], C.O. 111/115.

3. Taylor to Douglas, 4 Oct., 1832, 3rd Earl Grey's Papers/ Colonial Papers, Mauritius.

to be to the extent to which it has been endeavoured to combine them, incompatible."[1].

As a rejoinder to Taylor's criticisms in 1832, Howick justified the course taken.[2]. Howick disliked irresponsible power and the wide powers entrusted to the governor under the Commission and Instructions he felt were right only because slavery existed in the colony. Even in existing circumstances it was his view that it was desirable for colonists to take a direct part in the conduct of affairs. Critical discussion would reveal errors in administration and would also serve to check extravagances in colonial government. In any case sufficient had to be done to prevent Hume and others raising an outcry in Britain against the arbitrary character of the government's policy. Moreover, adequate powers were retained. The government had preserved their power of independent action, the legislative council was half official and the King could legislate by Order in Council. Above all, the administration remained subject to the direction of the governor and Imperial government. "Publick servants having to look to the opinion which will be formed of their conduct, not only by their official superiors, but by the publick in this country, will prevent

---

1. Ibid.

2. Howick to Goderich, 11 Oct., 1832, 3rd Earl Grey's Papers/Ripon.

the opinion of the inhabitants of the island from producing that effect which it otherwise would, and will enable the government which has parted with no actual power executive or legislative ... to carry any measure approved of at home in spite of the most determined opposition on the part of the colonists."[1] Howick determined what was done, the inconsistencies in his views were embodied in the government's policy towards Mauritius, and Taylor felt so deeply the wrongfulness of this course that he requested to be relieved from the task of drafting necessary despatches.[2]

In British Guiana the course followed was that pressed by Stephen but the presentation of it shows also the influence of Howick. D'Urban was informed that the scheme to be introduced deviated "in no inconsiderable degree from the course which I have reason to suppose it was formerly intended to pursue."[3] Instead of detailing the constitution in an Order in Council, the governor received a new commission and ~~an~~ instructions.[4] Under the authority of these "the form of government heretofore by law established in the

---

1. Ibid.
2. Taylor to Douglas, 4 Oct., 1832, 3rd Earl Gray's Papers/ Colonial Papers, Mauritius.
3. Goderich to D'Urban, 18 Mar., 1831, C.O. 112/15/2.
4. Commission, 4 Mar., 1831, Instructions, 5 Mar., 1831, C.O. 381/19.

said colony of Demerara and Essequibo shall be and the same is hereby established, in and through the said colony of British Guiana."[1]. Carmichael's proclamation was disallowed and the constitution was intended to revert to that which existed before 1813.[2]. At the same time the Court of Policy was to be augmented by the addition of the Protector of Slaves and one unofficial member, and it was also stipulated that all legislative ordinances were to be transmitted to the Secretary of State for confirmation.[3]. With respect to the legislative institutions, the Commission and Instructions were to achieve the changes described by the proposed Order in Council. On the other hand, the justification for the changes was new. Difficulties encountered in recent years by D'Urban were attributed in part to Carmichael's changes, and the laws and arrangements of government were to be brought back into conformity with the spirit and inclination of the people. "The system of government which existed in Demerara at the time of capture and cession of that colony, if not incapable of improvement, appears to have been at least well adapted to promote the great end of administration of public affairs at once

---

1. Commission, clause 2.
2. Instructions, clause 5.
3. Instructions, clauses 4, 20.

efficient and acceptable to those living under its protection and control. It possesses also the advantage of being well understood by those whom it more immediately affects."[1] The union of Berbice and Demerara would serve to overcome a second basic weakness, one which explained much of the difficulty in government throughout the West Indies. The "more decisive motive [for Union] with His Majesty's government has been drawn from the conviction that the British colonies in the West Indies have been broken up into numerous separate communities in a state of mutual independence of each other to a much greater extent than sound policy can justify ... In so narrow a sphere there is no room for the growth of the salutary Public Opinion which results from free discussion and even the most ardent controversy in larger societies. Every difference of private judgment on public affairs is thus exasperated by personal animosities and becomes the source of bitter feuds in the pursuit of which all higher interests are neglected."[2] As in Mauritius, there was faith in the traditions of the colonists and a belief that the public had a desirable part to play in government, the need was to create an adequate public.

Instructions were sent to D'Urban on the civil establish-

---

1. Goderich to D'Urban, 18 Mar., 1831, C.O. 112/15/2.
2. Ibid.

ment of British Guiana but the detailed scheme to which Murray had put his signature was discarded.[1] General principles were stated and it was to be for the governor with his familiarity with local circumstances to settle the details. The arrangements made for pensioning officials in Berbice and patent officers in Demerara were explained. Suggestions were made about other officials on the establishment in the two colonies but the despatch from Goderich continued "I do not mean to impose upon you the necessity of adopting that arrangement without change or modification ... You will consider yourself by no means precluded from proposing or from provisionally adopting an arrangement different from that which I have suggested should it appear to you that by so doing economy and efficiency the two great objects which I have in view, may more effectually be ensured."[2]

Finally, a major change was made in the planned reform of the colonial judicature. D'Urban was informed that "it was not deemed right to introduce any greater innovation in the administration of the laws than such as circumstances seemed indispensably to require."[3] It was decided that

---

1. Goderich to D'Urban, 19 Mar., 1831, C.O. 112/15/17.

2. Ibid. See also Goderich to D'Urban, 2 June, 1831, C.O. 112/15/197.

3. Goderich to D'Urban, 1 June, 1831, C.O. 112/15/143.

in the principal court, which was to sit both in Demerara and Berbice, justice should be administered by trained lawyers and lawyers were therefore to be appointed as President and Vice President. The remaining members of Courts of Justice were to cease to be judges and to act instead as in Trinidad as assessors. Otherwise, the existing courts and laws were to remain unaltered, "even the forms of Civil and Criminal procedure will undergo no immediate change. Learning from the Reports of the Commissioners of Enquiry as well as from all other sources of information within my reach that the existing administration of the Law is upon the whole satisfactory to the Colonists at large and favourable to promptitude of decision, I should have been very reluctant to advise the abolition of such a system .... "[1].

Initially it had been intended to introduce the projected circuit court for British Guiana, Trinidad and St.Lucia but the scheme was discarded.[2] The Colonial Office accepted that colonists and others connected with the colonies were opposed to the idea and D'Urban and Grant were given the discretion of rejecting the plan.[3] As a result, the system

---

1. Ibid.
2. Goderich to D'Urban, 7, 20 July, 1831, C.O. 112/15/246, 275.
3. Ibid.

of a circuit court was never put into effect and two other consequent changes were made.[1] D'Urban was informed that the stationery court could not be entrusted with the responsibility of making rules of court or of regulating subordinate courts and this work was to be transferred to the governor and Court of Policy.[2] Further, the assessors were to be given a "more popular character." Instead of being appointed by the governor they were to be selected according to the procedure which had formerly been followed for filling positions in the Court of Justice in Demerara.[3]

This constitution for British Guiana contained the same contradiction for which Taylor criticised the government in the policy towards Mauritius. The constitution had been constructed in the belief that a liberal policy towards the government of the white colonists could be pursued at the same time as a liberal policy to the slaves. The institutions and law accorded with the traditions of the colony and allowed popular participation in government. It was anticipated that there was an opportunity for public opinion to act beneficially through popular participation in determining ways and means of raising revenue, in other

---

1. D'Urban to Goderich, 15 Sept., 1831, C.O. 111/116; 23 Nov., 1831, C.O. 111/117.

2. Goderich to D'Urban, 20 July, 1831, C.O. 112/15/275.

3. Ibid.

legislation and, through the expedient of assessors, in the administration of the criminal law. At the same time the colonial government was to be the instrument for effecting what the Imperial government sought. Measures could only be considered in the Court of Policy on the proposal of the governor and there remained the power of disallowing local ordinances and legislating by Order in Council. Officials were paid, so it was believed in the Colonial Office,[1] from the King's Chest and were able, therefore, to conduct administration efficiently and impartially in accordance with the directions of the governor and Imperial government. Finally, colonists took part in the administration of criminal justice, but, as assessors, they lacked the control which before had belonged to them as judges and which elsewhere was exercised by juries. This constitution gave the colonists sufficient power to be able to frustrate the effective working of government but insufficient to allow them to achieve what they sought.

In the following years the question of whether the British ministers or the colonists were to control the affairs of British Guiana remained at issue as it had been in the separate colonies before 1831. Colonists tried to use the powers that remained to them to widen their control

---

1. Goderich to D'Urban, 6 June 1832, C.O. 112/16.

over government and to prevent the Imperial government carrying out unwelcome policies. The College of Kiezers, wishing to establish the rule that in the Court of Policy a majority would only be valid if it contained one of the colonial members of the court, attempted to gain this by withholding nominations of judges who were to act in the inferior courts.[1] The assessors in the Court of Justice refused to acknowledge an Order in Council on slave amelioration, passed in November 1831, and in May 1832, ten of the twelve refused to attend the court.[2] Furthermore, the Financial Representatives learnt that their predecessors' powers had been in dispute between 1810 and 1812 and they asserted, in consequence, that they had the right and duty to investigate and approve the estimates before authorizing taxes. D'Urban would allow no more than what was eligible under rules of the Combined Court made in 1824, and, as a result, the Financial Representatives refused to meet the Court of Policy to form the Combined Court in April 1832, and again refused to vote the supplies in the following September.[3]

---

1. D'Urban to Goderich, 14 July, 1832, C.O. 111/122.

2. D'Urban to Goderich, 17 Feb., 1832, C.O. 111/120; 4 May, 1832, C.O. 111/121.

3. D'Urban to Goderich, 7, 11, 12 Apr., 1832, C.O. 111/121; 8 Sept., 1832, C.O. 111/122; 17 Apr., 1833, C.O. 111/126.

The Colonial Office was not prepared to make concessions to the colonists. It attempted to maintain the existing constitution without allowing the white colonists any greater control over affairs. It remained desirable that "all laws for the internal regulation of the settlement should as far as possible originate within itself",[1] but this did not make it desirable that in the Court of Policy there should be one colonial member in any majority before this could be regarded as valid. The colonial members represented the free colonists; it was for the remaining members to consult the welfare of the great body of people.[2] The claim of the College of Kiezers was rejected and their behaviour in refusing to nominate judges was met by the selection being entirely transferred to the governor.[3] The action of the assessors in British Guiana had been matched in Trinidad[4] and St.Lucia[5] and this was countered by the issue of an Order in Council for all three colonies in which

---

1. Goderich to D'Urban, 22 Nov., 1832, C.O. 112/16/399.
2. Goderich to D'Urban, 29 Sept., 1832, C.O. 112/16/327.
3. Ibid.
4. Grant to Goderich, 30 Apr., 1832, C.O. 295/92.
5. Goderich to Farquharson, 5 Apr., 1832, C.O. 254/9/277.

the law governing the selection of assessors was changed.[1] All free males, not simply whites, who met a low qualification, were made liable to serve under penalty of a fine. The action of the Financial Representatives was countered by Howick insisting that the Combined Court might not vote on the estimates but only determine ways and means.[2] He threatened that, should supplies be unforthcoming, resort would be had to Parliamentary authority. In the meantime, the estimates were to be altered. Having learnt that part of officials' salaries were paid from the Colony Chest, he ordered that the practice should cease since the object of the King's Chest was "that of rendering the principal officers of the government entirely independent of any authority within the colony."[3] When D'Urban reported that the King's Chest could not pay all such salaries, and when the supplies were again refused,[4] Stephen and Howick wrote a dispatch in which the threat of Parliamentary legislation was repeated and yet the consequences of the refusal of

---

1. Denman, Horne to Goderich, 6 Sept., 1832, C.O. 111/124. Goderich to D'Urban, 22 Nov., 1832, C.O. 112/16/399.

2. Goderich to D'Urban, 6 June, 1832, C.O. 112/16. Draft by Howick, n.d., C.O. 111/120.

3. Ibid.

4. D'Urban to Goderich, 8 Sept., 1832, C.O. 111/122; 12 Oct., 1832, C.O. 111/123.

supplies was disclaimed.[1] A Treasury grant was to cover the salaries of the current year but for the future salaries would be reduced to a point where they could be met from the King's Chest. Then if the Financial Representatives attempted to interfere with the estimates this was to be forbidden and should no supplies be voted for the Colony Chest, the responsibility for resulting difficulties would fall on the Financial Representatives.[2] At this point Howick and Goderich left office.

The difficulties encountered in the united colony of British Guiana had not led Goderich and Howick to project any further reform. Faced with the demand by the colonists for wider powers, they resorted to the exercise of authority or threatened its use. The existence of slavery rendered it necessary to make this unwelcome choice. There was no intention, however, of overturning the established institutions: what was needed was to secure the independence of the executive. As in Mauritius, the establishment of an independent executive was seen as the means of combining what Taylor regarded as two incompatibles - a liberal policy to the whites with a liberal one to the blacks. Whether

---

1. Goderich to D'Urban, 22 Nov., 1832, C.O. 112/16/362. Draft by Stephen, corrected by Howick, n.d., C.O. 111/122.

2. Ibid.

this was feasible was the question which remained to be answered.

In contrast to the situation in the Crown colonies, Howick and Goderich were not confronted with projected reforms for the old colonies when they entered office. Initially they gave no specific thought to the way the government of the old colonies should be conducted, but they brought to the conduct of affairs there the same assumptions which were revealed in the course adopted in the Crown colonies. It was of immediate importance in particular that they shared with Stephen and Taylor the assumption that the executive was subject to the supervision and direction of the governor and Imperial Government. This, combined with the new vigour in the office, resulted in a forceful policy towards the administration in the old colonies.

When Howick and Goderich assumed office problems were awaiting consideration which had resulted from the course Stephen and Taylor had been pursuing in the previous three years. Investigations and enquiries had been ordered, reports demanded and Howick and Goderich were faced with the repercussions. They reacted by taking this policy further and insisting on the active cooperation of officials in the colonies in executing the policy of the Imperial Government. One problem had already been under the consideration

of Twiss when Howick and Goderich arrived. A magistrate in Jamaica had refused to cooperate in an enquiry into his own conduct, asserting that if there was anything criminal in his conduct he was prepared to stand trial before a tribunal of twelve honest men.[1] Howick's reaction was to comment "I think it is most desirable that the colonists should be convinced that the government is determined to enforce compliance with the wishes of Parl.t and of the country for the melioration of the condition of the slaves."[2] A dispatch was sent explaining the government's view. "His Majesty will not upon the advice of His Ministers ever assume any authority over the colonial magistracy which he is not entitled to exercise over the magistrates in England."[3] These powers, however, ministers intended to exercise. "Above all as the only means of mitigating in any degree the evils inseparable from the existence of slavery, they will in no case consent to the authority of a magistrate being suffered to remain in the hands of any person who cannot satisfactorily shew that no ground exists for imputing to him a want of humanity either in his official capacity or as a proprietor of slaves."[4]

---

1. Stephen report, 29 Oct., 1830, C.O. 137/172.
2. Ibid. Howick's endorsement, 29 Oct., 1830, C.O. 137/172.
3. Goderich to Belmore, 9 Dec., 1830, C.O. 138/53/170.
4. Ibid.

Officials who received remuneration, like unpaid magistrates, were to be closely supervised and were to work to further the policy of the Imperial Government. As the Colonial Office adopted particular policies so they insisted that officials should work to further them. "The Governor should be told" Goderich minuted, "that the whole of the Executive Government must be exerted in order to effect the relief of this [Free Coloured] class and that no person can be allowed to remain in the publick service who will not cooperate heartily in this endeavour."[1.]

The Crown had the power to dismiss officials and this power the Colonial Office used. The most prominent figure to suffer was the Duke of Belmore. Jamaica was regarded as the crucial colony in the West Indies: where Jamaica led others would follow. Taylor considered that Belmore's exertions as governor were inadequate. He wrote a memorandum in which Belmore's conduct was reviewed and interpreted in a way to fit Taylor's conclusion that here was an unwilling instrument[2.] and Belmore was replaced.[3.] Subsequently, Taylor induced Howick and Goderich to supercede Sir James

---

1. Minute on Ross to Goderich, 19 Dec., 1831, C.O. 7/31.

2. Taylor Memo, 28 Nov., 1831, C.O. 137/182.

3. Goderich to Belmore, 18 Feb., 1832, C.O. 138/54/95. This despatch is largely a copy of Taylor's Memo.

Lyon, the governor of Barbados.[1] Magistrates whose questionable behaviour was exposed by Stephen were dismissed.[2] In Barbados the governor was required to report on officials who were uncooperative[3] and in Jamaica, since official returns were completed in a manner which Taylor regarded as unsatisfactory, Belmore was requested to send a list of all those concerned with their completion.[4] Governors were instructed that the adequate completion of Blue Books was to be a condition of paying the Colonial Secretary's salary.[5] Governors pointed out that no such salaries were paid and that in general administration depended on the service of colonists who received no remuneration from the Imperial Government and who were out of sympathy with the course which the Imperial Government was pursuing.[6]

The complementary policy to dismissing undesirable officials was to select suitable replacements. In this the

---

1. Taylor Memo, 22 Jan., 1833; Howick to Goderich, 22 Jan., 1833, 3rd Earl Grey's Papers/Ripon.

2. Goderich to Belmore, 1, 15 Nov., 1831, C.O. 138/54/19, 29. Goderich to Ross, 15 Dec., 1832, C.O. 393/3/423.

3. Goderich to Lyon, 19 May, 1832, C.O. 29/33/45.

4. Goderich to Belmore, 31 Jan., 1831, C.O. 138/53/212.

5. Lyon to Goderich, 30 June, 1832, C.O. 28/109.

6. Belmore to Goderich, 8 Apr., 1831, C.O. 137/178; 30 Apr., 1832, C.O. 137/182. Lyon to Goderich, 28 Oct., 1831, C.O. 28/107; 30 June, 30 July, 1832, C.O. 28/109.

office carried further in the early 1830's a development which had been noticeable in the 1820's and which affected not simply the old colonies but at least all the Plantation colonies. The Act of 1814[1]. on colonial offices had proceeded in part from the view that "not the emoluments of the offices but the advantage of the public is the Object"[2]. of an official position. That the deserts of an individual had to be subordinated to the need for the adequate performance of the duties of an office, took time to be established in the Colonial Office.[3]. Bathurst was not one to overcome with alacrity his general hesitation about innovation in the particular matter of patronage. Making an appointment involved doing a favour to an applicant as much as selecting a man who could be expected to do the work of the office,

---

1. 54 George III, c 61.

2. See above, p.232-3

3. The general account which follows is based on the correspondence in the following volumes.

   Applications for Colonial appointments, 1819-28, C.O. 323/117-128. Registers of applications for colonial appointments, 1820-1832, C.O. 325/21-2. Private Secretary's Letter books, 1826-30, Murray Papers, vols. 173-6, National Library of Scotland. Private Secretary's Letter books, 1830-33, B.M. Add. MSS 40878-80.

   In addition, particularly in the earlier years, many letters on patronage are to be found scattered among the different series of office correspondence. I was not permitted to see the private papers of the 3rd Earl Bathurst among which there is a considerable amount of correspondence on patronage.

but those applicants of sufficient standing to be favoured were also trusted not to nominate worthless men.[1] Up to the early 1820's the majority of applicants appear to have shared Bathurst's views. Most of those who received appointments in the colonies did so as the result of applications on their behalf from Bathurst's colleagues in the administration, from Peers or from Members of Parliament.[2] These applicants sought the favour of an appointment for some dependent, and, in so far as the qualities of the candidate were mentioned, these tended to be in terms of the candidate belonging to a respectable and meritorious family.[3] In the course of the 1820's the practice changed. On the one hand, starting with candidates for clerical and legal places, Bathurst and Horton sought the ~~opinion of respected lawyers and others~~ advice on the qualifications of candidates.[4] On the

---

1. Bindley to Bathurst and endorsement, 5 Feb., 1818, C.O. 323/189/24. Beaufort to Bathurst and endorsement, 7 July, 1826, C.O. 323/206/38. Horton to Nicolay, 22 July, 1826, C.O. 324/99/84; to Huskisson, 10 Oct., 1826, C.O. 324/99/143. Martin to Horton, 17 Apr., 1823; C.O. 323/118/403; Gladstone to Bathurst, 26 July, 1826, C.O. 323/124/201.

2. Register of Applications, 1819-27, C.O. 325/21. In the three years, November 1820 - November 1823, of 28 men appointed, eight had been recommended by peers, seven by ministerial colleagues and four by Members of Parliament.

3. Huntley to Gordon, 27 Mar., 1821, C.O. 323/195/181. Beauchamp to Goulburn, 1820, C.O. 323/117/25. Bridgwater to Bathurst, 1822, C.O. 323/117/33. Brown to Horton, 12 Aug., 1823, C.O. 323/118/82. Croker to Horton, 17 Mar., 1823, C.O. 323/118/107.

4. Protheroe to Bathurst and endorsement, 16 Dec., 1820, C.O. 323/193/429. Horton to Bathurst, n.d., C.O. 324/75/208. Horton to Campbell, 30 June, 1826, C.O.

other hand, those seeking appointments mentioned the qualifications which fitted the man for a particular office.[1.] As men saw the suitability of individuals for positions as an important factor, the application became a testimonial to the nominees qualifications. Goderich claimed to substitute for influence an assessment of personal merit.[2.] There was no marked change in the method of selection. New officials were chosen on the basis of the testimonials which accompanied uninvited applications for places. Where there was a change was in the qualities sought. The current concern for economy, which resulted in a determination to find places for officials whose existing positions were reduced, affected the government's course,[3.] but the desired policy was to select officials who would cooperate in furthering the Imperial Government's policy.[4.] With the Assistant Protectors of Slaves in British Guiana this policy

---

1. Courtenay to Horton, 8 July, 1823, C.O. 323/118/132. Gow to Horton, 7 May, 1824, C.O. 323/119/407. Jeremie to Bathurst, 2 July, 1824, C.O. 323/120/26.

2. Goderich to Musson, 3 Mar., 1831, C.O. 29/32/350.

3. For example, Nixon appointed Lieutenant Governor, St.Kitts, Howick to Treasury, 14 Dec., 1832, C.O. 239/30. Nixon to Howick, 11 Dec., 1832, C.O. 239/31. Taylor Memo, 22 Jan., 1833, 3rd Earl Grey's Papers/ Ripon. Also Lowens appointed Colonial Secretary, St. Lucia, Goderich to Farquaharson, 1 Mar., 1832, C.O. 254/9/250.

4. Goderich to Peterson, 3 Mar., 1831, C.O. 407/2/400.

was carried to the point of introducing a period of probation and requiring confidential reports.[1.]

Under Goderich it was also made clear that there was promotion by merit in colonial appointments.[2.] There had long been a ladder of promotion in the legal offices in each island from solicitor general through attorney general to chief justice, if the latter was desired, and secretaries of state had on occasion chosen for positions those whose conduct elsewhere recommended them for a more desirable post.[3.] Under Goderich, however, the idea was introduced of promotion between islands as a recognized reward. He used the few vacancies which occurred to introduce a general incentive to devoted service. Thus Goderich wrote to the King's Counsel in Nevis, "In the selection of proper persons to fill the judicial offices in the British Colonies, I am desirous of submitting for H.M.'s approbation as opportunity may offer the names of any gentlemen who by their exertions as Colonial Law officers of the Crown may have established valid claims to that distinction ... I am convinced that ...

---

1. Goderich to D'Urban, 12 Aug., 1832, C.O. 112/16/272.

2. Bathurst minute, n.d., C.O. 324/75/249.

3. E.g., Governor D'Urban was moved from Antigua to Demerara, 1824, Arthur from Honduras to Tasmania, Young from a position in Trinidad to be Protector of Slaves, Demerara.

you will exhibit the same zeal in promoting impartial justice and for enforcing obedience to the Law for the protection of the slave population."[1].

Whatever this policy towards the old colonies achieved, the Office was more aware of shortcomings than of merits in the government of the old colonies. Office correspondence did not report commendable changes, it brought complaints and allegations. Business increased as enquiries were ordered and investigations made, and the Office became overburdened.[2]. Indeed, there was a lack of sympathy within the Office for government in the old colonies. Goderich wrote of "the evils arising from the existence in a slave colony of the institutions of a free country."[3]. And in a dispatch the comment was made about Tortola, "it is not to be expected that so small a society as that of Tortola, less indeed than that of many inconsiderable English villages, could permanently furnish legislators, judges or other public functionaries capable at all times of performing even on that contracted scene functions so various and important."[4]. The position in Jamaica was different but

---

1. Goderich to Peterson, 3 Mar., 1831, C.O. 407/2/400. See also Goderich to Musson, 3 Mar., 1831, C.O. 29/32/350. Lyon to Goderich, 5 Dec., 1831, C.O. 28/107.

2. Goderich to Maxwell, 30 June, 1831, C.O. 407/3/216.

3. Ross to Goderich endorsement, 7 Jan., 1832, C.O. 7/33.

4. Goderich to Nicolay, 2 Jan., 1832, C.O. 407/3/308.

equally subject to critical comment.[1] And in 1832 incidents occurred which were treated as opportunities for attempting to reform these governments.

In several of the islands in the Lesser Antilles the financial situation had deteriorated to such an extent that the colonists considered drastic economies to be imperative. For instance, after his appointment as governor of St.Kitts, Nicolay wrote in September 1831 about the deplorable state of finances in the island and reported, "it is the intention of the Legislature to make considerable reductions in the salaries of the governor and all public officers .... "[2] Concern for economy as a motive for reducing governors' salaries was reinforced by a reaction against the government's slavery policy. In St.Kitts and Montserrat, instead of granting them a reduced salary, the governors were voted nothing at the end of 1831, while in Nevis and Dominica the governor's salary was reduced.[3] When the Colonial Office learnt that in four colonies the governors had been voted reduced salaries or no salary at all, the opportunity was

---

1. See below, p. 379-381

2. Nicolay to Taylor, 13 Sept., 1831, C.O. 239/25.

3. Lockhart to Goderich, 30 Aug., 1831, C.O. 71/72. Resolutions of Montserrat Assembly, 18 Feb., 1832, C.O. 7/35. Goderich to Nicolay, 7 May, 1832, C.O. 407/3/368.

taken to introduce changes into their governments.

Early in 1833, the old colonies in the Lesser Antilles were formed into two groups. Howick had suggested a consolidation,[1.] Stephen approved the idea and extended it to include Barbados,[2.] Goderich had opposed such an extensive change but he had been persuaded to accept it.[3.] The islands which had formerly been under the Captain General of the Leewards - Antigua, Montserrat, St.Kitts, Nevis, the Virgin Islands and Anguilla - were placed, along with Dominica, under one governor. The remaining old colonies - Barbados, Grenada, St.Vincent and Tobago - formed a second group.[4.] In Dominica and St.Kitts, in the Leewards, and in each of the islands in the Windwards, there was to be a lieutenant governor subordinate to the governor, and, in the absence of the governor, the lieutenant governor or designated deputy, government was to devolve on the officer commanding the troops and not on the president of the council. And yet in Nevis, Montserrat and the Virgin

---

1. Howick to Stephen, 29 Aug., 1832, 3rd Earl Grey's Papers, C1/91.

2. Stephen to Howick, 31 Aug., 1832, 3rd Earl Grey's Papers/Stephen.

3. Goderich to Howick, 4 Sept., 1832, 3rd Earl Grey's Papers/Ripon.

4. Goderich to McGregor, 11 Feb., 1833, C.O. 393/5/1. Additional Instruction, 22 Feb., 1833, C.O. 381/1. Goderich to Smith, 7 Mar., 1833, C.O. 29/33/78.

Islands, the president of the council was to continue to act as governor. The governor of the Leewards was to be normally resident in Antigua and that of the Windwards in Barbados, but they were to visit the other islands of their group at least once a year, and, if practicable, this was to be while the assembly was sitting. Governors were to correspond with the Colonial Office but the officers administering in the other islands were to address their correspondence to the governor and the governor was to be held responsible for all acts which subordinate officers did in obedience to him. It was for the governor to select matters to be referred to the Colonial Office. Nevertheless, the Colonial Office was to be kept informed of other developments through the requirement that the governor should send copies of all communications between himself and officers administering in the other islands. Only in an emergency might these other officers communicate direct with the Colonial Office.[1.]

Howick had proposed these changes "with a view of relieving the colonies from expense & of rendering the chief officers of the Executive government more independent of the Colonial Legislatures."[2.] Economies were achieved

---

1. Ibid.

2. Howick to Stephen, 29 Aug., 1832, 3rd Earl Grey's Papers, C1/91.

by reducing offices. Five governorships were abolished, the existing lieutenant governors, all of whom were absentees, were displaced and four of the positions abolished. The salaries of the officers in the remaining positions were reduced.[1] Moreover, these salaries were not to be a charge on the islands, but were to be met from a Parliamentary grant.[2] The despatches elaborating the changes, explained that the obvious evils of the practice of governors being dependent on the colonies for part of their salaries would be avoided. Men with no personal interests to advance would be far better qualified to discharge their duties. It was provided that the officer in charge of the troops should be acting governor rather than the president of the council because it was "thought desirable that the Executive authority should be entrusted to a person having no local interest or connexion."[3] Benefits were anticipated from the detached position of the governor. The governor was the supreme executive authority within his

---

1. Governorships of St.Kitts, Grenada, St.Vincent, Tobago, Dominica; lieutenant governorships, Leewards, Nevis, Montserrat, Virgin Islands. Howick to Stewart, 25 Sept., 1832, C.O. 393/4/80. Goderich to McGregor, 11 Feb., 1833, C.O. 393/5/1. Goderich to Smith, 7 Mar., 1833, C.O. 29/33/78.

2. Goderich to McGregor, 11 Feb., 1833, C.O. 393/5/1. Goderich to Smith, 7 Mar., 1833, C.O. 29/33/78.

3. Goderich to Nickle, 21 Nov., 1832, C.O. 407/3/401.

group and, outside the island where he resided, there would be the great advantage that he would not be subject to local influences, rather from his detached position he could ensure unity in the conduct of affairs within his group.[1.] As Stephen commented when approving the proposed scheme, the "superintendence of a governor in chief independent of them all, aided by officers equally independent of the Colonists and looking to the Crown for preferment, would give the administration of public affairs the energy and method which have been so long wanting."[2.]

Two further advantages were anticipated from the scheme. By providing that all correspondence within the two groups should be under the direction of the governors, it was intended to ease the burden on the Colonial Office.[3.] The result of attempting to supervise within the Colonial Office the administration of the colonies, had been to involve it in petty, detailed and troublesome problems which were simply aggravated and prolonged by a reference to the Colonial Office. As the governor of Barbados was informed,

---

1. Goderich to McGregor, 11 Feb., 1833, C.O. 393/5/1. Goderich to Smith, 7 Mar., 1833, C.O. 29/33/78.

2. Stephen to Howick, 31 Aug., 1832, 3rd Earl Grey's Papers/Stephen.

3. Goderich to McGregor, 11 Feb., 1833, C.O. 393/5/1. Goderich to Smith, 7 Mar., 1833, C.O. 29/33/78.

"by far the most voluminous and laborious portion of past correspondence has concerned personal disputes and animosities."[1] For the future these matters were to be determined by the governors and, where parties insisted on appealing further to the Colonial Office, directions were given on how disputes should be prepared for consideration.[2]

A second advantage was that these changes were seen as a step towards a more general consolidation of the governments in these groups. The Royal Prerogative could not be used to achieve a general union of the assemblies or to erect supreme tribunals, but it was anticipated that the changes which had been made would help the colonial legislatures to appreciate the advantages of a general consolidation.[3] Only by such a consolidation would a large enough society be created both to provide suitable persons to fill official positions and to produce an adequate public opinion.

This was an attempt to produce a form of government which was unworkable, at least in the way intended. The governors and lieutenant governors were provided with no money to pay for the expenses of executive government.

---

1. Goderich to Smith, 19 Mar., 1833, C.O. 29/33/110.

2. Ibid.

3. Goderich to McGregor, 11 Feb., 1833, C.O. 393/5/1. Goderich to Smith, 7 Mar., 1833, C.O. 29/33/78.

While the governor received a salary from the Imperial Parliament, no change was made in the remuneration of subordinate officers; no money was forthcoming from Britain to pay legal expenses or the costs of stationery and postage, and initially even the two governors were denied a private secretary in the interests of economy.[1.] The executive was to be independent from the local legislatures, it was to administer public affairs with energy and method, as Stephen had put it. The governors and lieutenant governors - though not the three presidents - were personally independent. Yet, for all the encouragement of zealous co-operation among officials and in spite of their independence from the colonial assemblies, without revenue the aims of the Colonial Office were doomed. Thus, having achieved their reforms, Howick and Goderich bequeathed to their successors the same issue here as in British Guiana, that of whether the Imperial Government should effectively direct the executive or whether the colonists should retain the control which it had been intended to take from them.

In Jamaica the same problem was not brought to the fore only because schemes for the island were not put into effect. A plan of reform had been prepared in the summer of 1832. The office was troubled about the possibility of further

---

1. Stanley to Smith, 3 June, 1833, C.O. 29/33/128.

slave revolts following that which had taken place at Christmas 1831, and it was apprehensive also that the colonists would rise in rebellion.[1] The Office was aware of overtures which had been made by Jamaicans to the Americans and they had learnt that the Colonial Church Unions, which had been organized at parish level in 1831, had been formed into a General Union in the spring of 1832 and that magistrates were taking a prominent part in their organization.[2] The Jamaicans had also withheld the money for the troops. In November 1831, the Assembly had finally been induced to transfer control to the Commander in Chief of the money granted in support of the troops under a threat that the troops would be withdrawn.[3] In April 1832, the second instalment of this money was illegally withheld at the direction of the Commissioners of Public Accounts.[4] What had been learnt led the Office to discard the policy of trying to induce magistrates to comply with Imperial

---

1. Belmore to Goderich, 6 Jan., 1832, C.O. 137/181. Goderich to Belmore, 1 Mar., 1832, C.O. 138/54/135, and see below, p.

2. Belmore to Goderich, 4 Aug., 1831, C.O. 137/178; 6 Sept., 1831, C.O. 137/179. Hill to Goderich, 6 Sept., 1831, C.O. 137/180. Cuthbert to Goderich, 12 July, 1832, C.O. 137/182. Goderich to Belmore, 5 Apr., 1832, C.O. 138/54/221. Goderich to Mulgrave, 7, 17 June, 1832, C.O. 138/54/262, 267.

3. Belmore to Goderich, 19 Nov., 1831, C.O. 137/179.

4. Goderich to Mulgrave, 6 June, 1832, C.O. 138/54/256.

policy. Minor objects had to be "sacrificed to the great end of preventing as far as possible the interruption of the public tranquillity."[1] Further, the governor was told that the standing instructions to the governor to withdraw troops should the Assembly fail to make money available for them, was not to be observed.[2] Moreover, while reacting to these problems, the Office had also been giving attention to Jamaica's finances. As a result of a dispute between the Council and Assembly, Howick and Goderich had become aware, for the first time, both of the existence of the Revenue Fund and of the fact that the Council held themselves responsible to the King alone for the disposal of the money, and yet that the Imperial Government had not been in the practice of calling on the Council for an account of its proceedings in this matter.[3] Finally, in the summer of 1832, the unwilling instrument of the Earl of Belmore had been replaced by the Earl of Mulgrave and other new officials had been appointed to the principal positions in the government.[4]

---

1. Goderich to Mulgrave, 5 July, 1832, C.O. 138/54/290.
2. Goderich to Mulgrave, 7 June, 1832, C.O. 138/54/260.
3. Goderich to Belmore, 5 June, 1832, C.O. 138/54/256.
4. Besides a new governor there was a new chief justice and attorney general and it had been arranged with the patentee island secretary to appoint a new deputy.

It was as a result of these events that Howick prepared a scheme for reforming the government of Jamaica at the same time as devising a plan for the Lesser Antilles. As elsewhere, his object was to secure an independent executive.[1] He accepted that it was essential to keep troops in Jamaica and, yet, that it was unrealistic and inexpedient to expect a grant from the Assembly, and he intended, therefore, that the Imperial Parliament should assume the cost of provisioning the troops. He also intended to surrender the Revenue Fund to the Assembly. In return the Assembly was to make permanent provision for the barracks and for an enlarged civil establishment. On this establishment there would be the governor, chief judge, two puisne judges, the attorney general and a police force. The two puisne judges would be necessary in the reformed judicature as it was projected. The attorney general it was "of very great importance to render quite independent, hitherto no very great inconvenience has arisen (to our knowledge) from the present mode of paying him but I attribute this to the fact that the Executive Government has not yet practically been carried on in a liberal spirit."[2] It

---

1. Howick to Goderich, 4 Sept., 1832, Goderich Papers, Bucks County Record Office. Goderich to Howick, 12, 13 Sept., 1832, 3rd Earl Grey's Papers/Ripon. Howick to Stewart, 14 Sept., 1832, C.O. 138/55/91. Draft, C.O. 137/186.

2. Howick to Goderich, 14 Sept., 1832, Goderich Papers.

was intended that the police force should be "formed upon the model of the constabulary in Ireland and under the direct control of the Crown ... the accomplishment of the end in view would ... mainly depend upon the employment of efficient and active magistrates under the exclusive direction of the Crown and not dependent on the periodical vote of the Assembly."[1] However, the scheme proved abortive. Althorp, the Chancellor of the Exchequer, agreed to transferring the charge of the troops but he considered it unethical to barter this for a permanent Civil List and Howick withdrew his letter to the Treasury.[2]

Howick did not regard these reforms in the executives in the old islands as incompatible with a retention of the legislatures. He approved of the Legislative Assembly as an institution. When the Earl of Mulgrave dissolved the Legislature in Jamaica because the Assembly denied the Council the right to revive a practice which had been in disuse for eighty years and initiate legislation,[3] Howick drafted a dispatch reproving Mulgrave.[4] The Assembly was

---

1. Howick to Stewart, 14 Sep. 1832, C.O. 138/55/91.
2. Goderich to Howick, 21 Sept., 1832, 3rd Earl Grey's Papers/Ripon. Howick to Stewart, 14 Sept., 1832, C.O. 138/55/91, 123.
3. Goderich to Mulgrave, 5 Feb., 1833, C.O. 138/54.
4. Ibid.

the only independent branch of the legislature and it would be wrong to allow to the Council the power to initiate legislation since, because of the composition of the Council, this would be tantamount to granting to the executive the power to initiate and reject the Acts of the Legislature.[1] Howick evidently considered that the Assembly still had a rightful part to play in the conduct of colonial government. He was offended by the behaviour of those who dominated assemblies in the West Indies at the time, but he nevertheless had faith in the institution. He looked to the free coloureds and anticipated that when they were able to play an influential part in the work of the colonial assemblies, the assemblies would follow a rational enlightened course.[2]

The period during which Howick and Goderich were at the Colonial Office was one of activity. Howick's forcefulness and the unleased energy of the Office resulted in colonial administration being conducted with vigour. The government of the Crown colonies had been reconstructed. In the old colonies the Office had sought to prompt officials to cooperate energetically in furthering the policy of the Imperial Government; in the Lesser Antilles the government

---

1. Ibid.

2. Ibid. Also Goderich to McGregor, 11 Feb., 1833, C.O. 393/5/1. Goderich to Smith, 7 Mar., 1833, C.O. 29/33/78.

had been reformed. Under the Whigs, therefore, further advances were made towards making the colonial executives act on behalf of the slaves in the way directed by the Imperial Government. At the same time there remained a belief in representative legislatures and popular participation in government. Yet, while institutions were being changed to suit the purpose of improving the condition of the slaves, interest in Britain had shifted from amelioration to emancipation.

Chapter X

EMANCIPATION - COERCION OR COOPERATION

In Britain changes in the treatment and status of slaves were sought, and progress was measured in terms of laws passed. Assessed in this way little appeared to be gained while Goderich remained Secretary of State. The ministry left legislation to the colonial legislatures and the colonists passed measures in furtherance of the ministry's amelioration policy, but such action no longer satisfied the anti-slavery movement: the latter demanded nothing less than complete emancipation. On the need for some scheme of emancipation ministers came to agree in 1833, and thus the purpose which government was to serve change: the institutions of government had been previously altered as part of the attempt to advance the lot of the slaves, now they had to match the demands placed on them as a result of the determination that the slaves were to be freed. Whether or not this required that government in the colonies should be reconstructed was the issue before the ministry.

Since 1830 the anti-slavery movement had received a new impetus. Discontent had been shown at the caution of

those who had led the movement since 1823. In 1830 the leaders were proposing to the general meeting of the Anti-Slavery Society their resolutions "so admirably worded, admirably indignant, but admirably prudent,"[1] but a member rose and moved an amendment that all children born after the first of January of that year should be free. This amendment gave expression to a general desire for greater purpose in the aims of the movement and it was carried by acclamation.[2] A year later the movement came further to life with the organization of the Agency Committee. The General Committee of the Anti-Slavery Society drooping "under an accumulation of political bias and aristocratic ascendancy and worse than either, of tame monotony"[3] had rejected a proposal to undertake a nationwide campaign against slavery. In defiance of the General Committee and, as a result initially of a combination of George Stephen's energy and James Cropper's money, the Agency Committee was formed to organize popular agitation.[4] The committee maintained their independence of action from the Anti-

---

1. G. Stephen, Anti-Slavery Recollections, pp. 120-1.
2. Anti-Slavery Monthly Reporter, No.61, June, 1830.
3. Stephen, op.cit., p. 77.
4. Stephen, op.cit., p. 169. George Stephen was the son of James Stephen Senior.

Slavery Society and publicly criticised the pusillanimity of Buxton and Macaulay.[1] Agents were sent out to lecture, to revive existing Anti-Slavery Societies, to establish new ones, and urge constituents to vote only for Parliamentary candidates who supported the cause and to seek a pledge from candidates.[2] Immediate emancipation was the aim of the Agency Committee. Their creed ran "to uphold slavery is a crime before God, and the condition must therefore be abolished."[3]

The leaders of the cause disagreed on what should be done but the movement behind them had a straightforward demand. In March 1832, Buxton described the disagreements among the leaders, writing "this select band of our special friends and faithful supporters differed upon every practical point; and opinions wavered all the way from the instant abolition of slavery without any compensation, to its gradual extinction through the agency and with the cordial concurrence of the planters."[3] To the main body of adherents, however, the existence of slavery presented a clear issue "Slavery is a bad thing and ought to be abolished.

---

1. C. Buxton, Memoirs of Sir Thomas Fowell Buxton, p. 328. Viscountess Knutsford, Life and Letters of Zachary Macaulay, pp. 467-9.

2. Stephen, op.cit., pp. 127-131.

3. Ibid.

4. 25 Mar., 1832. C. Buxton, Memoirs of Sir Thomas Fowell Buxton, p. 279.

How stands the counter argument ... Slavery is a good thing and ought to be continued."[1] There was no desire to conciliate the colonists nor any need to do so. There was even a certain vindictiveness towards West Indians which discouraged any consideration for such wilful sinners.[2] Emancipation was in their interests for, as the Anti-Slavery Reporter reiterated, slave labour was more costly than free labour,[3] yet the slave owners perpetuated the system, and for the reason that they desired "the mere pleasure of working by the tail; it is simply the gratification of evil lusts and passions which can be gratified under a system of slavery and cannot be gratified under a system of free labour."[4] Colonists' intransigence was intelligible only as an attempt at perpetuating petty tyranny. Moreover, there was no reason for taking care to keep the white aristocrats in the colonies: the slaves could well govern themselves. The Anti-Slavery Reporter told them that Haiti

---

1. Revd. Dr. Wardlaw, Anti-Slavery Reporter, No. 74, 5 Jan., 1831.

2. Stephen, op.cit., p. 191.

3. Anti-Slavery Monthly Reporter, No. 7, 1825; No. 17, 1826; No. 27, Aug., 1827; No. 55, Dec., 1829.

4. Westminster Review, Oct., 1829, published as The death warrant of colonial slavery throughout the British dominions. See also Edinburgh Review, Jan., 1825.

(San Domingo) proved this.[1] "Why then should we apply to the colonists?" the Reverend Mr. Burnett asked a meeting of the Cork Anti-Slavery Society, "if we look for the manumission of the slaves they say we affect their happiness. But we throw light upon them, and if the lightning should flash and the thunder roll we tell them to take the helm and steer the vessel. Let the planters abandon her and she will find her way to port (cheers)."[2] The motto should be "Fiat Justitia. Ruat Caelum."[3] There was no need and no justification for compromising eternal principles of justice. A natural equality before God implied an equal ability to govern.

In spite of this popular campaign and the demand for emancipation, the government gave little consideration to the matter of slavery. Ministers were preoccupied with reform. "Nothing talked of, thought of, dreamt of but Reform,"[4] Greville noted. Goderich was incompetent, apparently he did not raise the subject of the government's

---

1. For accounts of the state of Haiti, Anti-Slavery Monthly Reporter, No.4, Sept., 1824; No. 23, Apr., 1827; No. 24, May, 1827; No. 55, Dec., 1829.

2. Anti-Slavery Monthly Reporter, No. 53, Oct., 1829.

3. Speech at Edinburgh Meeting, Anti-Slavery Reporter, No. 74, 5 Jan., 1831.

4. Greville, Memoirs (1888 ed.), vol. II, p. 127.

slavery policy in the Cabinet for two years after assuming office - not indeed till December 1832.[1] As a result under Grey as under Wellington, slavery policy was made in response to anti-slavery pressure in Parliament. In March 1831, when Buxton had tired of the government's inaction and announced his intention of introducing a motion for complete emancipation,[2] ministers went down to the House of Commons with nothing decided about what was to be done and in consequence, they persuaded Buxton to postpone his motion.[3] Three weeks later, with a General Meeting of the Anti-Slavery Society in the offing, Buxton moved that the House should consider the best means of abolishing slavery.[4] A statement of the government's policy was required but still this policy remained undecided

---

1. This statement is based on the following evidence. The criticism of Goderich in Howick to Grey, 29 May, 1832 (2nd Earl Grey's Papers/3rd Earl); the terms of the letter in which Goderich eventually raised the matter, Goderich to Grey, 27 Nov., 1832 (2nd Earl Grey's Papers/Ripon), and the absence of any earlier letter on the subject; the admitted ignorance of other members of the Cabinet (see in particular Russell to Howick, 5 Dec., 1832, 3rd Earl Grey's Papers/Russell); and the behaviour of the government on the different occasions when slavery came to the fore, see below, p.

2. 25 March, 1831, P.D., 3rd Series, III/938.

3. Howick to Grey, 29 May, 1832, 2nd Earl Grey's Papers/3rd Earl. Brougham to Althorp, n.d., Brougham Papers. 29 Mar., 1831, P.D., 3rd Series, III/1138.

4. 15 Apr., 1831, P.D., 3rd Series, III/1408.

and only at the last moment was Howick's suggestion accepted that the government should follow the course which was in fact that pressed by Taylor the previous year.[1] The Order in Council issued to the Crown colonies was to be revised and the old colonies encouraged to adopt it by the promise of an alteration in the sugar duties for those colonies complying.[2] In November 1831, the revised Order was published.[3] It was introduced into the Crown colonies and despatched to the old colonies. Howick urged that the measure should go out with the backing of a resolution of the House of Commons so that the substantial relief, promised to those colonies adopting the measure, should not remain a matter which Goderich simply undertook to propose to Parliament but rather one which already had Parliamentary approval.[4] His advice was not followed. Specific measures of relief were not proposed until March 1832, and then it was on the initiative of Althorp who was concerned at the state of distress in the West Indies.[5] By then,

---

1. Howick to Grey, 29 May, 1832, 2nd Earl Grey's Papers/ 3rd Earl. For Taylor's plan see above, p. 320-1

2. 15 Apr., 1832, P.D., 3rd Series, III/1425-45.

3. P.P., 1831-2 (649), XLVI, 287.

4. Howick to Grey, 29 May, 1832, 2nd Earl Grey's Papers/ 3rd Earl.

5. Althorp to Howick, Dec., 1831, 3rd Earl Grey's Papers/ Spencer. Howick, 23 Mar., 1832, P.D., 3rd Series, XI/826.

however, the West Indians were pressing for a committee of the House of Lords to investigate slavery.

Among the West Indians there had been a similar development to that which had taken place within the anti-slavery movement. Pressure from below led to the adoption of a course of which the established leaders disapproved. During 1830 and 1831 there appears to have been general agreement on the need for an impartial investigation of the true state of slavery as the best way of revealing the misconceptions on which the Saints' agitation was founded[1]. but by the winter of 1831-2, the established leaders were dubious about this course.[2] In the colonies, however, there was discontent at the popularity of the anti-slavery cause in Britain. Colonists could no more understand the hallucinations of the British public than many in Britain could fathom the treatment which the colonists accorded, or were supposed to accord, their slaves. Colonists, who were vocal, believed that if only the British could be brought to understand the true facts they would disclaim their

---

1. J. Gladstone, A statement of facts connected with the present state of slavery. Anti-Slavery (Monthly) Reporter, No. 60, May, 1830; No. 82, 25 June, 1831. Burge to Goderich, 1 Feb., 1831, C.O. 137/181.

2. Howard de Walden to Goderich, 20 Nov., 1832, 3rd Earl Grey's Papers/Ripon; 2 Dec., 1832, B.M. Add. MSS 40880, part II/553.

simple minded unrealistic idealism. The truth had to be made known and in the colonies there was dissatisfaction with the way this was being attempted in Britain. A conference of delegates from each of the islands in the Lesser Antilles was held in Barbados in March, 1831, for the purpose of disabusing people in England.[1] Subsequently delegates were sent to England from these colonies and from Jamaica, British Guiana and Trinidad.[2] Meanwhile, the old established leaders in the West India cause had been weakened through the retirement of three members of Parliament who had been prominent in West India affairs. William Manning went bankrupt and brought down with him Sir Edward Hyde East.[3] More immediately important George Hibbert, the Jamaica agent, inherited some property and retired to the country in 1831.[4] Hibbert was replaced by William Burge, who had been attorney general in Jamaica till 1828.[5] Burge

---

1. Lockhart to Goderich, 21 July, 1831, C.O. 71/72. Hill to Goderich, 20 July, 1831, C.O. 260/48. Also Hill to Goderich, 6 Sept., 1831, C.O. 137/180.

2. List of delegates [1833], C.O. 318/116.

3. Bankruptcy proceedings, W. and F. Manning, J.L. Anderdon, B3/3626-9. Chandos to Brougham, 9, 11 Aug., 1831, Brougham Papers.

4. G. Hibbert, A Sketch of the Life and Character of, p. 12-18.

5. Burge to Murray, 7 Nov., 1828, C.O. 137/176. Burge resigned in protest against his treatment in the affair of Lescesne and Escoffery.

appears to have taken a lead in pressing for a forceful presentation of the West Indian case. The answer to the popular campaign organized by the Agency Committee was for the West Indians to do likewise. After disagreement within the Standing Committee of West India Planters and Merchants, and despite the financial difficulties of the committee, it was agreed to send out itinerant lecturers.[1] Moreover, in spite of the opposition of certain established leaders,[2] Burge pressed for a Committee of the House of Lords to investigate West Indian slavery and in this he was strengthened by the news of the Jamaican slave revolt. A mass meeting reputedly attended by 6,000 was held in London and twelve resolutions were passed.[3] These attributed current distress to the anti-slavery clamour, criticised the government's slavery policy, affirmed an anxiety for amelioration and insisted that a full and impartial Parliamentary inquiry should be instituted for the purpose of ascertaining the

---

1. Minutes of Acting Committee, op.cit., pp. 231, 236. 15, 22 Feb., 1832. Minutes of the Literary Committee, pp. 21, 23. 18, 25 Feb., 1832. On the state of finances see Minutes of Acting Committee, p. 132, 9 Feb., 1831; p. 236, 29 Feb., 1832; p. 246, 19 Mar., 1832; p. 258, 2 May, 1832; p. 281, 14 Nov., 1832; p. 295, Jan., 1833.

2. Howard de Walden to Goderich, 20 Nov., 1832, 3rd Earl Grey's Papers/Ripon; 2 Dec., 1832, B.M. Add. MSS 40880, part II/553.

3. Proceedings at a public meeting ... 5 Apr., 1832.

laws and usages of the colonies, and the actual condition and treatment of slaves. The resolutions were presented to the House of Lords and on 17th April the Earl of Harewood moved successfully for the appointment of a Committee.[1.] By thus taking control over the policy on slavery out of the hands of the government the initiative moved not to the West Indians but to the anti-slavery leaders. As a rejoinder to this appointment of the Lords Committee, Buxton moved for a Select Committee to consider measures for the purpose of effecting the abolition of slavery "at the earliest period compatible with the safety of all classes in the colonies."[2.] Up to the morning of the debate Althorp had remained undecided on the course he would adopt, but finally he had agreed with Buxton the form of the motion.[3.] In the course of the debate, however, Sir James Graham felt that the motion should be amended so that recommendations on abolition should be conformable to the resolutions of 1823.[4.] The motion as amended was passed[5.] and the Commons Committee became a platform on which those opposed to slavery were able to present their

---

1. 17 Apr., 1832, P.D., 3rd Series, XII/596.
2. 24 May, 1832, P.D., 3rd Series, XIII/40.
3. Howick to Althorp, 23 May, 1832, 3rd Earl Grey's Papers/Spencer. Howick to Grey, 29 May, 1832, 2nd Earl Grey's Papers/3rd Earl.
4. Howick to Grey, 29 May, 1832, 2nd Earl Grey's Papers/3rd Earl.
5. 24 May, 1832, P.D., 3rd Series, XIII/37.

case.[1] By the time that the session ended in August the inquiries in the Lords and Commons had not been completed and no recommendations were made, but evidence presented in the committees influenced many of those involved in determining the course to be followed.[2]

Meanwhile the Colonial Office was taking a lead in reconsidering the government's policy on slavery. Not the ministers, but Taylor brought the matter forward.[3] At the time that the House of Lords Committee was appointed, Taylor was circulating a paper on slavery policy to Stephen and Howick. "I have long been feeling uneasy on the subject, it seems that there may be three or four opinions in the Office and then probably there will be six or seven in the Cabinet - and the consequence will be that this great question will be left to be decided by the course of events."[4] The resulting discussion showed that Howick

---

1. The evidence is printed in P.P., 1831-2 (721), XX 1.

2. Sir James Graham ceased to be cautious and ignorant and became a supporter of the anti-slavery leaders (Howick to Grey, 29 May, 1832, 2nd Earl Grey's Papers/3rd Earl; Viscountess Knutsford, Life and Letters of Zachary Macaulay, p. 469). Russell was educated for the first time about the state of slavery (Russell to Howick, 3 Dec., 1832, 3rd Earl Grey's Papers/Russell). For the effect on Howick, see below, p. 400

3. Taylor to Howick, n.d. [Mar. or Apr., 1832], Bodleian MS Eng. letters d 7/139.

4. Ibid.

and Taylor were in broad agreement on the need to persevere with a policy of amelioration.[1] Taylor intended that they should continue to govern the colonies as they had come to be doing in recent years. The Colonial legislatures were to be left to pass necessary laws; they were to be induced to pass the Order in Council by an agreement being made with the anti-slavery leaders that no further demands would be made for fifteen years. This agreement would be included in Parliamentary resolutions which would also guarantee compensation in the form of money in aid of compulsory manumission. The execution of the order, however, was to be controlled by the Imperial Government. The power to reform the judicatures and the powers necessary to ensure the execution of the order were to be reserved to the Imperial Government, acting with the consent of Parliament.[2] On the other hand, Stephen had made clear when the revised Orders in Council were being prepared the previous autumn that in his view "the evils of slavery are beyond the reach of legislation and can be remedied only by laws directly abolishing the relation of master and

---

1. Taylor to Howick, 23 Apr., 1832, 3rd Earl Grey's Papers/Taylor. The draft of this letter (in Bodleian MS Eng. letters d 7/149) has been edited: Taylor has cut out the criticism he made of Stephen.

2. Ibid.

slave."[1] Buxton, whose views Howick sought in April 1832, agreed with Stephen on the need for emancipation.[2] Also in order to ensure that order was preserved, he wished to introduce stipendiary magistrates and an ample police corps. These administrative changes were necessary in furtherance of emancipation but on the wider issues of the government of the colonies he expressed no view.[3]

In the course of the summer, Howick was converted to the belief that it was necessary to emancipate the slaves immediately and he, like Buxton, concentrated on the major issue of emancipation. Howick came to believe that the slaves would straightway rise in revolt if their freedom was withheld. The slave revolt which had taken place in Jamaica at Christmas 1831 had had little effect on his thought.[4] The news of it arrived at the same time as a book was published by John Jeremie in which this former President of the Court of Justice in St.Lucia recounted how

---

1. Stephen memo, Oct., 1831, 3rd Earl Grey's Papers/ Colonial Papers, Slavery. Much of this memorandum is printed in K.N. Bell and W.P. Morrell, British Colonial Policy, pp. 372-382, but the last sentences are omitted. Stephen prepared this desired memorandum but he was opposed to the policy which it was intended to further.

2. [Buxton], Paper for Howick, Apr., 1832, 3rd Earl Grey's Papers/Colonial Papers, Slavery.

3. Ibid.

4. Goderich to Belmore, 1 Mar., 1832, C.O. 138/54/135.

the colonists staged slave revolts at critical junctures as a means of frightening the Imperial Government.[1] It was William Knibb who converted Howick. Knibb was a Baptist missionary who had returned from Jamaica saying of slavery, "I will never rest day nor night till I see it destroyed root and branch"[2] and it was his evidence to the Commons' Committee which led Howick to believe that in Jamaica there was the gravest danger of revolt, and that emancipation alone would effectually avert the danger.[3] Howick's thoughts turned to emancipation and all else was subordinated to the question of how this could be achieved.

During the summer and autumn Howick, Stephen and Taylor were considering the matter and at the end of the year they turned to trying to convert the Cabinet. These three circulated memoranda among themselves, and conducted interviews, and in November Taylor retired from the Office to analyse the evidence presented to the Lords' and Commons' Committees.[4] By the end of November, as Members of Parlia-

---

1. J. Jeremie, Four Essays on colonial slavery. See also assessment of the revolt making use of Jeremie's book, Anti-Slavery Reporter, No. 94, 10 Mar., 1832.

2. J.H. Hinton, Memoir of William Knibb, p. 139.

3. Howick to Mulgrave, 21 June, 5 July, 1832, 3rd Earl Grey's Papers/C1/61, 70. Howick, Memo, 9 July, 1832, 3rd Earl Grey's Papers/Colonial Papers, Slavery.

4. There are a number of memoranda from July onwards in 3rd Earl Grey's Papers/Colonial Papers, Slavery. Also Taylor to Howick, 31 Dec., 1832, Bodleian MS Eng. letters, d 7/167.

ment went off to fight the first elections under the Reform Bill, Goderich was writing to Grey stating that the question of slavery required the early and serious consideration of the Cabinet.[1] Goderich was troubled by the government's predicament, he stated that he appreciated the strength of public feeling in Britain and yet there was the problem of enforcing any measures unless it had the

---

1. Goderich to Grey, 27 Nov., 1832, 2nd Earl Grey's Papers/Ripon.

Two letters cannot be reconciled with the account given here. The first, from Buxton to his daughter, 27 Sept., 1832 (C. Buxton, Memoirs of Sir Thomas Fowell Buxton, p. 296), reports T.B. Macaulay as saying that Graham had told him that when government met early in October, the ministers would divide themselves into committees and one of these would be concerned with slavery. The second letter is from Z. Macaulay to Wilberforce, 26 Nov., 1832 (Wilberforce, Correspondence, vol. II, p. 524), and states that Graham had had an interview with Buxton as the delegate of the Cabinet and that Buxton had submitted a plan of emancipation.

The ministers' papers which have been used, suggest that if Graham anticipated the appointment of such a committee, his expectations were not fulfilled. Goderich's letter to Grey, the papers circulated to members of the Cabinet in December, and the correspondence of Russell and Howick suggest that ministers considered the policy on slavery for the first time in December 1832. The date of the second letter is contradicted by other evidence. Goderich suggested a Cabinet Committee only on 27 Nov. The Committee did not meet till 11 Jan., 1833, Graham was only deputed to contact Buxton on 15 Jan. and the implication of Howick's comment on the plan Buxton submitted is that the Committee had not been previously aware of what the anti-slavery leaders sought. For further reference to the Cabinet Committee, see below.

full cooperation of the owners. Papers were circulated from the Office to members of the Cabinet in which the failure of the existing policy was explained, and the conclusion drawn that either slavery had to be maintained on its present footing, or a total change of system had to be effected.[1.] Taylor prepared a plan for effecting gradually this total change,[2.] but to Taylor's fury, Howick refused to circulate this scheme.[3.] Howick had devised a different plan with Stephen's assistance, and it was this which was presented to the Cabinet when it met in January 1833.[4.]

Howick saw a solution to the problem which troubled Goderich, he devised himself a scheme for emancipation which would meet the anticipated demands of those concerned. It would satisfy both the anti-slavery movement and the West Indians and the latter would, therefore, cooperate in enforcing it. Howick saw two ends to be achieved: slaves

---

1. Goderich to Cabinet, 1 Dec., 1832, with papers, 3rd Earl Grey's Papers/Colonial Papers, Slavery.

2. Copy in 3rd Earl Grey's Papers/Colonial Papers, Slavery.

3. Taylor to his father, 7 Jan., 1833, Bodleian MS Eng. letters, d 7/204.

4. Plan and explanation, 7 Jan., 1833, C.O. 320/8. Besides the covering papers there are two other letters which elucidate the plan. Howick to Russell, 5 Dec., 1832, C.O. 318/116; 1 Jan., 1833, P.R.O. 30/22/1C/111.

had to be emancipated and sugar production had to remain possible and profitable. If force was no longer to be used to compel slaves to give their labour, some other sufficient incentive had to be introduced, and Howick considered that this was provided by the need to work for wages in a free labour market. "The essential difference between the slave and the free labourer is that the latter is induced to work by motives which act upon his reason, and the former by y^{e} bodily pain."[1]. There was no half way stage between the two, and Howick intended, therefore, that all slaves should be freed and he suggested that this should be achieved by 1 Jan., 1835. There had, however, to be a compulsive reason for the negroes to seek wages. If they could settle on land which would provide sufficient for their subsistence there would be no need to seek wages by labouring on the sugar plantations. Howick intended, therefore, to control the disposal of waste land and to impose a land tax. The scarcity of land and the requirement of paying the land tax was to provide the incentive for men to seek wages.

Having devised a scheme designed to introduce the conditions in which the forces of a free market in labour

---

1. Howick to Russell, 1 Jan., 1833, P.R.O., 30/22/1C/111.

could be left to operate, Howick went on to suggest ways in which the production of sugar could be reinvigorated. If the planters were to be in a position to pay a living wage, and if the planters were to accept his scheme, he considered that assistance should be given to them. This he intended should be done by making a loan available and while protecting West India sugar in the British market, otherwise free the colonies' trade.

Howick contemplated no reconstruction of the government within the colonies. By relying on market forces there was no need for elaborate institutions to be established to ensure the enforcement of the plan. Some executive machinery was required. It was intended that there should be a stipendiary magistracy and police force. In each parish there would be a magistrate and one or more companies of police. The police would be subject to military discipline and in return for police service, they would be granted land. Howick also anticipated a reform of the colonial judicatures but apart from the fact that it was to be independent, he did not describe any projected changes.

The colonial legislatures were to remain unchanged and it was to them that Howick intended to entrust the enactment of his plan. Parliament would pass one act declaring slaves free on 1 January 1835, unless earlier freed by the colonial legislatures, and a second would authorize the

conditional arrangements concerning the loan, preference for West India sugar, and trading regulations. Otherwise the plan would be effected by island statutes. Howick maintained that Parliament had the right and power to legislate on colonial slavery but this right could not be used "too sparingly."[1] Further it would be "impossible to impose any internal tax on the Legislative Colonies by the authority of the British Parliament."[2] He considered, however, that the colonial legislatures would adopt the measure. "Intemperate and deaf to anything like reason as the West Indians had shown themselves"[3] the proprietors in Britain were beginning to be anxious to cooperate with the government and if the members of the West India legislatures still showed a different spirit "it should be remembered that they are after all but the creatures of their principals at home and must adopt any decision which these shall shew themselves determined to enforce."[4]

Howick's plan was a testimony to his self-assurance and to his confidence in the Colonial Office. He sent his plan to Mulgrave in Jamaica[5] but otherwise governors

---

1. Explanation, 7 Jan., 1833, C.O. 320/8.
2. Ibid.
3. Ibid.
4. Ibid.
5. Mulgrave to Goderich, 2 Mar., 1833, B.M. Add. MSS 40863/22.

remained uninformed of the projected scheme. He had started with the idea both that it was the task of himself and the Office to produce a watertight plan and that they had the ability and knowledge to do so.

Yet Mulgrave criticised the lack of understanding revealed in the plan. The scheme was "perfectly visionary and impracticable."[1] It was optimistic to regard Jamaica as like the Weald of Kent or even the coastal strip between the forests and the sea in British Guiana and thus to conclude that the distribution of land could be controlled and a tax imposed. The land was unsurveyed and negroes could retire into the mountains like the Maroons had done. In any case there would be the problem of administering the scheme. "Think of the expense of the machinery necessary to raise such a tax on such ground supposing even there was no active resistance to its collection opposed by the persons on whom it was laid. But if there was how could it be enforced?" The tax gatherers would find nothing on which to levy."[2] Moreover, the plan was to depend for its adoption on the colonial legislatures but to expect such cooperation was unrealistic. This would be requiring the colonists to sacrifice not simply their past prejudices but

---

1. Ibid.
2. Ibid.

their permanent interests. In all Mulgrave wrote "I often long for the Magic Carpet in the Arabian Nights on which to transport myself to Downing St. for the great misfortune of the English Government in their treatment of all these questions is the paucity of disinterested testimony, they have ever been able to have upon so many points which must materially affect the success of any plan they may attempt. You have plenty of evidence as to the state of the negroes - before Committees - but you have never been properly informed of the state of the machine of government here upon many details in which so much must depend."[1].

Furthermore, Howick proceeded on the assumption that he understood what was required by the only West Indians who in his view mattered. "It must be known to all who are acquainted with the controversy which has so long existed, that they have uniformly asserted that y^{e} planters only asked to be assured of y^{e} means of procuring y^{e} labour necessary for carrying on this business and have professed their anxiety whenever it should be possible to do so to use y^{e} labour of free men instead of that of slaves."[2]. Such might be, as Howick went on to assert, the only reasonable claim that could be set up, but to imagine that this

---

1. Ibid.

2. Howick, Comments on the plan submitted by Colville and Irving, 24 Feb., 1833, Goderich Papers, Bucks County Record Office.

was all the West Indians demanded was an illusion founded on unbelievable ignorance. Howick appears to have relied for his understanding of the slave question on anti-slavery propaganda and this makes intelligible his further idea that freeing trade would recommend his plan to the West Indians when many of the most influential in the West India Body were merchants whose strength depended on a monopoly built on trading restrictions and their control of credit.

Howick had sought the most fitting solution of the problem. Given that slavery had to be abolished, he considered that he had devised a rational way of doing it, and what he saw as the rational way he expected everyone else - except those who were intemperate and deaf to anything like reason- to accept as the obvious solution. Yet he was trying to impose a settled plan which he had only assumed would be acceptable to those on whom its execution depended. The cooperation of West Indian proprietors was essential to the adoption of the scheme by the colonial legislatures yet no attempt had been made to negotiate the terms of this cooperation. Howick acted here as he had done previously towards the colonies. He believed in the existence of representative legislatures and in leaving them the task of passing laws, but they were to pass the laws which he directed.

If anything was/done with Howick's scheme the choice lay between adopting the plan and foregoing the method of implementing it, or discarding the plan and securing whatever could be gained as the price of West Indian cooperation. The first course would have involved radical innovations in the government of these colonies, the second meant the acceptance of the existing government. For two months the government wavered between the two. In January, Howick's scheme was presented to the Cabinet and a Cabinet Committee met to prepare a specific plan of proceeding.[1] At its first meeting on 11 January, the committee resolved that if the colonial legislatures did not abolish slavery sooner it should cease on 1st July 1837 by virtue of an Imperial Act.[2] At subsequent meetings certain minor matters were decided; Howick's plan was further considered in the form of two Imperial Acts and eight subordinate regulations designed for British Guiana.[3] Buxton presented a plan under which slaves were to be freed but bound to their estates for a year or two, a loan granted to planters and

---

1. [Howick] Minutes of discussions on slavery of a Cabinet Committee, Jan., 1833, 3rd Earl Grey's Papers/Colonial Papers, Slavery. The members of the committee were Althorp, Goderich, Richmond, Holland, Graham, Russell and Howick.

2. Ibid.

3. Howick to Stephen, 20 Jan., 1833, 3rd Earl Grey's Papers/Colonial Papers, Slavery.

an efficient paid magistracy and strong police introduced. Howick recorded that the committee "were all much surprised to find how very ill considered and impracticable"[1]. these suggestions were, but the committee agreed nothing about a plan of their own.[2]

Meanwhile the initial decision of the committee had become known.[3] Besides West Indians, other financial interests took alarm and pressure was brought to bear on the government. There were rumours of a financial crisis,[4] the government was warned of consternation in Liverpool and Glasgow[5] and the Committee of West India Merchants resolved that if the rumours of emancipation were verified a cessation of trade would ensue. The merchants would refuse to assist with credit, they would dishonour all colonial bills, decline shipping supplies and cease paying all annuities.[6] In these circumstances the Cabinet vacillated. On 3rd

---

1. [Howick], Minutes, op.cit. For plan see Macaulay to Wilberforce, 26 Nov., 1832, R.I. and S. Wilberforce, Correspondence of William Wilberforce, vol. II, p. 524.
2. [Howick], Minutes, op.cit.
3. C. Greville, Memoirs (1888 ed.), 30 Jan., 1833, vol. II,
4. Greville, op.cit., 4 Feb., 1833, vol. II, p. 360. Greville states that Rothschild had given a warning to the government.
5. Ellice to Grey, 1 Feb., 1833, 2nd Earl Grey's Papers/ Ellice.
6. Minutes of the West India Merchants, 1 Feb., 1833, vol. VII, p. 134.

February it met to consider the King's Speech and to decide what was to be done about Lord Colville's forthcoming motion for the reappointment of the Lords' Committee on slavery.[1] All that the Cabinet agreed was that, before any proposals were introduced into Parliament, they would be communicated to the West Indians, and also that the re-appointment of the Lords' Committee was to be discouraged.[2] Without it being approved by the Cabinet or the Cabinet Committee, Howick's plan was submitted to a delegation from the West India Planters and Merchants.[3] Howick considered that there was room for discussion about the amount of the loan and the final date for ending slavery.[4] The deputation rejected the plan and made counter demands and the meetings with the delegation ceased.[5]

By this time, however, Buxton had lost patience with the government. After listening to the King's Speech at

---

1. Howick to Goderich [3 Feb., 1833], Goderich Papers/ Bucks County Record Office.

2. Goderich, Memo., 4 Feb., 1833, Goderich Papers. Goderich, draft letter to West India Body, 4 Feb., 1833, C.O. 318/116.

3. Murray to Howick, 25 Feb., 1833, C.O. 318/116. Murray to Goderich, 27 Feb., 1833, C.O. 318/116.

4. Howick to Goderich, [3 Feb., 1833], Goderich Papers.

5. Murray to Goderich, 27 Feb., 1833, C.O. 318/116. Delegation of West India Body, Comments on the Government Plan, 2 Mar., 1833, C.O. 318/116. Howick to Mulgrave, 7 Mar., 1833, 3rd Earl Grey's Papers, C 1/224.

the beginning of February and hearing no mention of legislation for the slaves he had given notice of a motion for 19th March, hoping that the government would announce a measure in the intervening time.[1] Althorp had responded by informing Buxton that the government would bring in a measure that was "safe and satisfactory"[2] but ministers made no move in Parliament. As the 19th March approached, Althorp tried to prevent the motion by naming a day in private on which the government would bring forward a measure but Buxton would not be dissuaded from insisting on a public declaration[3], and he forced from Althorp an undertaking that the government would introduce their motion on a date named.[4] Thus committed, the Cabinet finally came to a decision. Two months of vacillation came to an end on the 23rd March when, after three and a half hours discussion, the Cabinet decided that it would "not move without y^e consent of at least some considerable part of y^e colonial proprietors."[5] Howick's plan would not be carried into

---

1. C. Buxton, Memoirs of Sir Thomas Fowell Buxton, p. 302.
2. Buxton to Gurney, 7 Feb., 1832, C. Buxton, op.cit., p. 302.
3. C. Buxton, op.cit., p. 308.
4. 19 Mar., 1833, P.D., 3rd Series, XVI/827.
5. Howick Journal, 24 Mar., 1833, quoting Althorp. 3rd Earl Grey's Papers.

effect against the will of the colonists and the delegation from the West India Body were to be asked what they proposed.[1.]

It was Stanley who conducted such negotiations as took place. After the Cabinet decision, Howick had spoken to his father of resigning but had been persuaded to remain for the moment.[2.] A few days later, however, Goderich was finally forced to exchange his secretaryship for the position of Lord Privy Seal. For two months he had been clinging to his office while Stanley, with equal determination, demanded to be removed from the Irish secretaryship. Finally, Grey had forced Goderich to accept the change by threatening to submit his own resignation.[3.]

Stanley had the task of seeing if he could find a point where the maximum concessions of the West Indians met the minimum demands of the anti-slavery movement. The decision that a considerable part of the colonial proprietors must agree to the measure on slavery made schemes like Howick's and any radical change in government out of the

---

1. Ibid., 23 Mar., 1833, recording Goderich's report of the Cabinet's decision.

2. Ibid., 25 Mar., 1833.

3. Grey to Holland, 25 Mar., 1833, 2nd Earl Grey's Papers/ Holland. For the correspondence between Goderich and Grey, 2 Feb. - 28 Mar., 1833, see B.M. Add. MSS 40863/9-47.

question. From the point of view of the government of the colonies the issue was whether the cooperation of the West Indians could be gained and if so what administrative changes were considered necessary. Althorp indeed, considered that no politically viable compromise was possible and he anticipated that the government would break up on the issue.[1.]

Stanley presented himself as uncommitted and impartial. Howick went unconsulted, he "gave Stephen and Taylor to understand that their reign was over."[2.] He chose to prepare a measure on the basis of discussions with Buxton and with the West Indians. Buxton approved of the principle of deciding the entire question of emancipation and stated that the anti-slavery leaders were impressing on the movement the need to support an extended measure not of compensation but of pecuniary relief.[3.] Through the medium of Brougham, Zachary Macaulay submitted a plan of emancipation which was a detailed version of the plan submitted to the Cabinet Committee.[4.] The critical discussions, however,

---

1. Howick Journal, 24 Mar., 1833, 3rd Earl Grey's Papers.

2. Le Marchant's Diary. Three Early Nineteenth Century Diaries, ed. A. Aspinall, p. 329.

3. Stanley to Grey, 8 Apr., 1833, 2nd Earl Grey's Papers/ Stanley.

4. Macaulay to Brougham, 6, 9 Apr., 1833, Brougham Papers.

were those with the West Indians. Stanley attempted to induce the West India Body to engage in direct negotiations on the terms of their cooperation, given that the ultimate object had to be complete emancipation.[1] The delegation from the West India Body discussed the question of "a negotiation ... with the avowed object ... of effecting either a definite period or termination of slavery in substance as well as in name",[2] nevertheless the West India Body refused to sanction negotiations.

Since the West Indians refused to negotiate, Stanley was left to try to produce a plan which would come as near as possible to meeting the West Indians' demands, but which was sufficiently flexible to allow for modification in the course of Parliamentary discussion. It was clear from their various submissions and from the discussions which took place, that the West Indians had three general demands.[3] There had to be a form of apprenticeship which attached the slaves to their present plantation, protection for West India sugar in the British market had to be continued, and

---

1. Stanley to Grey, 8 Apr., 1833, 2nd Earl Grey's Papers/Stanley.

2. Ibid.

3. Delegation, Comments on government plan, 2 Mar., 1833, C.O. 318/116. Delegation to Stanley, 23 Apr., 1833, C.O. 318/116. (This plan represented only the personal opinions of the five individuals in the delegation.) Stanley to Grey, covering minutes of conference, 8 Apr., 1833, 2nd Earl Grey's Papers/Stanley.

compensation had to be paid to slave owners and the amount calculated on the basis of the price of slaves before 1823. Satisfaction of these demands was the price of the West Indians' cooperation but there was also the question of how any agreed measure was to be carried out. The delegation, in a plan which they submitted,[1] recommended that the principles of the measure should be incorporated in an Imperial Act and the compensation withheld until the local legislatures had adopted the principles and made regulations in furtherance of them. Other necessary acts, on such subjects as vagrancy, were to be left for the colonial legislatures to pass. Once, therefore, the cooperation of the West Indians had been secured, there should be the minimum of interference with the government of the colonies that was consonant with achieving the introduction of the measure.

Stanley produced a plan which depended on cooperation and he went some way to meet the West Indians' demands.[2] The slaves were to be freed but they were to serve an apprenticeship of up to twelve years. As apprentices they could be punished only by a magistrate and they would be paid wages and be responsible for their own upkeep but they

---

1. Delegation to Stanley, 23 Apr., 1833, C.O. 318/116.

2. Printed in The Times, 11 May, 1833.

would be required to pay a portion of their wages half yearly towards the price of their own freedom. The planters would be given a loan of £15 million and this was to be redeemed not by the planters but by the slaves through half yearly payments. Direct compensation Stanley considered could not safely be proposed to the House of Commons. "In the present state of public feeling respecting taxation, it would have been a hopeless and unwise attempt to have proposed to have relieved that important and suffering interest by an actual grant of money entailing a permanent charge on the nation."[1]. The main principles of the measure were to be included in an Imperial Act - as the deputation suggested - but the enforcement of the Act was to be left to the West Indians in Britain and to the colonists. Moreover, other changes which it was anticipated would be necessary, were to be left to the initiative of the colonists. It was stated in the plan that on the recommendation of the local legislatures His Majesty would be prepared to recommend to Parliament to make a grant in aid out of the revenue of Great Britain for the support of the administration of justice, an efficient police and a general system of religious and moral education.

---

1. Observations on plan, C.O. 329/8. Published in The Times, 13 May, 1833.

The plan was published in The Times on 11th May and in the following three months it was criticised and discussed in Parliament and out. The plan was considerably altered but it was eventually accepted by the anti-slavery leaders and the cooperation of the West Indians was secured. The initial uproar which greeted the plan led Stanley to consult Stephen[1]. and as a result he published a new version of the plan in which the administration of the law was to be entrusted to salaried magistrates "wholly unconnected with the colonies."[2]. The following day he presented his plan in the Commons and moved five resolutions.[3]. These revealed further changes. Emancipation, apprenticeship and a loan were intended but the conditions of apprenticeship and the way the loan was to be repaid were to be prescribed by Parliament. Stipendiary magistrates would be appointed and their salaries met from Parliamentary funds, but no mention was made of giving financial assistance for reformed judicatures or for police establishments. The House was to express its will on the principles of the measure before a bill was introduced and in this way Stanley was able to gauge the feelings of members. In the course

---

1. Taylor to Miss Fenwick, 12 May, 1833, postscript dated 13 May, Bodleian MS Eng. letters d 7/206.

2. The Times, 13 May, 1833.

3. 14 May, 1833, P.D., 3rd Series, XVII/1193.

of the ensuing debates on the resolutions and then on the bill, Buxton secured a reduction in the length of the proposed period of apprenticeship,[1] but it had also proved possible to turn the loan of £15 million into a grant of compensation of £20 million.[2]

Compensation had become the crucial question between the government and the West Indians, on this depended the West Indians' cooperation. When Stanley had first explained his scheme to the West Indians, the Standing Committee of the West India Planters and Merchants had reported that it was unacceptable.[3] If they were to cooperate they would have to be given not a loan but immediate compensation. The support of the colonists similarly depended on compensation. Mulgrave had made clear that only by paying compensation could the measure be carried in Jamaica[4] and the Jamaican delegates had indeed been instructed to cooperate in achieving emancipation provided adequate compensation was paid.[5] The grant of £20 million had achieved what

---

1. Stanley, 25 July, 1833, P.D., 3rd Series, XIX/1238.
2. 30 May, 10 June, 1833, P.D., 3rd Series, XVIII/132, 547; 31 July, 1833, P.D., XX/196.
3. Murray to Stanley, 11 May, 1833, C.O. 318/116. Report of West India Committee, 16 May, 1833, C.O. 318/116.
4. Mulgrave to Goderich, 2 Mar., 1833, B.M. Add. MSS 40863/22.
5. Barrett to Stanley, 2 July, 1833, C.O. 137/190.

was desired. On 15 June the Chairman of the West India Planters and Merchants informed Stanley that West Indians in England would cooperate at the price offered[1]. and a week later in an interview with Stanley, Burge, the agent for Jamaica, and Barrett and Hodgson, the delegates from the island, gave a similar undertaking.[2].

In the course of the ensuing year the legislatures in each of the old West India colonies passed legislation which adopted and supplemented the Act of Parliament.[3]. Each colony proceeded in time to benefit from the clauses which made a conditional grant of compensation. For the Crown colonies the Colonial Office prepared a draft order incorporating the further measures which were considered necessary;[4]. the draft was sent to the Crown colonies for comment and criticism[5]. and an Order in Council was passed in 1834.[6]. Thus on the 1st August 1834, the slaves were freed and a system of apprenticeship introduced.

In order to administer the act, officials were appointed

---

1. Combermere to Stanley, 15 June, 1833, C.O. 318/116.
2. Stanley to St.Vincent, 29 June, 1833, C.O. 318/116.
3. Papers relating to abolition, P.P., 1835 (275-I, II), L 121, 393.
4. Copy, 19 Oct., 1833, C.O. 318/117.
5. Hill to Lefevre, 12 Feb., 1834, C.O. 295/101.
6. Papers relating to abolition, P.P., 1835 (275-I, II), L 121, 393.

but otherwise the machinery of government within the colonies was left unaltered. The Imperial Act provided salaries for up to one hundred stipendiary magistrates[1]. and they and other unsalaried special magistrates were appointed under a special commission in order that they should not be subject to the direction of other local officials than the governor.[2] It was under the surveillance of these justices that the system of apprenticeship was to operate. Special magistrates were an expedient, however, only for the period of apprenticeship and otherwise the Imperial Government left the institutions under which these colonies were to be governed after the 1st August 1834 in the form that they had been when the task was to govern a slave society.

The decision of the Cabinet to act only with the cooperation of a large part of the colonial proprietors had precluded any major innovations in the government of the colonies as part of the Emancipation Act. In the following months Stanley had come to concentrate increasingly on the immediate issue of securing an acceptable measure of emancipation. In this he had succeeded, wide issues of government were left unresolved and with the emancipation of the slaves the pressing incentive to attempt a solution had been removed.

---

1. 3 & 4 William IV, c 73.
2. Stephen, Memo., n.d., C.O. 318/117.

Chapter XI

GOVERNMENT FOR THE PLANTATION COLONIES AFTER EMANCIPATION.

By passing an act of Parliament to emancipate the slaves the relations between the Imperial Parliament and the colonial legislatures were clarified. Yet it was government in the crown colonies, not that in the old colonies, which was immediately called in question once the slaves had been freed. What was done in practice depended in part on the effectiveness of the Colonial Office, but what was thought desirable immediately after emancipation was to trust to representative institutions. Those who had a confidence in the abilities of the freed negroes to safeguard their own interests had faith in elective legislatures: the emancipation of the slaves removed the greatest objection to the system of government in the old colonies. Others, however, estimated the capacity of the negroes differently and in this view the desirable government was one similar to that established in Trinidad.

Under the Act of Emancipation Parliament successfully interposed its authority in the colonies. Parliament interfered in the internal affairs of the old colonies and thus contradicted the colonists' assertion that such action

was unconstitutional. The Jamaican Assembly protested that Parliament had "interfered with our Colonial Legislative rights".[1] Yet the legislatures in each of the old colonies passed laws in furtherance of the Emancipation Act in time to receive a share of compensation.[2]

Nevertheless the use of the power of legislating by Act of Parliament on the internal affairs of the old colonies, continued to be regarded as desirable only under extreme necessity. The Emancipation Act itself recognized that supplementary legislation was necessary, and "whereas such Regulations as aforesaid could not without great Inconvenience be made except by the Local Legislatures and the respective Colonies ..." this task was left to the Local Legislatures.[3] Moreover the act expressly stated that it "would be desirable that such of the Provisions of this Act as relate to the internal Concerns of the Colonies so far as may be possible by the authority of the several local legislatures" should be re-enacted by them.[4] When

---

1. Assembly of Jamaica Address and Memorial, 12 Dec. 1833, C.O. 137/189.

2. Papers relating to abolition, P.P. 1835 (278 - I,II) L 121,393.

3. 3 & 4 William IV, c73 s16.

4. 3 & 4 William IV, c73 s23.

the colonial legislatures worded their measures so that emancipation and apprenticeship took effect under local acts and not under the Act of Parliament, these laws were confirmed.[1] The position which had been reached was summarised by Stephen. "The right of Parliament to make laws binding on British colonists (with the exception of Laws by which internal Taxes are imposed, or the produce of Duties, whether internal or external, appropriated) is distinctly established. But it is no less settled that every such interference with the internal OEconomy of the Colonies is a departure from a General Rule - an infringement of a settled habit of the Constitution - which rule or habit rests upon grounds of the utmost solidity and importance. Whatever may have been the practice, at a more remote period, it is clear that since the American contest, this right of Parliamentary legislation for the Colonies, has been numbered amongst the latent resources of government, to which the Imperial Legislature would resort, only under the pressure of some extreme and indisputable exigency".[2] Yet, accurate as this was as a description of the current outlook, Stephen said nothing

---

1. Papers relating to abolition, P.P. 1835 (278 - I,II) L 121,393.

2. Stephen to Lefevre, 6 Jan. 1834, C.O. 71/78.

about the foundations for Parliamentary abstention. In one view it was simply inexpedient for Parliament to legislate, in another it was wrong for it to do so. Both views had been stated in the Emancipation Act and there was a commitment to neither.

Parliament was sovereign but it remained unclear what law of Parliament applied to the colonies. Stephen had considered these difficulties in 1827 when the problem arose of reforming the colonial judicatures.[1] After the Emancipation Act had been passed he was clear about the desirable maxim but he appreciated that there was no foundation for the view except that it was rational.[2] He considered that it would be absurd to treat all acts of the Imperial Parliament as applying to the colonies and effective there. He supposed, therefore, that it was the "universal rule, that no colony is bound by an Act of Parliament made after the Settlement there of an internal Colonial Legislature, unless the colony be precisely named, or expressly referred to in the Act".[3] Nevertheless this view would only be substantiated in Stephen's opinion by a judicial decision and the matter was therefore left to be decided on

---

1. See above, p. 297

2. Stephen to Lefevre, 6 Jan. 1834, C.O. 71/78.

3. Ibid.

some occasion when an appeal was brought to the Privy Council.[1.]

The passage of the Emancipation Act clarified the relationship between Parliament and the Legislatures but it was also considered to remove the need for an exercise of the power thus substantiated. In the view of the Whig ministers, once the slaves were freed there was no longer any adequate reason for legislating in Parliament. Legislation could be left to representative institutions within the colonies.

Howick and Goderich had anticipated that after emancipation the traditional rights of colonists would be allowed in all the plantation colonies. In the old colonies the existing form of government would be left to operate and the government in the Crown Colonies would be assimilated to this pattern. In justifying government policy in Mauritius, Howick had expressed the view that the powers entrusted to the governor were warranted only by the existence of slavery,[2.] and Goderich had suggested, while commenting on Howick's plan for emancipation, that "upon the Extinction of slavery in the Crown Colonies, they

---

1. Goderich to Smith, 22 Mar. 1833, C.O. 102/20/886. Draft by Stephen. C.O. 101/76.

2. Howick to Goderich, 11 Oct. 1832, 3rd Earl Grey's Papers/Ripon. See above, p. 351

should receive the boon of a more direct share in the internal government".[1] Indeed this was a view they had made explicit in despatches. To the governor of British Guiana, Goderich had written, "the Ministers of the Crown can never advise the King to give to Demerara the benefit of an internal and exclusive legislative power so long as the colonists retain the benefit (such as it is) of holding their fellow subjects in slavery".[2] Nevertheless Goderich expressed the hope that the relation of "Master and slave would cease" and in that event he indulged "the expectation of seeing it enjoy the full privileges of a British Colony".[3] When Marryatt, continuing to seek representative institutions for Trinidad as he had since the colony was ceded, urged that if an elective Assembly could be granted to Newfoundland then one should be introduced into Trinidad, Goderich wrote to Governor Grant "I avow without reserve my opinion that justice and sound policy dictate the extension of this form of government to every colony fitted for its reception. I am persuaded that the firmest bond of union between the parent state and

---

1. Goderich to Howick, 4 Jan. 1833, 3rd Earl Grey's Papers/Ripon.

2. Goderich to D'Urban, 1 Oct. 1831, C.O. 112/15/488.

3. Ibid.

its Dependencies will be found in maintaining a general harmony between the respective institutions, and it is becoming the British name, thus to transfer to distant regions the greatest possible amount both of the spirit of civil liberty and of the forms of social order to which Great Britain is chiefly indebted for the rank she holds among civilized nations".[1] In these despatches Howick and Goderich had not only made clear their own views, they had given those interested grounds for anticipating the assimilation of the crown colonies to those of the old colonies at least in the matter of a representative assembly.

Moreover the state in which Howick and Goderich left the crown colonies and the Windwards and Leewards meant that their successors in office could not ignore the question of how all these colonies should be governed. Stanley and his undersecretary, Lefevre, were presented with problems which arose from the changes in the government of British Guiana and the reforms in the Windwards and Leewards.

In British Guiana Stanley was faced with the question of how far the colonists should be allowed to control finance. The rearrangement in the government had left the

---

1. Goderich to Grant, 30 Jan. 1832, C.O. 296/10/333.

colonial representatives in the Combined Court with control over the grant of supplies to the Colony Chest, though the permanent revenue in the King's Chest was sufficient to pay a reduced civil establishment. While Goderich was Secretary of State the issue was whether the colonial members should have the right to vote on the estimates as well as on ways and means. Soon after Stanley became Secretary, it was learnt that as a result of an ambiguity in Goderich's instructions the colonial representatives, contrary to what was intended, had been granted the right to vote on the estimates.[1] The difficulty here was accentuated by the fact that with the emancipation of the slaves the Revenue for the King's Chest would cease, since it was derived from a capitation tax on slaves.[2] Stanley was faced, therefore, with two issues. First there was the question of whether the colonists were to be left to vote on the estimates and, secondly, what if anything was to be done to secure a permanent revenue for the King's Chest.

From the Windwards and Leewards Stanley was urged by the governors to follow two contrary courses. The governors in the two groups had reacted differently to the problems resulting from the reconstruction of the governments in the

---

1. D'Urban to Goderich, 17 Apr. 1833, C.O. 111/126.
2. Stanley to Smyth, 22 Feb. 1834, C.O. 112/18/106.

two groups. Sir Lionel Smith, the governor of the Windwards, was an authoritarian. Smith commanded the troops both in the Windwards and the Leewards, and he chafed at the restrictions which the existence of lieutenant governors and of a second governor within the area of his military command. "... These are no times for mixed and divided authority. Having the whole command of the Army in the Windward and Leeward Islands I ought also to have control over every Civil Government".[1] Lacking subordinate civil officials he could control, he used military officers, and he resorted to military funds to cover civil contingencies.[2] It was chiefly in overcoming the limitations imposed by the representative legislative institutions and the existing judicatures that he sought assistance. He wished to increase his own unfettered authority. "Give me more positive power ... I would then be able to do good and would use the power to that object with temper and management as far as human reason can master habitual prejudice".[3] "I want independent judges, independent magistrates and independent law officers".[4]

---

1. Smith to Stanley, 29 July 1833, C.O. 28/111.
2. Lefevre to Stewart, 10 Feb. 1834, C.O. 393/4/141.
3. Smith to Stanley, 23 May 1833, C.O. 28/111.
4. Smith to Stanley, 1 June 1833, C.O. 28/111.

Administration unhampered by that colonial bigotry[1.] and prejudice[2.] which conflicted with his own, was Smith's aim, and he wished to enlist the power of the Imperial Government in gaining this.

McGregor, the governor of the Leewards, sought Stanley's assistance in the pursuit of a different policy. He attempted to develop the government of the Leewards as a whole in accordance with the traditions of the old West Indian islands: government was to be conducted in cooperation with the colonists. McGregor promoted within the group both the plan of reforming and consolidating the judicatures in the islands and that of uniting the different legislatures.[3.] He was concerned also to gain Stanley's cooperation in effecting some accommodation with the legislatures. Until the new arrangements the governor had been able to make known his wishes through personal influence.[4.] The reduced salaries granted to governors made it difficult to exert influence by extending hospitality. It was necessary, therefore, to develop some more formal means of making the

---

1. Smith to Stanley, 2 July 1833, C.O. 28/111.
2. Smith to Stanley, 23 May 1833, C.O. 28/111.
3. McGregor to Stanley, 11 Jan. 1834, C.O. 7/38.
4. McGregor to Goderich, 5 Feb. 1833, C.O. 71/76.
   McGregor to Stanley, 7 Aug. 1833, C.O. 7/35.

administration's wishes known to the legislature, and necessary also that the governor should have the dependable assistance of a public secretary and lawyer. The existing island secretaries were court officials remunerated by fees and the crown lawyers were not salaried. He urged, therefore, that the private secretary, which he had induced Goderich to allow,[1] should become a Public Secretary.[2] The secretary would thus be a permanent official and not subject to removal along with the governor, and McGregor advised that both the secretary and the salaried attorney general he asked for,[3] should be appointed to the councils as the spokesmen for the administration.[4] Finally, since he was having to do much of the routine office work himself, McGregor was pressing in his requests for an allowance to cover office expenses.[5]

The way Stanley and Lefevre reacted to these problems did not suggest that they had any clear course to which they

---

1. McGregor to Goderich, 5 Feb. 1833, C.O. 71/76. Stanley to Smith, 2 June 1833, C.O. 29/33/128.

2. McGregor to Stanley, 7 Aug. 1833, C.O. 7/36; 5 May 1834, C.O. 7/38.

3. McGregor to Stanley, 4 July, 7 Aug. 1833, C.O. 7/36.

4. McGregor to Stanley, 7 Aug. 1833, C.O. 7/36; 5 May 1834, C.O. 7/38.

5. McGregor to Goderich, 5 Feb. 1833, C.O. 71/76; McGregor to Stanley, 7 Aug. 1833, C.O. 7/36; 5 May 1834, C.O. 7/38; 3 June 1834, C.O. 7/38.

were committed. Nor did they send despatches on the government of these colonies in furtherance of a policy designed to meet the changed circumstances after emancipation. In so far as they did anything at all, they adopted a pragmatic approach to the problems referred to them from the colonies and their different responses were frequently contradictory.

In British Guiana Stanley tried to pursue the course set by Howick and Goderich. He instructed the lieutenant governor that it was essential to secure a permanent revenue for the King's Chest.[1] It was to be sufficient to meet the salaries of the chief officials in the colony and also the contingent expenses of the government. Other expenses of government were to be met from the colony chest and, though the estimates were to be prepared in the Court of Policy, he conceded that they should be discussed fully in the Combined Court. Indeed it was desirable that the Combined Court should exercise a vigilant supervision so that it would ensure economy in government. Important however as this despatch was, it had taken till February 1834 to answer despatches of nearly a year before.

In despatches to the Windwards and Leewards Stanley neither assisted the governors nor checked the way they were

---

1. Stanley to Smyth, 22 Feb. 1834, C.O. 112/18/106.

acting. Smith's letters prompted little comment. Apart from being told confidentially that it was unwise to use his accustomed strong language in public documents,[1] he was left to pursue his authoritarian course. McGregor's correspondence received more attention but he was provided with no general directions on the government of the Leewards, nor was he given support in his policy. When McGregor's despatch containing the recommendations of a committee of the Antigua Council on the expediency and practicability of consolidating the legislative and judicial functions was received, the despatch passed into oblivion with Lefevre's comment "the question of the central Legislature for the Government of the Leeward Islands should be postponed for the present".[2] Stanley declined to provide a salary for a Crown lawyer,[3] the representation that there should be a public secretary and that he should sit on the Councils went unanswered. Stanley did secure a Treasury grant of £200 towards the cost of clerical assistance, postage and stationery in April 1834,[4] but otherwise McGregor was told that the

---

1. Stanley to Smith, 13 July 1833, C.O. 29/33/136.
2. McGregor to Stanley, 11 Jan. 1834, with endorsement, C.O. 7/38.
3. Stanley to McGregor, 3 Sep. 1833, C.O. 393/5/52.
4. Stanley to McGregor, 26 Apr. 1834, C.O. 393/5/157.

burden on him was to be reduced by devolving work on the lieutenant governors and presidents. For the future it was to be for lieutenant governors and presidents of Councils to use their discretion in deciding what matters they should correspond with the governor about.[1] This contradicted the course which Smith was being allowed to pursue but from the point of view of the Colonial Office it was the least troublesome direction to give.

Stanley and Lefevre tended to follow where events led them. Stanley tried to maintain the independence of the executive in British Guiana and yet preserve the useful work of the Combined Court. In the Windwards Smith was left unchecked. While in the Leewards, Stanley did not discourage McGregor from seeking to cooperate with the colonists but, by a series of decisions on particular problems, he reversed Howick's policy of creating a larger unit of government, and, indeed, in the smaller islands the presidents of the Councils acquired greater powers than had belonged to them before the rearrangement. What was true of Stanley and Lefevre's reactions to issues about how to govern these colonies applied

---

1. Ibid. In other decisions, similarly, greater powers were ordered to be devolved on the lieutenant governors and presidents, Stanley to McGregor, 22 June 1833, C.O. 393/5/42; 31 Jan. 1834, C.O. 393/5/94.

also to their conduct of other correspondence. They took the line of least resistance without apparently realizing that issues of wide importance were concealed in matters which were in themselves of minor significance. Thus Stanley supplied arms for the colonial militias.[1] He read a despatch from Smith in which arms were requested at a time when he had learnt that the Ordnance had "a large store of inferior quality at hand".[2] Quite apart from the question of whether the continued existence of colonial militias should be encouraged when their primary justification had been that they enabled the free colonists to suppress slave disorders, there remained the consideration that assemblies in several islands had claimed it as a responsibility of the Imperial Government to provide arms free to colonial militias, and this precedent of Stanley's contradicted the previous policy of allowing arms only when a militia was initially organized.[3]

The great weakness under Stanley lay in the organization and working of the Colonial Office. During the fourteen months that he was Colonial Secretary the work of the Office

---

1. Stanley to McGregor, 24 May 1834, C.O. 393/5/164.

2. Smith to Stanley, 16 Oct. 1833, with minute. Stanley to Lefevre, C.O. 28/111.

3. Bathurst to Ross, 17 Oct. 1826, C.O. 393/1/B156. Frankland Lewis to Horton, 15 Oct. 1827, C.O. 239/17.

was conducted as it had been when Henry Goulburn was under-secretary twenty years before. Lefevre, Stanley's under-secretary, saw incoming despatches from his half of the Empire and gave directions on the action to be taken.[1] Lefevre did require clerks to write occasional minutes to explain points in incoming despatches,[2] and he instructed clerks to read and comment on the minutes of the colonial legislatures,[3] but action to be taken and the form of replies were determined by Lefevre and Stanley. Those in the Office were relegated to their official duties. Stephen was legal counsel and except in the execution of these duties his abilities and services were largely unused.[4] Taylor was reduced to the level virtually of copying clerk. "My work at the Office," he wrote, "is mere amusement".[5]

Stanley did not trust Stephen and Taylor. When he became Colonial Secretary his object had been to find an

---

1. See the endorsements on incoming despatches in, for example, C.O. 29/111.

2. e.g. Hill to Stanley, 8 Jan. 1834, C.O. 295/101. Smith to Stanley, 16 Oct. 1833, C.O. 28/111.

3. McGregor to Stanley, 9 Nov., 18 Dec. 1833, with endorsements, C.O. 7/37.

4. Taylor to Miss Fenwick, 17 Apr. 1833, Bodleian M.S. Eng. letters d7/187. Smith to Stanley, 14 Dec. 1833, followed by Stephen minute, C.O. 28/111.

5. Taylor to Miss Fenwick, 17 Apr. 1833, Bodleian M.S. Eng. letters d7/187.

acceptable scheme of emancipation and he had wished to make clear his neutrality. The measure, as Taylor explained at the time, was to be the "production of a mind unbiassed by knowledge from any quarter and unperverted by advice from any of the parties who had been previously mixed up with the question".[1] Stephen and Taylor were committed to particular plans of emancipation and they were regarded in public as partisans. Stanley's distrust of them was such that when his own plan was copied within the Office he ordered the clerks not to show it either to Stephen or Taylor.[2] Stephen was only consulted when Stanley was "frightened" by the outcry which greeted the publication of his plan.[3] Even when emancipation had been carried, Stanley continued to distrust his clerks, and Stephen and Taylor remained restricted to their official roles.[4]

In so far as the situation was redeemed it was because Stephen did not respond in the same way as Taylor. Taylor reacted against his treatment; his bitterness against Stanley

---

1. Taylor to Miss Fenwick, 12 May, 1833, Bodleian M.S. Eng. letters d7/206.

2. Ibid.

3. Ibid.

4. Lefevre to Stanley, 10 Feb. 1834, C.O. 28/113. Taylor to ——— , 9 Sep. 1834, Bodleian M.S. Eng. letters d7/302. Taylor to Howick, 3 Oct. 1834, 3rd Earl Grey's Papers/Taylor.

is apparent in the autobiography he published fifty years later,[1] he seems to have been intentionally uncooperative within the Office and he wrote to Stephen criticising the latter's continued exertions in spite of his treatment.[2] Stephen for his part had collapsed in the summer of 1833 as a result of overwork,[3] but once he had recovered he felt it his duty to carry on his work, so in reply to Taylor he wrote "I should feel a glow of shame to my fingers ends every time I received my salary, if I could not from my conscience declare that I had earned it honestly and assiduously. Of the talents I have received, an account is to be rendered to Him who gave them to me. I am in a situation in which opportunities neither few nor inconsiderable occur for serving my fellow men. Can I in deference to my sense of personal interest or of what is due to me from others, neglect them?"[4] He did not remain unaffected by his treatment. He had a low opinion of Stanley and distrusted Lefevre. He felt that his work was not kindly received and he was in consequence dispirited. "I would ...

---

1. H. Taylor, Autobiography, Vol. I, pp. 131-2.

2. Stephen to Taylor, 16 Sep. 1833, Bodleian M.S. Eng. letters d7/213.

3. C.E. Stephen, The First Sir James Stephen, p. 28.

4. Stephen to Taylor, 16 Sep. 1833, Bodleian M.S. Eng. letters d7/213.

readily throw the pen into the fire and the unfinished paper after it", and yet his sense of duty triumphed over his impatience: "& at length the business, as you see, is done".[1] Stephen's work - his comments on the colonies' emancipation acts, other reports on acts, cases and disputes - this constituted the largest body of business done while Stanley was Secretary of State.

Stanley and Lefevre applied themselves but the business of the Office could no longer be executed as it had been done twenty years before. "Lefevre," Taylor commented, "is as patient, assiduous, and laborious as it is possible for any man to be and has a fair share of passive understanding",[2] and yet, as he had written on an earlier occasion, "confusion is worse confounded ... every day, Lefevre ... has not a chance of getting through his business".[3] Papers accumulated; many despatches remained unanswered, with others there was prolonged delay, colonial affairs were left to drift with only spasmodic attempts at holding to a course. The experience in these months showed the impossibility of conducting affairs adequately, using a system reminiscent of

---

1. Ibid.
2. Taylor to Howick, 25 Sep. 1833, 3rd Earl Grey's Papers/Taylor.
3. Taylor to his father, 17 Apr. 1833, Bodleian MSS. Eng. letters d7/187.

that followed twenty years before. When Stanley and Lefevre resigned the practice of the Office reverted very largely to what it had been before their arrival. Stephen and Taylor were recalled and Taylor wrote to Howick "I am resuming official business after more than a year of almost uninterrupted leisure".[1]

Stanley and Lefevre had followed where events led them because they had an inadequate instrument for conducting colonial affairs; it was not because they lacked views on how the colonies should be governed. Stanley and Lefevre held opinions which conformed in general to those of Howick and Goderich and they were shared by Stanley's successor, Spring Rice.[2] These Colonial Ministers in the Whig Governments of Grey and Melbourne had broadly speaking a common view on the government of the plantation colonies. And it was a view which was largely shared by Stephen.

To these men it appeared that emancipation removed the reason for interfering in the government of the colonies. In the years up to 1833 the supreme power of the Crown and Parliament had been interposed for the sake of the slaves. They were confident that once the slaves had become free members of society, representative government could be left

---

1. Taylor to Howick, 3 Oct. 1834, 3rd Earl Grey's Papers/ Taylor.

2. Spring Rice succeeded Stanley in June 1834.

to operate. The different classes within the island communities would look after their own interests. Should the Barbados Assembly, Stephen explained, not have the sense to break down the invidious distinctions between the whites and coloureds, it would be for the coloureds to agitate the matter and they would probably carry their point.[1]

It was desirable that there should be representative institutions so that each free man could safeguard his own interests. In the old colonies the legislatures were to be retained. In the interests of better government certain reforms were desirable. Stanley believed in the creation of a unified legislature in the Leewards and another in the Windwards. Despite the tenor of his correspondence with McGregor he was, as he wrote privately, "strongly of the opinion that it was very desirable" to consolidate the legislative institutions within the two groups.[2] This was the limit of his intentions, there was no question of dispensing with the legislative councils and houses of assembly.

In the crown colonies, they looked forward to the introduction of elective legislatures. Once the slaves were freed,

---

1. Stephen to Lefevre, 12 Dec. 1833, C.O. 28/11.

2. Stanley to Brougham, 17 Oct. 1833, Brougham Papers.

Stephen stated, the motives for withholding the popular institutions of the mother country would lose much if not all of their force.[1] When Stanley eventually sent a despatch to British Guiana, he tried to reach an accommodation with the Combined Court, for as he wrote, ministers were "willing and indeed desirous that the resources of the Colony should in future be administered with that vigilance and frugality which the superintendence of a deliberative body, constituted as the Combined Court is, can so effectually and satisfactorily exercise".[2] While in Trinidad, Stanley and Spring Rice took steps towards introducing representative institutions. Colonists claimed Goderich's despatches to be a pledge and they pressed for the introduction of a representative form of government.[3] Stanley was inclined to concede much that was demanded. He considered it safe to remove several of the restrictions imposed on the unofficial members of the Legislative Council. He agreed that it should be considered "whether the future vacancies may not be filled up by election subject to a qualification",[4] and as he wrote, these alterations "may

---

1. Stephen to Lefevre, 20 Aug. 1833, C.O. 111/129.

2. Stanley to Smyth, 22 Feb. 1834, C.O. 112/18/106.

3. Burnley to Stanley, 19 Oct. 1833, C.O. 295/100; 28 Jan., 11 Feb. 1834, C.O. 295/105. Burnley to Lefevre, 22 Nov. 1833, C.O. 295/100.

4. Stanley minute, 12 Mar. 1834, C.O. 295/105.

even be admitted to be preparatory to further changes".[1] In subsequent discussions with colonists from Trinidad, it was decided, however, that it would be preferable to defer any major changes in the established form of government till the end of apprenticeship.[2] It was agreed, as Spring Rice explained to the governor, that "the practicability of making at Trinidad some nearer approach to the principle of Representative Government is a question which ought to be deliberately examined and that the enquiry ought to take place when the relations between the different classes of society shall have acquired under the new social system maturity and strength".[3]

Representative institutions were desirable for all these colonies but there were other requirements of good government. An independent judicature was regarded as essential. The reforms finally effected by Howick and Goderich in the crown colonies had achieved this aim. In the old colonies, however, a judicial system had been revealed in the years previous to emancipation which was considered to require reform, but reform

---

1. Ibid.

2. Marryatt to Stanley, 10 May 1834, C.O. 295/105. Resolutions of meeting, 20 May 1834, C.O. 295/105. Marryatt Memo on meeting with Spring Rice [Aug. 1834], C.O. 295/105, Lefevre to Spring Rice, 2 Oct. 1834, C.O. 295/105.

3. Spring Rice to Hill, 17 Oct. 1834, C.O. 296/11/316.

remained unrealised. "Nothing certainly can be worse than the whole system of Colonial judicatures..." Stanley wrote; "five and twenty judges in Barbados at £30 a piece! none of them of course professional men - Chief Justices absolutely ignorant of Law - and Military Governors aided by lay Councillors acting as Chancellors!"[1]. What was wanted was a reformed system of courts with judges paid by salaries which were not dependent on the colonial legislatures. In Jamaica Stanley felt that nothing could be attempted but for the Leewards and Windwards he resurrected the plan worked out in 1827 by Bathurst, Horton and Stephen.[2]. He reached the stage of consulting the colonial agents but advanced no further.[3]. It remained desirable to introduce circuit courts and it was the aim to establish the independence of the judicature but this was a matter for the local legislatures. When Howick returned to the Office as Lord Grey he was still writing in 1847 "I am happy to find that this subject has engaged your attention as it is one to which I attach the highest importance.... I should be glad

---

1. Stanley to Brougham, 17 Oct. 1833, Brougham Papers.
2. Ibid.
3. Lefevre to Browne, 15 Apr. 1834, C.O. 393/4/155, Lefevre to McGregor, 16 Apr. 1834, C.O. 393/5/146.

to see the adoption of a measure which should even partially give effect to the principle of these courts".[1]

Good government was also conceived to require an independent colonial executive. In British Guiana, Stanley attempted to secure permanent revenue in order to preserve the independence of the executive.[2] In the Leewards and Windwards it was his view that an undertaking to abolish the four and a half per cent duties might be bartered for a permanent civil list.[3] However, officials were not regarded as instruments for carrying out the policy of the Imperial Government. With the slaves emancipated there was no longer the need for the Imperial Government to act on behalf of the slaves. It was for the sake of good government that the executive should be independent. If officials were not dependent on the legislatures for their salaries this would facilitate impartial and upright administration.[4] There would be no need for patronage and influence because upright and impartial government would serve the welfare of the colony and satisfy the colonial legis-

---

1. Grey to Reid, 1 Dec. 1847, C.O. 286/8/442.
2. Stanley to Smyth, 22 Feb. 1834, C.O. 112/18/106.
3. Stanley to Brougham, 17 Oct. 1833, Brougham Papers.
4. Lefevre to McGregor, 5 Apr. 1834, C.O. 7/37.

latures.[1] As Stanley wrote, permanent provision for civil government would "prevent the collision between the Executive and the Colonists".[2]

Altogether, with the slaves freed, it was conceived that it was both desirable and practicable for government to centre in the colony. They accepted the view stated in the Emancipation Act which implied that it was undesirable for Parliament to interpose its authority in the internal affairs of the colonies.[3] Although he was critical about the state of the West India judicatures, nevertheless Stanley wrote privately, "it will not do to cut the Gordian knot by direct Parliamentary legislation".[4] The rightful legislative body was that in which the colonists were represented. There was no doubt that Parliament possessed the power to legislate, but this power was not to be exercised, as Dundas had said forty years before, "except in cases of necessity".[5]

Moreover the Colonial Office was seen to have a narrowly limited role to play in colonial government. Stanley looked, as he said, "to the extinction of slavery as the natural

---

1. Ibid.
2. Stanley to Smyth, 22 Feb. 1834, C.O. 112/18/106.
3. 3 & 4 William IV, c73, S23. See above, p.423-5
4. Stanley to Brougham, 17 Oct. 1833, Brougham Papers.
5. See above, p.50

termination of those incessant and numerous disputes which have for a long time taken place between this country and the colonies in which slavery had existed".[1] It was anticipated that few demands would be made on the colonists. "It may reasonably be presumed," Lefevre informed McGregor, "that when the great cause of controversy between the West India colonies and the mother country shall have been removed by the abolition of slavery, it will be a circumstance of rare occurrence for the Home Government to desire any active measures of legislation to be carried into effect by the Colonial Legislatures".[2] With the slaves freed, the Secretary of State's duty would be limited to ensuring that administration in the colonies was impartial, efficient and economical. Wider duties of education and religious instruction were not the concern of the Colonial Office. The Ecclesiastical Board, designed originally to ensure greater effectiveness, had proved an expedient for detaching work connected with the established church from the Colonial Office. The Board was abolished in 1831 as a measure of economy and the education and religious instruction to which the government was committed by Stanley's resolutions on emancipation, was entrusted to the agency of all the missionary

---

1. Stanley to Smyth, 22 Feb. 1834, C.O. 112/18/106.
2. Lefevre to McGregor, 5 Apr. 1834, C.O. 7/37.

societies at work in these colonies.[1] The limits of the government's concern with the plantation colonies were narrowly drawn: the supervision of administration and the settlement of problems referred to the Office was as far as its involvement extended.

This was only one view of the desirable way of governing these colonies. In the brief interlude between Melbourne's two governments, from November 1834 to April 1835, Aberdeen became Colonial Secretary in Peel's ministry. The problem of securing revenue from the Combined Court in British Guiana remained unresolved, and Aberdeen was led as a result to express a different view on the desirable government for these colonies.[2] Aberdeen made a different estimate of the qualities of the emancipated slaves to that of his Whig predecessors. The negroes while they remained apprentices were in a state which "partakes but very partially of the character of personal freedom and makes no approximation whatever to Civil Liberty".[3] Nor did he anticipate any great change when apprenticeship ended. "It can only be after a protracted series of years, and through a system of public instruction long and sedulously administered that the

---

1. 14 May 1833, P.D., 3rd series, XVII/1230. Grey to Stewart, 21 July 1835, C.O. 319/33/212. Grey to Secretaries of Missionary Societies, 10 Sep. 1835, C.O. 319/33/231A.

2. Aberdeen to Smith, 1 Mar. 1835, C.O. 112/18/302,336.

3. Ibid.

negro population at large could possess themselves of any political control as a constituency, even if an elective franchise were conferred on them".[1] Without this training the negroes would be unable to uphold their interests, and, whatever the nominal form, it could not be government by the people. Therefore the choice was "not between a popular government and one in which the power of the Crown shall preponderate; but between an independent irresponsible oligarchy on the one hand and on the other an exercise of power by the Crown".[2]

The Secretary of State had to exercise his authority for the sake of the negroes. There was no place for local institutions which gave power in government to the white colonists. The Court of Policy and the Combined Court provided the colonists in British Guiana with a means of observing the conduct of officials, the Combined Court was to be allowed, also, to appoint ways and means for raising revenue for the Colony Chest and to audit accounts, but this was the limit of the colonists' participation.[3] The administration of the colony was to be directed and controlled from Britain. Expediency alone limited the

---

1. Ibid.
2. Ibid.
3. Ibid.

exercise of the legislative powers belonging to Parliament and the King in Council. If the Combined Court refused to make a permanent grant of a stipulated amount for the Civil List then the Imperial Government "would interpose the sovereign power of the Parent State to authorize the collection of an equivalent Revenue".[1] According to this view the conduct of government centred in the Colonial Office. The governor and other local officials were the agents of the Colonial Office and the governors had an undivided responsibility to the Secretary of State. The safeguard against misgovernment was provided by the Secretary of State's responsibility to Parliament. It was accepted that the minister was responsible to Parliament for everything,[2] and this provided the check which warranted a concentration of authority in the Colonial Office. Should there be any abuses in the colonial government, Aberdeen wrote, "the colonists "would be certain to find a competent advocacy" in Parliament.[3]

The views expressed in these despatches were not simply those of Aberdeen, they belonged also to Taylor. Without the mention of the final check on government in the colonies

---

1. Ibid.
2. See below, p. 460
3. Aberdeen to Smith, 1 Mar. 1835, C.O. 112/18/336.

lying in the responsibility of the Secretary of State to Parliament, this was the view embodied in the plan for the reorganization of the government in Trinidad devised under Murray and executed under Goderich, it was the view on which Taylor based his criticism of the Colonial Office's policy towards the government of Mauritius, and it was this form of government which at the end of the apprenticeship period Taylor was to advocate should be introduced into all the former slave colonies.[1] Government on this model was desirable not simply for British Guiana and the other crown colonies, the assumptions on which it was founded contradicted the system of government which existed in the old colonies. Indeed, while Howick and Goderich had been indulging in the expectation of British Guiana enjoying the full privileges of a British colony once the slaves were freed, Taylor had expressed the opinion that "for the Civil Government of such a people nothing certainly would seem more preposterously inapplicable than the Laws of Great Britain in Modern Times".[2]

Thus two views had been expressed about the desirable government for the plantation colonies. Once the slaves

---

1. H. Taylor, Autobiography, Vol. I, pp. 242-260.

2. Taylor to Howick, 23 Apr. 1832, 3rd Earl Grey's Papers/Taylor.

were freed there was the question of which of these opposed policies was to be followed; should the old colonies become like the crown colony of Trinidad or the crown colonies become like the old colonies? The answer to this question determined not simply the form of any major change, but the way the existing institutions were treated. In particular the ambivalence in the institutions of British Guiana encouraged this government to be moulded to each point of view in turn. Nor were these two views in opposition simply on the desirable institutions for these colonies, they affected also the whole relations between the Imperial Government and the colonies; they concerned the role of Parliament and the Colonial Office in the government of the plantation colonies. Stanley's interlude had established that the developments which had taken place in the Office had to be accepted if the work of the department was to be done, but what this work in relation to the plantation colonies was to be, depended in part on what was seen as the desirable government for these colonies.

Chapter XII

THE COLONIAL OFFICE IN THE GOVERNMENT OF THE PLANTATION COLONIES.

Stanley's tenure of office had demonstrated that personal administration by a minister and his undersecretary was no longer possible and that a bureaucratic department formed an essential part of the government of the colonies. However, it was also clear that the particular way in which the Office was to be organized would affect the rôle it was to fill in colonial government. On this subject there were two views corresponding to the contrary ideas on how it was desirable that the plantation colonies should be governed. And the exponents of the different views were Henry Taylor and James Stephen.

The question of how the Colonial Office should be organized had come to the fore in the spring of 1832. There was a desire to achieve economies in the central administration of colonial affairs. Howick proposed that the separate colonial agencies should be abolished and a single office established to execute the necessary work.[1] He also suggested that Adam Gordon's position could safely be

---

1. [Howick], Memo., Feb., 1832, 3rd Earl Grey's Papers/ Colonial Papers, Colonial Office.

abolished. The chief clerk's work consisted "chiefly of the formal business of preparing commissions etc. and of checking the expenses of the office."[1]. Thirty years before this had been the only regular work of any importance which had been entrusted to a clerk but the developments in the intervening years had left the chief clerk with duties which were regarded as not very important and "very much overp.d"[2]. Having raised this issue a discussion took place which ranged beyond the immediate subject of greater economy. Stephen and Hay wrote memoranda for Howick and Goderich.[3]. At the same time Taylor wrote to Hyde Villiers, who was by now Secretary to the Board of Control, giving him advice on how he ought to organize his department, and a copy of this letter he submitted to Howick.[4]. Taylor later elaborated and modified the views he expressed in this letter and then incorporated them in the book he published in 1836 under the title of The Statesman.[5].

In 1832, Taylor's advice related to the Board of Control, three years later it was generalized to the office of a

---

1. Ibid.

2. Ibid.

3. Stephen to Howick, 10 Feb., 1832, 3rd Earl Grey's Papers/ Stephen. Stephen, Memo., 30 Mar., 1832, C.O. 537/22/3. Hay, Memo., 2 Apr., 1832, C.O. 537/22/17.

4. Taylor to Villiers, 2 Apr., 1832, 3rd Earl Grey's Papers/ Colonial Papers, Colonial Office.

5. H. Taylor, The Statesman.

statesman, but, as he wrote in the introduction to his collected works, "the experience which gave birth to the book was confined within the doors of an office."[1] The book, as with the letter, was written on the basis of his experience in the West India section of the Colonial Office.

Writing in April 1832, Taylor anticipated that in the new situation which would arise after the passage of the Reform Bill there would be new and different demands on a department. The whole nature of government would change. The work which Taylor considered would - and should - belong to an office would be the conduct of efficient constructive administration. "Heretofore the Government was carried on by influence, and the patronage of the Treasury, large as it was, was not enough to glut the County Members and other Parliamentary Adherents of Ministers. Under this system all that was required of Ministers was to keep a plausible outside and give their grantees a reasonable excuse for supporting them. It is now no longer so, the plausible outside is not enough and the patronage is disposable for public objects .... Efficiency will be substituted for influence."[2] Three years later he had modified his views. The constructive government he sought required legislation

---

1. The Works of Sir Henry Taylor, vol. IV, p. ix.

2. Taylor to Villiers, op.cit.

and he was aware "that under popular institutions there are many measures of exceeding advantage to the people which it would be vain for a minister to project until the people, or an influential portion of the people, should become apprised of the advantage and ask for it."[1] Nevertheless, there were measures which the department could advance and it was desirable that it should do so. There were "means and projects" which would suggest themselves "to one who meditates the good of mankind sagacious of his quarry from afar."[2] The country had to be governed and "governing a country is a very different thing from upholding a Government."[3]

Taylor's views on the government of the plantation colonies suggest that here was an apt example of the need for constructive government. In these colonies the negroes could not be left to look after their own interests, they had to be educated and trained before there could be popular institutions and in the meantime government could not be left subject to the dictates of an irresponsible white oligarchy. Efficient, vigorous government was essential in the plantation colonies, and in order to ensure this, it was necessary for the Colonial Office to direct and supervise

---

1. H. Taylor, The Statesman (1836 ed.), pp. 157-8.
2. Ibid., pp. 159-60.
3. Ibid., p. 164.

institutions of administration within the colony which were similar to those which had been introduced into Trinidad.

It was from this assessment of what the work of an office should be that Taylor approached the question of the desirable organization. If there was to be constructive government not only had the office to be able to deal with the matters which were submitted to it, it had to be able to take the initiative in promoting measures. In 1832 he recommended having two classes of office clerks but otherwise his views on the organization were unspecific.[1] Rather than looking to reformed organization he imagined that efficient administration would be achieved through extricating government from its subservience to influence: business would no longer be done in order to satisfy Parliamentary adherents, and places in the office would be given to those with the capacity to do the intellectual work needed. By 1835 he recognized that weakness arose from a want of time, thought and method in the conduct of office affairs, and, concentrating on the organization of the superior class of officials in the department, he urged the introduction - or acceptance of - of 'closet statesmen'. There should be four or six permanent undersecretaries - at the time there were four heads of geographical departments, Stephen and a permanent undersecretary

---

1. Taylor to Villiers, op.cit.

in the Colonial Office. Some of these were to "answer the demands of the day";[1] two in addition to their practical abilities should be endowed "with some gifts of philosophy and speculation."[2] These two should be "more retired and meditative in order that they may take thought for the morrow."[3] They were to consider the measures which had up to that time been postponed or totally pretermitted. In this way the office would be able to provide the constructive administration which he sought.

Permanent officials were to do this work and latent energy was to be harnessed to provide the drive in government. It was essential that young men should be recruited who were intelligent and able. "In these days," Taylor wrote in 1832, "this task of selection would seem to be more easy than it has ever been before - our periodical literature provides one great index. Debating clubs are another field where talent is paraded ... A pamphlet was put into my hands last week entitled the substance of a speech delivered in the Debating Society at Cambridge ... by James Spedding, no page of which can be read without producing an impression that the writer or speaker possesses powers of mind which must render him in one walk of life or another a very

---

1. The Statesman, p. 160.
2. Ibid., p. 162.
3. Ibid., p. 162.

considerable person. Such men should be watched for and sought out when they first appear, and before their pretensions rise above subordinate employment."[1] He approved the system of probation which had been adopted in the Colonial Office and by 1835 recommended the Treasury's practice of holding limited examinations.[2] The structure of the office was to ensure that these suitable recruits provided efficient government. The intellectual clerks were not to be condemned to copying; the hope of reward, in the form of promotion and increases in salary, was to provide the incentive to exertion. "The hope and not the fact of advancement is the spur to industry."[3]

Taylor neither looked to the fact of ministers being responsible to Parliament for the driving force in administration, nor did he consider that ministerial responsibility precluded the constructive government he advocated. By 1835 he was explicitly rejecting any idea that under the constitution Parliament ought not to encroach on the sphere of the executive. According to "the claims of our constitution the statesman who is dependent for his place upon a majority in the House of Commons must be responsible for everything."[4] Parliament, however, was concerned primarily

---

1. Taylor to Villiers, op.cit.
2. The Statesman, pp. 174-176.
3. Ibid., p. 187.
4. Ibid., p. 150.

with legislation and discussion and not with supervising administration. The greater part of what an office did, was performed under no effective responsibility, by which Taylor meant that ministers would not in practice be held to account except for some flagrant neglect or glaring injustice.[1] Since Parliament only took this occasional interest in administration there was no practical need for ministers to take all decisions within the office themselves.

Taylor, indeed, considered it both expedient and desirable that there should be a division of labour within the office. Government would be strengthened if ministers concentrated on Parliamentary and Cabinet business. This would serve to improve the quality of discussion in Parliament.[2] Moreover, if the permanent officials were left to conduct constructive government this would itself help to sustain ministers. "If once the chief Departments of the State were thoroughly invigorated in their Subordinate Members, I cannot help thinking, that although political circumstances might still render particular Governments more or less fugitive and precarious, still there would be a substantial basis on which any Cabinet which had the means of political existence, could rest, and it would be impossible

---

1. The Statesman, p. 151.

2. Ibid., pp. 148-150. Taylor, Notebook, p. 6. Bodleian MS. Eng. Misc. E 189. H. Taylor, The Ways of the Rich and Great, Collected Works, vol. IV, p. 204.

to say ... how far government might derive stability from having all its more important indoor business transacted with vigour and promptitude."[1].

In Greville's opinion the Taylor of these years had a "grave, reflecting, philosophical character." He possessed "some of the positiveness of a theorist who has a lofty opinion of his own capacity and has never undergone that discipline of the world ... "[2]. Stephen also believed that reforms were necessary in the Colonial Office, but his approach was different to that of Taylor. He was not given to philosophical speculation. He was troubled by immediate weaknesses in the way business was conducted, so, while Taylor was writing his letter to Villiers, Stephen was preparing a long memorandum for Howick and Goderich exposing defects in the organization and working of the Office.

It was the condition of the colonies which induced Stephen to discuss the shortcomings of the Office. He justified writing his memorandum on the grounds of "the critical and alarming state in which the affairs of almost all our colonial possessions are at present placed."[3]. This situation he attributed to the inadequate execution in the

---

1. Taylor to Villiers, op.cit.
2. C. Greville, Memoirs (1888 ed.), vol. II, p. 355.
3. Stephen, Memo., 30 Mar., 1832, C.O. 537/22/3.

Colonial Office of the existing work. "The staple of our business is made up of the questions of slavery - Canadian discontents - Emigration - the settlement of Crown Lands - Judicial reforms - and retrenchment of expenditure. To these are to be added an endless variety of minor questions growing out of the legislative Acts of the Colonies and personal controversies from which they are never free, and other matters of detail which can be reduced to no general heads."[1] In these matters "all those subjects to which attention was not awakened by some external stimulus"[2] had been postponed indefinitely. In what was done there was much to criticise. "We are justly obnoxious to the charge of frequent procrastination - of much uncertainty of purpose - self contradiction - and neglect of many urgent interests."[3] These inadequacies were, in Stephen's opinion, the primary cause of the critical state of the colonies.

The root of the trouble lay, he argued, in the organization of the Office. Since colonial problems rarely attracted any general attention, ministers entered office ignorant of current issues and past policy, and much of their time was taken up with Parliamentary and other political affairs. Yet little account was taken of this in the way the Office

---

1. Ibid.
2. Ibid.
3. Ibid.

was organized to conduct business. The permanent under-secretary had charge of half the empire and here he was frequently able to conduct a personal policy which contradicted what was being done elsewhere. Stephen regarded his own position as anomalous. The senior clerks in geographical departments were consulted but "from their partial and imperfect opportunities of understanding the principles which have guided the successive heads of the office, they ... often acquire mere fragments of information."[1] Finally, the junior clerks were idle and worked only such irregular hours as suited their own convenience. In all "the industry and ability which are brought to bear upon the business of this office are in a very great degree wasted, and rendered ineffectual, from the want of a proper division of labour throughout the Department, and from the want of good discipline over its junior Members."[2]

To Stephen it appeared that the need was for the Office to be organized to do existing business effectively. Despatches required to be dealt with promptly, means had to be devised for ensuring that matters were not left pending some unforthcoming reconsideration, and in conducting the correspondence it was imperative that there should be a policy

---

1. Ibid.
2. Ibid.

"which, in its principles at least, may be consistent and uniform." He recommended reforms in the organization of the Office to achieve these ends. He assumed that all decisions were to be taken by the Secretary of State and by the undersecretary who sat in Parliament. This served the purpose of unity of action; it also suited his own inclinations because, as he confessed in later years, it was his "daily relief and solace" that he did not have to take the decisions himself;[1] and by 1833 he was mentioning the great justification that the political officials carried the public responsibility for what was done within the Office.[2] Besides unity there was a need for consistency and it was imperative, therefore, that the political ministers should know not only what had been done but "the motives of past measures and the motives why particular measures were not taken."[3] For this reason "one principal desideratum" was to discover "some method by which some one or more persons permanently attached to the office should be placed in full possession of all that knowledge without which it is impossible that we should persevere from year to year, or

---

1. Stephen to Gladstone, 30 Dec., 1845, B.M. Add. MSS 44363/84, printed in Public Administration, XXXVI (1958), pp. 34-6.

2. Stephen to Howick, 17 May, 1833, 3rd Earl Grey's Papers/ Stephen, also printed in Public Administration, op.cit.

3. Stephen, Memo., op.cit.

even from day to day, in any fixed plans, or upon any settled principles."[1] Stephen urged that the permanent undersecretary should fill this rôle. Other permanent officials he suggested should be divided into two classes. The senior clerks were to assist in the intellectual work, playing their part in supplying the materials, which were necessary as the basis of the ministers' decisions, and then assisting in executing the decisions. The junior clerks were to be confined to manual tasks and they were to be subjected to a stricter discipline.

Taylor and Stephen prescribed different remedies for shortcomings in the Colonial Office. To the one the need was to organize the Office to conduct constructive government; to the other reform was required so that the business of answering the despatches would be executed effectively. Taylor considered it imperative that in the plantation colonies there should be government which was subject to the direction and control of the Colonial Office; Stephen trusted to government being conducted within the colony through representative institutions. Each assigned a different part to the Colonial Office in the government of the plantation colonies and the organization of the Office which they advocated matched their understanding of this rôle.

---

1. Ibid.

Others in the office added their views. Hay wrote a memorandum on Stephen's paper.[1] He suggested that all the current business of the office should fall to the permanent undersecretary, and what he called the deliberative work should be assigned to the Parliamentary undersecretary. This was the change which Taylor had dissuaded Twiss from adopting four years before.[2] Otherwise, Hay commented acidly that certain matters belonged peculiarly to the permanent undersecretary and one of these was the duty of writing papers on the internal management of the Office. He also suggested that senior clerks should be consulted less. Howick, for his part, agreed that the permanent undersecretary should be assigned a different part in the work of the Colonial Office. He also agreed with Stephen and Taylor that it was important to eject Hay whose views he found "illiberal and narrow in the extreme."[3]

The immediate effect within the Office of these discussions was that Gordon was retired and the position of chief clerk abolished.[4] At the same time, in virtue of

---

1. Hay, Memo., 2 Apr., 1833, C.O. 537/22/17.

2. See above, p. 304

3. Howick to Grey, 29 May, 1832, 2nd Earl Grey's Papers/ 3rd Earl.

4. Goderich to Lord President, 28 Mar., 1833, C.O. 324/ 147/120.

the "extreme importance of the duties" of the senior clerks their salaries were increased.[1] The disappearance of the chief clerk and this recognition of the senior clerks, served to emphasize what developments had taken place in the Office, yet there followed the period of Stanley's secretaryship in which the clerks were relegated to routine duties.

With their recall, Taylor and Stephen both pressed for changes in the Office in furtherance of their ideas. In 1835 Taylor secured assistance in his work as a closet statesman. James Spedding - the speaker in the Cambridge Debating Society - was admitted to the Office but no position was found for him on the establishment.[2] It was such insensibility to statesmanlike minds which Taylor criticised in The Statesman: ministers would forego the use of minds of this quality, he wrote, "rather than hazard a debate in the House of Commons upon an additional item in the estimates."[3] The employment of Spedding, moreover, was the limit of Taylor's success.

It was Stephen who secured what he sought. He achieved

---

1. Ibid.
2. H. Taylor, Autobiography, vol. I, pp. 234-6.
3. The Statesman, p. 163.

his ambition of becoming first of all assistant under-secretary, and then permanent undersecretary,[1] and at the same time he carried reforms in the organization and working of the Office. In September 1834, Stephen was appointed assistant undersecretary in an attempt both to provide greater continuity in the conduct of the business of the Office and to introduce more discipline.[2] Particular circumstances had given point to Stephen's recommendations. The difficulties arising from constant changes had been shown when Lefevre, who had remained undersecretary after Stanley's resignation, had withdrawn from the office suddenly in August 1834 for some private reason, and when his successor, Sir George Grey, had become ill soon after assuming office.[3] Moreover, Spring Rice, the Secretary of State, professed to have learnt, on the basis of experience in the Treasury, of the advantages of having a permanent official with control and superintendence over the progress of routine office business.[4] As assistant undersecretary, Stephen had the

---

1. Stephen had applied to be appointed as assistant under-secretary in 1827 (Huskisson to Horton, 18 Oct., 1827, B.M. Add. MSS 38751/267).

2. Spring Rice to Lord President, 16 Sept., 1834, C.O. 324/147/231.

3. Taylor to Howick, 3 Oct., 1834, 3rd Earl Grey's Papers/ Taylor.

4. Spring Rice, explanatory paper, 7 Oct., 1834, C.O. 537/22/30.

particular duty of ensuring that "regularity and dispatch prevails throughout the department."[1] He introduced a book to record the daily attendance of clerks, the total number of days in a year on which a clerk might be absent from the Office was fixed, and regulations were introduced governing annual holidays.[2]

Just over a year later, at the beginning of 1836, Hay was ejected from the Office to make way for Stephen. For some time Hay had been in poor health[3] and he appears to have felt insecure in his position. In the spring of 1835 he had not served sufficiently long as undersecretary to be eligible for a pension, and during Peel's short ministry he applied successfully for a special pension under the Crown which he could take at will.[4] It was Stephen's ambition to succeed Hay but he feared that having received this pension, Hay would choose to retire when he could "surrender his place to the patronage of his friends."[5] In January

---

1. Spring Rice to Lord President, 16 Sept., 1834, C.O. 324/147/231.

2. Stephen, Paper, 7 Oct., 1834, C.O. 537/22/30.

3. Hay to Goderich, 4 Jan., 1832, B.M. Add. MSS 40862/302. Taylor to Howick, 3 Oct., 1834, 3rd Earl Grey's Papers/ Taylor.

4. Hay to Peel, 26 Feb., 1835, B.M. Add. MSS 40415/212. Stephen to Howick, 7 Jan., 1836, 3rd Earl Grey's Papers/ Stephen.

5. Stephen to Howick, 7 Jan., 1836, 3rd Earl Grey's Papers/ Stephen.

1836, therefore, learning that Stewart, the permanent under-secretary to the Treasury, was about to resign, Stephen applied to succeed him.[1] Rather than meet this request, Melbourne chose to force Hay out of office[2] and replace him by Stephen.

Stephen became permanent undersecretary while The Statesman was being printed. Before it had gone to press Stephen had agreed with Taylor's views on philosophical government, writing "we should have studious and speculative men standing aloof from mere despatch writing and projecting schemes of comprehensive and remote good",[3] yet he added, "sound and correct as all this is in theory, I do not know my alphabet better than that I know that this is not the spirit of the English Government, and that the ambition of every Secretary of State and his operations will be bounded by the great ultimate object of getting off his mails ...";[4] and Stephen went on to complete the reorganization of the Office in accordance with his own ideas. His position as permanent undersecretary conformed to the recommendation he had made four years before, and he introduced a system for

---

1. Ibid.
2. Hay to Backhouse, 1 Feb., 1836, C.O. 324/94. Hay to Dumaresq, 17 Feb., 1836, C.O. 324/87/260.
3. Stephen to Taylor, 16 Nov., 1835, printed in C.E. Stephen, The First Sir James Stephen, p. 42.
4. Ibid.

the methodical despatch of business. On incoming despatches minutes were written by a senior clerk and the despatch was then passed up the hierarchy to the political undersecretary and secretary of state, and, in accordance with the resulting direction, a despatch was prepared and this, in turn, passed up the ladder for comment and approval or alteration. Thus in 1836 Stephen overcame the weaknesses, which four years before he had seen as the cause of the critical state of the colonies, by completing the reforms he had advocated then.

The developments in the old plantation colonies in the years leading up to the emancipation of the slaves were regarded a century later as showing that "as a practical method of government the system was already condemned by experience." It was only surprising that these governments were not reconstructed sooner and what was to be known as Crown Colony government introduced.[1] Yet this was by no means the unanimous view immediately after emancipation. To those with faith that the negroes would safeguard their own rights and interests, it seemed desirable and practicable that government should be left to be conducted within the colonies through popular institutions. In the interests of good government certain important reforms were required and it would seem that ministers and officials only failed to feel

---

1. H. Wrong, Government of the West Indies, p. 53.

the need for other changes because, as Mulgrave had pointed out from Jamaica, they made unfounded assumptions about the existing government in the colonies. However, in this view the unrepresentative character of government in the Crown colony of Trinidad equally required reform. The changes in the Colonial Office which Stephen had made in 1836 accorded with this view of the way to govern the plantation colonies. The system he introduced applied to the whole colonial empire: no distinction was made between the way the business of the plantation and other colonies was conducted. Stephen accepted that in each one government was primarily the concern of those in the colony. He had expressed approval of the idea of officials within the Office projecting schemes of comprehensive and remote good, but he made no provision for such philosophical work in the system of conducting business which he established. The Office was organized to do the task of getting off the mails.

Others however held a contrary view about the desirable way to govern the plantation colonies. Those who considered that the negroes had to be educated before they could take part in government favoured the general introduction of institutions such as existed in the Crown colony of Trinidad. Control and direction of colonial affairs was to be entrusted, in this view, to the Colonial Office. And while it was Stephen's view which held sway in the reform of the Colonial

Office, the government to be introduced, within the next fifty years, into all these plantation colonies, except Barbados, accorded more with the views pressed by Taylor.

The Colonial Office and the institutions of the plantation colonies were, thus, to be constructed on different principles. Stephen's system for the methodical despatch of business upon a settled plan was followed for the remainder of the century. Therefore, while the system of executing business in the Colonial Office assumed that one form of government should exist in the colonies, the government which was eventually introduced was founded on the contrary principle and assumed that constructive government would be promoted - if at all - from the Colonial Office. The Colonial Office and the institutions in the plantation colonies were both to be organized on the assumption that the initiative in government would stem from the other. But as Trollope wrote, after a visit to the West Indies in 1859 "those who are failing and falling in the world excite but little interest; and so it is at present with Jamaica."[1] One hundred years after Stephen had reorganized the Colonial Office and 'The Statesman' appeared, conditions in the West Indies and ignorance about them were such that Professor Macmillan was led to publish 'A Warning from the West Indies'.[2]

---

1. A. Trollope, The West Indies and the Spanish Main, p. 104.
2. W.M. Macmillan, A Warning from the West Indies.

BIBLIOGRAPHY

MANUSCRIPT SOURCES

Most of the information in this thesis has been derived from manuscripts. The Colonial Office records provided the basis and these were supplemented by private papers. Time proved too short to use the voluminous papers connected with Mauritius. Here reliance has been placed on two theses, those by A.G. Field and B.M. Howell.

The interpretation in this thesis has resulted, in places, from the absence of relevant information in certain sources. It has seemed apposite therefore to list a number of private papers which have been inspected, although reference to them is lacking in the footnotes. My emphasis on the importance of developments and politics within the Colonial Office does not arise from a failure to look beyond its confines. Unfortunately I was unable to use the papers of the 3rd Earl Bathurst; the present Earl refused permission for me to do so. I was able to learn about the content of the papers and I am indebted to Miss P. Whitehead for her assistance in this and in providing me with extracts. The volumes of papers listed below do not represent the whole collections of the papers of appropriate individuals; they are simply the volumes which have been used.

A number of footnotes in the thesis refer to manuscripts

which do not appear in this bibliography. This is the result of using the indexes to manuscripts in the British Museum (and the National Library of Scotland). The names of those who seemed to be of greatest interest were checked in the printed catalogues.

The following were checked:

H. Addington (Viscount Sidmouth); 3rd Earl Bathurst; S.J. Blunt; Henry Lord Brougham; Sir T.F. Buxton; G. Canning; J. Chapman; E. Cooke; C.R. Ellis (Lord Seaford); H. Goulburn; A. Gordon; 2nd and 3rd Earls Grey; Sir G. Grey; R.W. Hay; Robert, Lord Hobart (Earl of Buckinghamshire); Sir R.J. Wilmot Horton; W. Huskisson; 2nd Earl of Liverpool; J. King; A. M'Donnell; J. Marryatt; T. Moody; A. Macaulay; Sir G. Murray; Lord Nugent; R. Peel; Thomas Lord Pelham (2nd Earl of Chichester); R. Penn; Granville Penn; S. Perceval; W. Pitt; Earl Camden; F.J. Robinson (Viscount Goderich, Earl of Ripon); J. Shaw Lefevre; Sir G. Shee; T. Spring Rice (Lord Monteagle); E.G. Stanley (Earl of Derby); J. Stephen Sen.r; Sir James Stephen; Viscount Castlereagh; J. Sullivan; Sir Henry Taylor; H. Twiss; N. Vansittart (Lord Bexley); T.H. Villiers; W. Wilberforce; W. Windham; Sir R.J. Woodford.

COLONIAL OFFICE

OFFICE GENERAL AND WEST INDIES GENERAL

C.O. 318/ 15; 17	Military Dispatches and miscellaneous 1791-9
57-80	Commissioners of Legal Enquiry 1822-30
105-6	Brown Books of Statistical Tables 1826-8
107-15	Offices and Individuals 1826-33
116-7	Abolition of Slavery 1833-4
118-20	Offices and Individuals 1833-5
319/ 4	Commissions and Instructions
5-6	Precis of Dispatches 1801-14
12	Precis of Proceedings 1792-3
15-33	Out letters West Indies general 1800-34
320/ 1-10	Memoranda 1820-40
323/ 36-51	Law Officers Reports on Colonial Acts 1797-1835
	(only limited reference has been made to these)
117-140	Application for Colonial Appointments 1819-35
142 A,B,143	Letters to Bathurst from West Indies 1822-5
174-7	Letters to Hay 1834-5
181-209	Colonies General 1812-28
216	Organisation of Police Forces 1832
324/ 73-5	Bathurst Letters and Memoranda 1821-7
88, 91-4	Hay Letters 1827-35

98-100 Horton Letters 1825-7

324/101 Huskisson and Goderich Letters 1827-8

103-6 Circulars to Governors 1794-1841

107-9 General Offices, Domestic

134-147 Colonies General 1812-32

325/ 6 Memoranda on Trade

11-22 Miscellaneous connected with appointments 1809-34

31 Correspondence on troop reinforcements 1823-4

32-38 Miscellaneous papers 1825-48

380/ 43-4, 129-34, 137, 139 Draft Letters Patent etc. and miscellaneous 1791-1860

381/ 1, 12, 19, 29, 34, 37, 43, 67, 69, 70, 73-4, 81-2, 85-7, 130-1 Commissions Instructions, Petitions etc. various dates 1801-72

537/ 22 Colonial Office Establishment 1832-72

89 Miscellaneous Unregistered Correspondence

146 Horton private letters 1834-5

151, 155 Memoranda 1808-61

701/ 17 Superannuation etc. 1832-52

807/ 80 PRINT 153 Confidential print: Royal Instructions to Governors etc. 1764-1837

854/ 1 Circulars and other papers 1808-36

BARBADOS

28/ 66-116 In despatches, Offices, Individuals 1800-35

29/ 29-34 Out despatches, Offices, Individuals 1801-36

BRITISH GUIANA

111/ 1-135	In despatches Berbice, Demerara, Essequibo British Guiana 1795-1834
112/ 1-17	Precis of out correspondence and despatches 1801-34
116/137, 165	Memoranda on Constitution and Government 1804-24

DOMINICA

71/ 33-79	In despatches etc. 1800-34
72/ 10-13	Out despatches 1800-39

GRENADA

101/ 38-80	In despatches
102/ 13	Precis of correspondence 1801-2
319/ 11	" " " 1802-14
102/ 18-20	Out despatches 1801-34

JAMAICA

137/104-196	In despatches 1800-34
138/ 35-8	Precis of In despatches 1801-13
43-56	Out despatches

LEEWARD IS.

152/ 79-106	In despatches 1798-1816
153/ 34	Precis of out despatches 1801-16

Antigua and Montserrat

7/ 1-40	In despatches 1702-1834
393/ 1-4	Out despatches 1816-39

St Kitts, Nevis, Virgin Islands

239/	1-38	In correspondence 1702-1834
407/	1-5	Out despatches 1816-38

MARTINIQUE

166/	1,3-5	In and out despatches and precis 1795-1814

ST LUCIA

253/	1-51	In despatches 1798-1835
254/	1-10	Out despatches 1794-1834
319/	11	Precis of out letters 1809-14

ST VINCENT

260/	17-52	In despatches 1801-1834
261/	7-8	Precis of in correspondence 1801-10
	9	St. Vincent Agency Book
	12-15	Out despatches 1801-34
	23-4	Sir Charles Brisbane's letter Book 1809-12

TOBAGO

285/	7-41	In despatches 1800-34
286/	3	Precis 1801-7
	4-8	Out despatches 1793-1848

TRINIDAD

295/	1-105	In despatches 1783-1834
296/	1-3	Precis of correspondence 1797-1823

4-11 Out despatches 1801-35

WAR OFFICE

W.O. 1/31 In despatches Martinique

58-61 Correspondence S. Domingo 1794-1806

93-5 Correspondence 1797-1801

738 Correspondence: Council Office to Secretary of State for War 1794-1801

766 Correspondence: Home Office to Secretary of State for War 1794-1801

6/163 3rd Secretary of State to other Secretaries of State 1794-1806

BANKRUPTCY PROCEEDINGS

B3/3626-9 W. & F. Manning, J.L. Anderdon

OTHER MANUSCRIPT SOURCES

ABERDEEN PAPERS, B.M. Add MSS 43196; 43232; 43269; 43333; 43357. Foreign Secretary in Wellington's Ministry; Colonial Secretary, 1834-5.

AUCKLAND PAPERS, B.M. Add. MSS 34456-8; 45728-30. Papers of William Eden, 1st Lord Auckland; President of the Board of Trade in the Ministry of All Talents.

BARHAM PAPERS, Bodleian Library, Ms Clarendon Deposit, b. 33-38; c. 357-391. Papers of J.F. Barham, West India Planter and Member of Parliament for Stockbridge.

BROUGHAM PAPERS, University College, London. Papers of Henry, Lord Brougham.

BROUGHTON PAPERS, B.M. Add. MSS 36466-7. Papers of J.C. Hobhouse, Baron Broughton, Secretary at War, 1832-3 when emancipation was being considered.

CHATHAM PAPERS, P.R.O. 30/8/157; 348-52. Those papers of William Pitt chiefly concerning the West Indies.

COLCHESTER PAPERS, P.R.O. 30/9/29-30; 30/9/3 part 2/12; 30/9/3 part 3/8-9. Lord Ellenborough's public diary and papers on slavery. Part of the diary was published as Lord Ellenborough: A Political Diary, 1828-30 (ed. Lord Colchester, 2 vols.; 1881), another part has appeared in Three Early Nineteenth Century Diaries (ed. A. Aspinall, 1952). The diaries were nevertheless read for the sake of references to West Indian affairs. Ellenborough was Privy Seal and then President of the Board of Control in Wellington's Ministry.

DACRES ADAMS PAPERS, P.R.O. 30/58/1-10. Dacres Adams was private secretary to Pitt and Portland.

ELLENBOROUGH JOURNAL, P.R.O. 30/12/28/1-5. The private Journal of Lord Ellenborough.

FOX PAPERS, B.M. Add. MSS 47559-61; 47564-69. Papers of C.J. Fox.

GOULBURN PAPERS, Surrey Record Office, Box B. Box I/3; II/8-9; 12-12; 17-18; III/6-9. Manuscript Memoirs. Papers of Henry Goulburn.

GRENVILLE PAPERS, B.M. Add. MSS 41854; 41856-7. Papers of Thomas Grenville as President of the Board of Control and 1st Lord of the Admiralty in the Ministry of All Talents.

GREY PAPERS, University of Durham. Containing the papers of the 2nd and 3rd Earls.

HOBART PAPERS, Bucks County Record Office. Bundles A, B, D, P, R, Y. Papers relating to years when Hobart was 3rd Secretary, 1801-4.

HOME DEPARTMENT ESTABLISHMENT, John Rylands Library; Rylands English, No. 695, item 91.

Report of W. Pollock, Chief Clerk, Home Department. I am indebted to B. De Esq., for drawing my attention to this item.

HOWARD DE WALDEN PAPERS, P.R.O., F.O. 360/2. Howard de Walden was the son of Lord Seaford. He was active in the West India Body.

HUSKISSON PAPERS, B.M. Add. MSS 38734-70. Papers of William Huskisson.

C.C.C. JENKINSON, Letter Books and Diary. National Library of Wales. Pitchford Hall Collection, Add. MSS. Jenkinson was the younger brother of the 2nd Earl of Liverpool, and undersecretary in charge of Colonies, 1809-10.

LIVERPOOL PAPERS, B.M. Add. MSS 38190-5; 38197-302; 38310-1; 38323; 38327-8; 38353-71; 38377-80; 38382; 38391; 38416; 38473-5. The papers of the 1st and 2nd Earls.

J.G. LOCKHART LETTERS, N.L.S. 923-935. Lockhart was Editor of the Quarterly Review, 1825-53.

MELBOURNE PAPERS, Add. MSS 36466-7; 47224. Most of the 2nd Viscount Melbourne's papers are at Windsor.

MURRAY PAPERS, N.L.S., vols. 168-176; 201; 203. Papers of Sir George Murray and the Letter Books of his private secretary.

NUGENT PAPERS, Rhodes House MSS W. Ind. S 11. The Correspondence of Sir G. Nugent, Lieutenant Governor of Jamaica, and Admiral Duckworth, 1801-5.

PEEL PAPERS, B.M. Add. MSS 40221; 40304-9; 40311; 40315-20; 40322-3; 40354-62; 40397-401; 40403. Papers of Sir Robert Peel.

PELHAM PAPERS, B.M. Add. MSS 33106-12. Papers of Thomas Pelham, later 2nd Earl of Chichester, as Home Secretary in Addington's Ministry, 1801-5.

PERCEVAL PAPERS, B.M. Add. MSS 49173-49177; 49184-49187. Papers of Spencer Perceval.

PICTON PAPERS, National Library of Wales. Add. MSS 1410D. A small and unhelpful collection of the letters of Sir Thomas Picton, the first governor of Trinidad.

PORTLAND PAPERS, Nottingham University. Papers of the 3rd Duke, who in the latter years of his life, was Home Secretary (1794-1801), Lord President of the Council (1801-5), and Prime Minister, 1807-9.

RIPON PAPERS, Add. MSS 40862-3; 40878-80. Private papers and patronage correspondence of Lord Goderich while Colonial Secretary, 1830-33.

GODERICH PAPERS, Bucks County Record Office. Papers of Goderich in first period as Secretary of State and as Prime Minister.

RUSSELL PAPERS, P.R.O. 30/22/1-2. Papers of Lord John Russell.

SEAFORTH LETTERS, N.L.S. 1053-4, 1708. Lord Seaforth was governor of Barbados, 1801-6, but these few letters are unconnected with his position there.

SENHOUSE DIARY, Rhodes House MSS W. Ind. r. 5, 6. Diary of William Senhouse, the last Surveyor General of Customs in the Lesser Antilles, 1770-1787.

SIDMOUTH PAPERS, Devonshire Record Office. Papers of Henry Addington, Viscount Sidmouth.

TAYLOR PAPERS, Bodleian MSS Ant. d. 23; Eng. hist. e. 192; Eng. letters c-14; d. 6-30; Eng. Misc. d. 205-8; d. 210-12; e. 187-194; f. 56-8; g. 10-11; Eng. poet. c. 20; d. 38-9; f. 11. The papers of (Sir) Henry Taylor, who became Senior Clerk in the West India Section of the Colonial Office in 1825.

VANSITTART PAPERS, B.M. Add. MSS 31229-32. Papers of N. Vansittart, Lord Bexley.

WELLESLEY PAPERS, B.M. Add. MSS 47296-7. Cabinet Papers of Marquis Wellesley.

WEST INDIA COMMITTEE, Minutes of the Meetings of West India Merchants, vols. VI, VII, 1804-43.

Minutes of West India Planters and Merchants, vols. III-VI, 1801-34.

Minutes of the Literary Committee, vols. I, II, 1829-33.

Minutes of the Acting Committee, vol. I, 1829-33.

WINDHAM PAPERS, B.M. Add. MSS 37842; 37844-7; 37873-4; 37880; 37883-7; 37891; 37906; 37916. Papers of William Windham.

YOUNG FAMILY PAPERS, Rhodes House MSS, W. Ind. t. 1. Correspondence including that of Sir William Young, Governor of Tobago, 1806-15, relating primarily to the family estates in the West Indies.

PRINTED MATERIAL

BIBLIOGRAPHIES AND WORKS OF REFERENCE

Of outstanding value was L.J. Ragatz, A Guide to the Study of British Caribbean History 1763-1834 (1932). Other works list books without giving a comparable critical assessment. The Bibliography of British Guiana by V. Roth (Type-

script 1945), was some help. The most useful lists on British government and politics were those contained in Volume XI of English Historical Documents 1783-1832 (ed. A. Aspinall and E.A. Smith, 1959).

The following works of reference were particularly helpful:-

Annual Register

Court and City Register

Dictionary of National Biography

Haydn J., The Book of Dignities, 1851.

Royal Kalendar

STATUTES, PARLIAMENTARY DEBATES AND PARLIAMENTARY PAPERS

The Statutes at Large

Parliamentary Register

Cobbett's Parliamentary History of England

Cobbett's Parliamentary Debates

Hansard's Parliamentary Debates

The following Parliamentary Papers have been referred to in footnotes or proved of particular value. Little use was made of the mass of papers connected with slavery since the originals appear in the Colonial Office files.

Commissioners for Examining, Taking and Stating the Public Accounts, 1780-7. Sixth Report, House of Commons Journal, 38/702.

Ten Reports of the Commissioners appointed ... to Inquire into the Fees etc. in Public Offices. Dated 1786-8. P.P. 1806 (309), VII, 3.

Thirty-six Reports from the Select Committee on Finance, 1797. P.P. First Series, vols. XII & XIII.

Accounts of the Increase and Diminution in Salaries in Public Offices. P.P. 1801 (86), VI, 605; 1801-2 (124), IV, 525; 1802-3 (173), VIII, 1597; 1806 (323), XIII, 1029; 1808 (326), VI, 249; 1810 (367), XIV, 1; 1810-11 (210), IX, 331; 1812 (136), XIII, 359; 1812-13 (112), XI, 353; 1813-14 (84), X, 241; 1814-15 (182), VIII, 255; 1816 (173), XI, 259; 1817 (147), XII, 255; 1818 (158), XII, 351; 1819 (165), XIV, 339; 1820 (31), X, 343; 1822 (133), XVI, 213; 1823 (207), XII, 339; 1824 (169), XV, 331; 1825 (314), XIX, 1; 1831-2 (342), XXVI, 385.

First Report from the Select Committee on the Public Expenditure of the Kingdom. 1807 (61), II, 313.

Third Report. 1808 (331), III, 257.

Supplementary Report to the Third Report. 1809 (200), III, 61.

First Report from the Select Committee appointed to Consider what Offices in the United Kingdon and in the Foreign Dominions of H.M. Come within the purview of the 2nd, 3rd and 4th Resolutions of the House on the Third Report from the Committee on the Public Expenditure. 1810 (362), III, 591.

Second Report. 1810-11 (246), III, 961.

Third Report. 1812 (181), II, 191.

Return Showing Instruments under which Persons hold Offices in the Colonies. 1813-14 (87), XI, 453.

Dates of Warrants. 1813-14 (114), XI, 461.

Account of all Offices Civil and Military under the Crown in the Conquered Colonies. 1816 (216), XIII, 317.

Return Giving Details of Establishment of Third Secretary's Department. P.P. 1816 (196, 197), XIII, 127.

First Report from the Select Committee on Finance. 1817 (159), IV, 23.

Colonial Laws Respecting Slaves. 1816 (226), XIX, 259; 1817 (338), XVII, 149.

Papers on the Treatment of Slaves. 1818 (247), XVII, 33; 1818 (251), XVII, 57; 1818 (374), XVII, 65; 1818 (433), XVII, 77.

Return Showing Comparative List of Civil Establishements, 1819-20 (85), IV, 303.

Correspondence with the Colonial Department and the Governor, etc. of Tobago Relating to Certain Changes. P.P. 1820 (293), XII, 401.

Copy of the Report of Commission sent from St. Christopher's to Anguilla. 1826 (174), XXVI, 325.

Return of Salaries in the West Indies. 1826-7 (126), XVIII, 445.

Commissioners of Inquiry into the Administration of Civil and Criminal Justice in the West Indies.

First Report: Barbados, Tobago, Grenada. P.P. 1825 (517), XV, 233.

Second Report: St.Vincent, Dominica. 1826 (276), XXVI, 37.

Third Report: Antigua, Montserrat, Nevis, St. Christopher, Virgin Is. 1826-7 (559), XXIV, 1.

First Report, 2nd Series: Jamaica. 1826-7 (559), XXIV, 285.

Second Report, 2nd Series: Demerara, Essequibo, Berbice. 1828 (577), XXIII, 507.

Third Report, 2nd Series: Honduras, Bahama Is. 1829 (334), XXIV, 187.

(The reports on Trinidad and St.Lucia were not presented.)

Orders in Council Respecting the Manumission of Slaves in Demerara and Berbice. P.P. 1829 (301), XXV, 29.

Report from the Select Committee on the Extinction of Slavery throughout the British Dominions. P.P. 1831-2 (721), XX, 1.

Return of all Pensions, etc. Given since 1815 as regards the Colonial Department. 1831-2 (210), XXXII, 171.

Return of Judicial Offices Abroad 1801-30. 1831-2 (211), XXXI, 245.

Report from the Select Committee Appointed to Examine the Paper Respecting Sinecure Offices. 1834 (519), VI, 339.

Report from Select Committee on Sinecure Offices in the Colonies. 1835 (507), XVIII, 441.

First Report from the Committee Appointed by the Lords Commissioners of H.M.'s Treasury to Inquire into the Fees and Perquisites of Public Offices. P.P. 1837 (162), XLIV.

NEWSPAPERS AND PERIODICALS

Apart from those listed in Section IIIA below, no systematic use was made of newspapers and periodicals. Occasional reference has been made to The Times, Morning Chronicle, Blackwood's, the Quarterly Review, and the Westminster Review.

OTHER PUBLISHED WORKS

Books have been grouped in the following manner:-

I British law and institutions

II British politics

III West Indian policy and government:

a. contemporary

b. later

IV Colonial policy - background

The following lists represent a selection. In particular, only immediately important works connected with slavery and its abolition and with other colonies and India have been included.

I.

ANDERSON, M.A., Edmund Hammond. Permanent Under Secretary of the Foreign Office, 1857-96. London Thesis, 1956.

ANDREWS, C.M. and DAVENPORT, F.G., Guide to the Manuscript Materials for a History of the United States to 1783 in the British Museum. 1908.

ANDREWS, C.M., Guide to the Materials for American History to 1783 in the P.R.O. 2 vols., 1912-14.

ANSON, Sir W.R., The Law and Custom of the Constitution. 4th edition, 1935.

ASPINALL, A., The Grand Cabinet, 1800-37. Politica, III. Dec 1938.

ATTON, H. & HOLLAND, H., The King's Customs. 2 vols., 1908-10.

BASYE, A.H., The Lords Commissioners of Trade and Plantations commonly known as the Board of Trade, 1748-82. 1925.

BINNEY, J.E.D., British Public Finance and Administration 1774-92. 1958.

BLACKSTONE, Sir W., Commentaries on the laws of England. 4 vols., 15th edition, 1809.

BROWN, L., The Board of Trade and the Free Trade Movement, 1830-42. 1958.

BUNNING, G.H. STUART, The Origin & Development of the Civil Service. Public Administration, 1926.

CLARK, G. KITSON, Statesmen in Disguise. Historical Journal, 1959.

CLARK, M.P., The Board of Trade at Work. American Historical Review, 1912.

CLODE, C.M., The Military Forces of the Crown; their Administration and Government, 2 vols., 1869.

CLOKIE, H.M. and ROBINSON, J.W., Royal Commissions of Inquiry, 1937.

COHEN, E.W., Growth of the British Civil Service 1780-1939, 1941.

DICKERSON, O.M., American Colonial Government 1696-1765, 1912.

DOTY, J.D., The British Admiralty Board as a Factor in Colonial Administration 1689-1763, 1930.

ELLIS, K., The Post Office in the 18th Century, 1958.

FINER, H., State Activity before Adam Smith, Public Administration, X, 1932.

FINER, S.E., The Individual Responsibility of Ministers, Public Administration, XXIV, 1956.

FINER, S.E., Patronage and the Public Service, Public Administration, XXX, 1952.

FOORD, A.S., The Waning of "The Influence of the Crown", E.H.R., 1947.

FORBES, A., A History of the Army Ordnance Services, 2 vols., 1929.

HALL, H.L., The Colonial Office, 1937.

HOLDSWORTH, W.S., The Movement for Reforms in the Law of 1793-1832, Law Quarterly Review, 1940.

A History of English Law, 14 vols., 1922-

HOON, E., The Organization of the Customs System 1696-1787, 1938.

HUGHES, E., Sir James Stephen and the Anonymity of the Civil Servant, Public Administration, XXXVI, 1958.

JEFFRIES, Sir C., The Colonial Office, 1956.

JONES, PARRY, E., Under Secretaries of State for Foreign Affairs 1782-1855, E.H.R., 1934.

JUDD, G.P., Members of Parliament 1734-1832, 1955.

JUDGES, A.V., Personnel in the 18th Century Government, B.I.H.R., XVII, 1939.

KEIR, D.L., The Constitutional History of Modern Britain 1485-1951, 1955.

Economic Reform 1779-87, Law Quarterly Review, 1934.

KEMP, B., King and Commons 1660-1832, 1957.

LINGELBACH, A.L., William Huskisson as President of the Board of Trade, American Historical Review, 1938.

The Inception of the British Board of Trade, American Historical Review, 1925.

MACDONAGH, O., Nineteenth Century Revolution in Government: a Reappraisal, Historical Journal, 1958.

MURRAY, Sir O.A.R., The Admiralty, Mariners Mirror, 23-5, 1937-9.

NAMIER, L., In the Margins of History, 1939.

PIKE, L.O. The Public Records & the Constitution - a Lecture, 1907.

PORRITT, E. and A.G., The Unreformed House of Commons, 2 vols., 1903.

PROUTY, R., The Transformation of the Board of Trade, 1957.

REITH, C., The Police Idea: its History and Evolution in England in the 18th Century, 1938.

ROBINSON, H., The British Post Office, 1948.

ROSE, Rt. Hon. G., Observations Respecting Public Expenditure and the Influence of the Crown, 1810.

SHEPPARD, F.H.W., Local Government in St. Marylebone 1688-1835, 1958.

SMITH, H.L., The Board of Trade, 1928.

SPECTOR, M.M., The American Department of the British Government 1768-1782, 1940.

TAYLOR, H., The Statesman, 1836.

Collected Works, vol. IV, 1883.

THOMAS, F.S., Notes on the History of Public Departments, 1846.

THOMSON, M.A., A Constitutional History of England 1642-1801, 1938.

The Secretaries of State, 1932.

TURBERVILLE, A.S., The House of Lords in the Age of Reform, 1958.

TURNER, E.R., The Privy Council of England in the 17th and 18th Centuries 1603-1784, 2 vols., 1927-8.

Committees of the Privy Council 1688-1760, E.H.R., 1916.

WEBB, S. and B., English Local Government from the Revolution to the Municipal Corporation Act, 9 vols., 1906-29.

WILLIAMS, E.N., The Eighteenth Century Constitution, 1960.

WILLIAMS, E.T., Historical Revision LXXXIII: The Cabinet in the 18th Century, History, 1937, 1938.

The Colonial Office in the Thirties, H.S.A.N.Z., 1943.

WILLIS, J., The Parliamentary Powers of English Government Departments, 1933.

WILLSON, F.M.G., Ministries and Boards. Some Aspects of Administrative Development since 1832, Public Administration, XXXIII, 1955.

YOUNG, D.M., The Colonial Office in the Early 19th Century, 1961.

II

ALLEN, W., Life with a selection of his correspondence, 3 vols., 1846-7.

AMYOT, T., Account of the Life of the Rt.Hon. William Windham, 1812.

ASPINALL, A., The Formation of Canning's Ministry 1827, 1937.

(ed.), Letters of George IV, 3 vols., 1938.

(ed.), The Correspondence of Charles Arbuthnot, 1941.

Diary of Henry Hobhouse 1820-7, 1947.

Politics and the Press 1780-1850, 1949.

(ed.), Three Early Nineteenth Century Diaries, 1952.

BAMFORD, F. and DUKE OF WELLINGTON, The Journal of Mrs. Arbuthnot 1820-32, 2 vols., 1950.

BARING, Mrs. H., Windham's Diary, 1866.

BARNES, D.G., George III and William Pitt 1783-1806, 1939.

BATH AND WELLS, Bishop of, Lord Auckland's Journal and Correspondence, 4 vols., 1861-2.

BEST, G.F.A., The Whigs and the Church Establishment in the Age of Grey and Holland, History, 1960.

BEVINGTON, M.M. (ed.), The Memoirs of James Stephen, 1954.

BOOTH, C., Zachary Macaulay, 1934.

BRADY, A., Huskisson and Liberal Reform, 1928.

COLCHESTER, Lord (ed.), Lord Ellenborough: a Political Diary 1828-30, 2 vols., 1881.

COUPLAND, R., Wilberforce, 1923.

DOWDEN, E. (ed.), Correspondence of Henry Taylor, 1888.

ERICKSON, A.B., The Public Career of Sir James Graham, 1952.

FAY, C.R., Huskisson and His Age, 1951.

FEILING, K.G., The Second Tory Party 1714-1832, 1938.

FLETCHER, F.T.H., Montesqieu and English Politics, 1939.

FLETCHER, T., Autobiographical Memoirs, 1893.

FURBER, H., Henry Dundas, First Viscount Melville, 1931.

GASH, N., Mr. Secretary Peel, 1961.

GREVILLE, C.C.F., Memoirs, 8 vols., 1888 edition.

GREY, Earl (ed.), Correspondence of Earl Grey and William IV 1830-32, 1867.

GREY, C., Life and Opinions of Earl Grey, 1861.

GRIGGS, E.L., Thomas Clarkson, 1936.

HALEVY, E., A History of the English People in the Nineteenth Century, vols. I-III, 2nd Edition, 1949.

The Growth of Philosophical Radicalism, New Edition, 1934.

HARCOURT, L.V., Diaries and Correspondence of George Rose, 2 vols., 1860.

HARE, A.J.C., The Gurneys of Earlham, 2 vols., 1895.

HARRISON, W., Sir H. Taylor & the Statesman, Public Administration, XXX, 1952.

HERRIES, E., Memoir of the Public Life of the Rt. Hon. J.C. Herries, 2 vols., 1880.

HIBBERT, G., A Sketch of the Life and Character of, 1837.

HISTORICAL MANUSCRIPT COMMISSION, Dropmore Papers, vols. II-VII, 1894-1910.

HISTORICAL MANUSCRIPT COMMISSION, Bathurst Papers, 1923.

HOBHOUSE, J.C., Lord Broughton, Recollections of a Long Life (ed. Lady Dorchester), 6 vols., 1909-10.

HOLLAND, H.E., Lord (ed.), Memoirs of the Whig Party during my Time, 2 vols., 1852-4.

HOWSE, E.M., Saints in Politics, 1954.

HUTTEN, J. (ed.), Selections from the letters and correspondence of Sir J.B. Burges, sometime under secretary of state for foreign affairs, 1885.

ILCHESTER, Earl of (ed.), Elizabeth, Lady Holland to Her Son, 1946.

JENNINGS, L.J., Croker Papers, 3 vols., 1884.

JONES, E.G., Sir R.G. Wilmot Horton Bart. Politician and Pamphleteer, Bristol M.A. Thesis, 1936.

KETTON-CREMER, R.W., The Early Life and Diaries of William Windham, 1930.

KNAPLUND, P., Sir James Stephen, Friend of Negroes, Journal of Negro History, 1950.

Mr. Oversecretary Stephen, Journal of Modern History, vol. I, no. 1.

James Stephen and the Colonial Office 1813-46, 1953.

KNUTSFORD, Viscountess, Life and Letters of Z. Macaulay, 1900.

LEEVES, E. (ed.), Speeches with a biographical memoir, 3 vols., 1831.

LE STRANGE, G., Correspondence of Princess Lieven & Earl Grey, 3 vols., 1890.

LE MARCHANT, Sir D., Memoir of Lord Althorp, 1876.

METHESON, C., The Life of Henry Dundas, First Viscount Melville 1742-1811, 1933.

LONDONDERRY, 3rd Marquess of, Memoirs and Correspondence of Viscount Castlereagh, 12 vols., 1848-53.

MANNING, B.L., The Protestant Dissenting Deputies, 1952.

MAXWELL, Sir H., The Creevey Papers, 2 vols., 1904.

MELVILLE, L. (ed.), Huskisson Papers, 1931.

Windham Papers, 2 vols., 1913.

MOTTRAM, R.H., Buxton the Liberator, 1946.

MURCH, J., Memoir of Robert Hibbert Esq., 1874.

NAMIER, Sir L., The Structure of Politics at the Accession of George III, 2 vols., 1957.

England in the Age of the American Revolution, 1930.

Personalities and Powers, 1955.

NEW, C.W., Lord Durham, 1929.

The Life of Henry Brougham, 1961.

PARES, R., George III and the Politicans, 1953.

PARKER, C.S., Life and Letters of Sir James Graham, 2 vols., 1907.

Sir Robert Peel from the Private Papers, 3 vols., 1891-9.

PELLEW, G., Life and Correspondence of Henry Addington, 1st Viscount Sidmouth, 3 vols., 1847.

RICHARD, H., Memoir of Joseph Sturge, 1864.

ROBERTS, A. (ed.), Hannah More, Letters to Zachary Macaulay, 1860.

ROBERTS, M., The Whig Party 1807-12, 1939.

The Ministerial Crisis of May-June 1812, E.H.R., 1936.

ROEBUCK, J.A., History of the Whig Ministry of 1830, 2 vols., 1852.

ROMILLY, W., etc. (ed.), Memoirs of the Life of Sir Samuel Romilly, 1840.

ROSE, J.H., William Pitt and National Revival, 1911.

William Pitt and the Great War, 1912.

SANDERS, L.C., Lord Melbourne's Papers, 2nd ed., 1890.

STAPLETON, A.G., Some Official Correspondence of George Canning, 2 vols., 1887.

Political Life of George Canning, 2 vols., 1887.

STAVORDALE, Lord (ed.), Further Memoirs of the Whig Party 1807-21, 1905.

STEPHEN, C.E., The First Sir James Stephen, 1906.

STEPHEN, Sir G., Anti-Slavery Recollections, 1854.

A Memoir of the late James Stephen, 1875.

STEPHEN, Sir James, Essays in Ecclesiastical Biography, 2 vols., 1849.

STEPHEN, L., Life of James Fitzjames Stephen, 1895.

STEVEN WATSON, J., The Reign of George III, 1960.

RUSSELL, R., (ed.), Early Correspondence of Lord John Russell 1805-40, 2 vols., 1913.

TAYLOR, H., Autobiography, 2 vols., 1885.

The Statesman, 1836.

TORRENS, W.T.M., Memoirs of the Rt. Hon. William 2nd Viscount Melbourne, 2 vols., 1878.

The Life and Times of the Rt. Hon. Sir James R.G. Graham, 2 vols., 1863.

TREVELYAN, G.M., Lord Grey of the Reform Bill, 1920.

TWISS, H., The Public and Private Life of Lord Chancellor Eldon, 3 vols., 1884.

VEITCH, G.S., The Genesis of Parliamentary Reform, 1913.

WADE, J. (ed.), The Extraordinary Black Book, 1832.

WALPOLE, S., The Life of Lord John Russell, 2 vols., 1891.

The Life of the Rt. Hon. Spencer Perceval, 2 vols., 1874.

WELLINGTON, 2nd Duke of (ed.), Despatches, Correspondence and Memoranda, 8 vols., 1867-80.

WILBERFORCE, A.M. (ed.), Private Papers of W. Wilberforce, 1897.

WILBERFORCE, R.I. and S., The Life of W. Wilberforce, 5 vols., 1838.

The Correspondence of W. Wilberforce, 2 vols., 1840.

WOODWARD, E.L., Age of Reform, 1954.

YONGE, C.D., The Life and Administration of Robert Banks, second Earl of Liverpool, 3 vols., 1868.

IIIA

AFRICAN INSTITUTION, Annual Reports, 1807-23.

A Review of the colonial slave registration, 1820.

Postscript to "A Review ... ", 1820.

AGENCY COMMITTEE, Colonial Slavery, 1832.

Report of the Agency Committee, 1832.

[ANDERSON, Y.], M'Queen's address and Anderson's reply, 1833.

ANON, An Address to the Members of the New Parliament, on the proceedings of the Colonial Department ... , 1826.

ANTI-SLAVERY MONTHLY REPORTER, 1824-33. (The word 'monthly' was dropped in July 1830)

ATWOOD, T., The History of the Island of Dominica, 1791.

BAHAMA IS., Proceedings of the Honourable House of Assembly of the Bahama Islands on the Bill ... for a general registry of slaves, 1816.

BARCLAY, A., A practical view of ... slavery, 1824.

BARHAM, J.F., Considerations on the Abolition of negro slavery, 1824.

BARRETT, Mr. and BURGE, W., The speeches of ... at a general meeting of planters and merchants ... on 18 May 1833, 1833.

BEAUMONT, A.H., Compensation to slave owners fairly considered, 1826.

BELL, K.N. and MORRELL, W.P., Select Documents on British Colonial Policy 1830-1860, 1928.

BRIDGES, Rev. G.W., A voice from Jamaica, in reply to W. Wilberforce, 1823.

BRIDGES, G.W., The Annals of Jamaica, 2 vols., 1828.

BRITISH GUIANA, Almanack and Local Guide, 1832.

BROUGHAM, H., An Inquiry into Colonial Policy of the European Powers, 2 vols., 1803.

A Concise Statement, 1804.

BURNLEY, W.H., Opinions on slavery and emancipation, 1833.

CHALMERS, G., Opinions of Eminent Lawyers, 2 vols., 1814.

Proofs and demonstrations how much the projected registry of colonial negroes is unfounded and uncalled for ... , 1816.

CHARDON, D.M.A., Essai sur la colonie de Ste Lucie, 1779.

COKE, T., A History of the West Indies, 3 vols., 1808-11.

COLERIDGE, H.M., Six months in the West Indies in 1825 , 1826.

COOPER, Rev. T., Correspondence between G. Hibbert and T. Cooper, 1824.

CROPPER, J., Letters addressed to William Wilberforce, 1822.

A Letter to the Liverpool Society for Promoting the Abolition of Slavery, 1823.

DAVIS, W.D., Remarks on the Constitution of the Judicatures ... , 1833.

DE CHARMILLY, V., Answer by way of a letter to Bryan Edwards Esq., M.P., 1797.

DWARRIS, F., The West India Question plainly stated, 1828.

EDINBURGH REVIEW, All articles on matters of slavery listed by C.W. New as being by Brougham (Appendix to Life of Henry Brougham).

EDWARDS, B., History ... of the British Colonies in the West Indies, 1794.

ELLIS, W.A., Barbados Almanac, 1822.

FLETCHER, T., Letters in Vindication of the Rights of the British West India Colonies, 1822.

FRERE, G., A short history of Barbados, from its first discovery and settlement, to the end of the year 1767, 1768.

FULLARTON, W., A Statement, letters and documents, respecting the affairs of Trinidad ... , 1804.

Refutation of the pamphlet which Colonel Picton lately addressed to Lord Hobert, 1805.

Letter ... on the subject of Torture ... , 1806.

Letter ... to the Duke of York, 1807.

Substance of the evidence delivered before ... the Privy Council, 1807.

GLADSTONE, J., Correspondence between J. Gladstone and J. Cropper on slavery, 1824.

HARLOW, V.T. and MADDEN, A.F.M., British Colonial Development 1774-1834, 1935.

HARTSINCK, J.J., Beschryving van Guiana of de Wildekust in Zud-America, 2 vols., 1770.

HIBBERT, R., Facts verified upon oath, 1824.

HOLFORD, G., Observations on the necessity of introducing a sufficient number of respectable clergymen ... , 1808.

HOLST, A.M., An almanack for the island of Barbados, 1797.

[HORTON, R.J. WILMOT], A member of the late Parliament. Remarks on an address to the members of the new Parliament, 1826.

The West India Question practically considered, 1826.

HORTON, R.J. WILMOT, Speech ... in the House of Commons on the 19th May 1826, 1826.

Speech ... in the House of Commons on the 6th March 1828, 1828.

First Letter to the Freeholders of the county of York, 1830.

Second Letter ..... , 1830.

An address to the electors of Great Britain on the condition of the negroes ... , 1831.

HOWICK, Viscount, Corrected report of the speech ... on colonial slavery, 1833.

JAMAICA ALMANACK, The Jamaica Almanack, various dates, 1785-1840.

JAMAICA, Journals of the Assembly of Jamaica, vols. 10-14, 1807-1826.

JEREMIE, J., Four Essays on Colonial Slavery, 1831.

Recent events at Mauritius, 1835.

JORDAN, G.W., An examination of the principles of the slave registry bill ... , 1816.

LONG, E., The History of Jamaica, 3 vols., 1774.

LOVELL, L., Letter to a friend relative to the present state of the island of Dominica, 1818.

LUCAS, The Lucas Manuscript volumes, Journal of B.M.H.S., 1942-

LUFFMANN, J., A brief account of the Island of Antigua ... in letters to a friend, 1789.

LYTTELTON, W.H., 1st Baron Westcote; An historical account of the constitution of Jamaica 1764 (Laws of Jamaica, vol. I), 1792.

[MACAULAY, Z.], An Exposure, 1816.

MACAULAY, Z., Negro slavery, 1823.

McCALLUM, P.F., Travels in Trinidad, 1805.

M'DONNELL, A., Considerations on negro slavery, 1824.

The West India Legislatures vindicated, 1826.

Epitome of the West India question, 1827.

Compulsory Manumission, 1827.

Colonial Commerce, 1828.

Christianity and Slavery, 1829.

M'DONNELL, A., An address to the members of both Houses of Parliament, 1830.

A letter to T.F. Buxton Esq., M.P., 1833.

M'QUEEN, J., The West India Colonies, 1825.

The Colonial Controversy, 1825.

MADDEN, R.R., A Twelve month's residence in the West Indies during the transition from Slavery to Apprenticeship, 2 vols., 1835.

MAGISTRATES ASSISTANT, The Jamaica magistrate's & vestryman's assistant, 1828.

MALOUET, V.P., Examen de celte question ... , 1797.

Collection de Memoires sur les Colonies, 1801.

MARRYAT, J., Thoughts on the abolition of the slave trade, 1816.

More thoughts, 1816.

More thoughts still, 1818.

An examination of the report of the Berbice Commissioners, 1817.

MORRIS, V., A narrative of the official conduct of V. Morris esq., late captain general, governor in chief ... of the Island of St.Vincent and its dependencies, 1788.

PICTON, T., A Letter addressed to the Rt.Hon. Lord Hobart ... , 1804.

Evidence taken at Port of Spain ... , 1806.

OLYPHANT, J., The Privileges of Jamaica Vindicated, New edition, 1810.

ORDERSON, J.W., Orderson's colonial register for ... Barbados, 1802.

OTWAY, H., To the Rt. Hon. Henry Lord Brougham ... [1833].

[PETIT, E.], Dissertations sur le droit public des Colonies francoises, espagnoles, et angloises ... , 1778.

PETIT, E., Droit public ou governement de colonies francoises d'apres les lois faites pour ce pays, 2 vols., 1771, new edition, 1911.

PINCKARD, G., Notes on the West Indies ... , 2 vols., 2nd edition, 1816.

PORTEUS, B., A Letter to the Governors etc. in the British West Indies, 1808.

POWNALL, T., The Administration of the Colonies, 1764.

[POYER, J.], A Letter addressed to his excellency the Rt. Hon. Francis Lord Seaforth, 1801 (reprinted, Journal B.M.H.S., 1941).

POYER, J., The History of Barbados, 1808.

History of the Administration of the Rt.Hon. Lord Seaforth, printed in Journal of B.M.H.S., 1954.

RAMSAY, Rev. J., An Essay on the Treatment and the Conversion of African Slaves ... , 1784.

RENNY, R., A History of Jamaica, 1807.

ST.VINCENT, An Almanack, 1809.

SANDERSON, J., An Appeal to the Imperial Parliament, upon the claims of the ceded colony of Trinidad ... , 1812.

SHEPHARD, D., An Historical Account of the Island of St. Vincent, 1831.

SMITH, W., A letter to William Wilberforce Esq., M.P., 1807.

SMYTH, Gen. Sir J. CARMICHAEL, Reflexions upon the value of the British West India Colonies ... , 1826.

SOUTHEY, T., Chronological History of the West Indies, 3 vols., 1827.

STATUTES, The Laws of the Island of Antigua, consisting of the Acts of the Leeward Is ... 1690-1798 and of Antigua ... 1668-1804, 2 vols., 1805.

Acts passed in the island of Barbados 1643-1762, 1764.

STATUTES, Laws of the Island of Dominica 1763-1841, 2 vols., 1858-60.

The Laws of Grenada 1763-1805, 1808.

The Laws of Jamaica, 7 vols., 1802-24.

Acts passed in Montserrat 1668-1740, 1741.

Acts of Nevis 1664-1739, 1741.

The Laws of the Island of St.Christopher 1711-1791, 1791.

Laws of St.Vincent, 1864.

[STEPHEN, J.], Crisis of the sugar colonies, 1802.

War in disguise, 1805.

The dangers of the country, 1807.

Reasons for establishing a Registry of Slaves, 1815.

STEPHEN, J., A defence of the bill for a registration of slaves. Two letters, 1816.

The Slavery of the British West India colonies delineated, 2 vols., 1824, 1830.

England enslaved by her own colonies, 1826.

STOKES, A., A view of the Constitution of the British Colonies ... , 1783.

SUCKLING, G., An Historical Account of the Virgin Islands, 1780.

VAN DER LINDEN, J., Institutes of the Laws of Holland translated by J. Henry, 1828.

VINDEX, Considerations in defence of the Orders in Council, 1825.

WALKER, J., Letters on the West Indies, 1818.

WEST INDIA COMMITTEE, Proceedings at a public meeting ... April 1832, 1832.

WEST INDIA COMMITTEE, Proceedings and resolutions of the West India Body, 1833.

WILBERFORCE, W., A practical view of the prevailing religious system of professed Christians ... , 1797.

An appeal to the religion, justice and humanity of the inhabitants of the Empire ... , 1823.

IIIB.

ALCAZAR, Sir H., The evolution of English Law in Trinidad. Minutes of proceedings of the 12th Annual Meeting of Canadian Bar Association, 1927.

ALLEYNE, K.H.C., Memoir of the constitutional development of St.Lucia commemorating the 25th anniversary of elected representation to Legislative Council, 1951.

ARMYTAGE, F., The free port system in the West Indies, 1953.

ASPINALL, A.E., The British West Indies, 1912.

BARNWELL, P.J. and TOUSSAINT, A., A Short History of Mauritius, 1949.

BEAGLEHOLE, J.C., Royal Instructions to Governors, London Thesis, 1929.

BENNET, J.H., Bondsmen and Bishops, slavery & apprenticeship on the Codrington plantations of Barbados 1710-1838, 1958.

BEER, G.L., The Old Colonial System, 2 vols., 1908.

BINDLEY, T.H., Annals of Codrington College, Barbados 1710-1910, 1911.

BORDE, P.G.L., Histoire de l'Ile de la Trinidad sous le Gouvernement Espagnol, 2 vols., 1876-83.

BREEN, H.H., St.Lucia, Historical Statistical & Descriptive, 1844.

BURNS, Sir A., The History of the British West Indies, 1954.

BURN, W.L., Emancipation and apprenticeship, 1937.

The British West Indies, 1951.

BURN, W.L., Parliamentary Privilege in Jamaica, Journal of Comparitive Legislation and International Law, 3rd Series, XVIII, 1936.

CALDECOTT, A., The Church in the West Indies, 1898.

CAMBRIDGE HISTORY OF THE BRITISH EMPIRE, vols. I, II, III, 1929-59.

CARMICHAEL, G., Some notes on Sir Ralph James Woodford Bt. Caribbean Quarterly, vol. 2, no. 3, 1952.

CHECKLAND, S.G., Economic Attitudes in Liverpool 1793-1807, Economic History Review, 1952.

John Gladstone as Trader and Planter, Economic History Review, 1954.

CLARK, C., A Summary of Colonial Law, 1834.

CLARKE, M.P., Parliamentary Privilege in the American Colonies, 1943.

CLARKSON, T., History of the Rise, Progress and Accomplishment of the Abolition of the African Slave Trade, New edition, 1839.

CLEMENTI, C., A Constitutional History of British Guiana, 1937.

CLOWES, W., Rules and Regulations of H.M.'s Colonial Service, 1837.

COMBERMERE, Mary Viscountess and KNOLLYS, Capt. W.W., Memoirs and Correspondence of Field Marshall Viscount Combermere, 2 vols., 1888.

COUPLAND, R., The American Revolution and the British Empire, 1930.

COURTS OF JAMAICA, The Courts of Jamaica & their Jurisdiction by an Island Solicitor, 1855.

CRUMP, H.J., Colonial Admiralty Jurisdiction in the 17th Century, 1931.

CUNDALL, F., Historic Jamaica

CURTIN, P.D., Two Jamaicas, 1955.

DALTON, H.G., A History of British Guiana, 2 vols., 1855.

DAVIS, W.D., A Practical Summary of the Constitution of Grenada, 1837.

DEERR, N., The History of Sugar, 2 vols., 1949-50.

DELANY, F.X., A History of the Catholic Church in Jamaica 1494-1929, 1930.

DEVAS, R.P., Conception Island or the Troubled Story of the Catholic Church in Grenada, 1932.

DE VERTEUIL, L.A.A., Trinidad etc., 2nd edition, 1884.

DUNCKER, S.J., The Free Coloureds & their Fight for Civil Rights in Jamaica 1800-1830, London Thesis, 1959.

EINAAR, J.F.E., Bijdrage tot de Kennis van het Engelsch tusschenbestuur van Suriname 1804-16, Leiden thesis, 1934.

ELLIS, J.B., The Diocese of Jamaica, 1913.

FERGUSSON, C.B., The Colonial Policy of the 1st Earl of Liverpool as President of the Committee for Trade 1786-1804, Oxford Thesis, 1952.

FIELD, A.G., The Expedition to Mauritius in 1810 & the Establishment of British Control, London Thesis, 1933.

[FLANAGAN, Mrs.], Antigua and the Antiguans, 2 vols., 1844.

FORTESCUE, Sir JOHN, Cambridge History of the British Army, vol. IV, 1915.

FRASER, L.M., History of Trinidad, 2 vols., 1896.

GARDNER, W.J., A History of Jamaica, from its discovery by Christopher Columbus to 1872, 1909.

GOVEIA, E.V., Slave Society in the British Leeward Islands 1780-1800, London Thesis, 1953.

GRIEVE, A.M., The Last days of the English Slave Trade, 1941.

GWYNNE-TIMOTHY, J.R.W., The Role of Overseas Colonies in the European Power Balance 1793-1815, Canadian Historical Association Annual Report, 1953.

HALL, D.G., The Apprenticeship Period in Jamaica 1834-38, Caribbean Quarterly, vol. III, no. 3, 1953.

HAMILTON, B., The Barbados Executive Committee, Journal of B.H.M.S., 1944.

HERBERT, J.W., Constitutional Struggles in Jamaica 1748-1776, B.I.H.R., 1928.

HIGHAM, C.S.S., The General Assembly of the Leeward Islands, E.H.R., 1926.

HOWELL, B.M., Mauritius 1832-49: A Study of a Sugar Colony, London Thesis, 1952.

JAMAICA, The political constitution of Jamaica, 1844.

JOSA, F.P.L., English Church History of the West Indian Province, 1910.

JOSEPH, E.L., History of Trinidad up to 1837, 1838.

KEITH, A.B., Constitutional History of the First British Empire, 1930.

Selected Speeches and Documents on British Colonial Policy 1763-1917, 2 vols., 1918.

KLINGBERG, F.J., The Anti-Slavery Movement in England, 1926.

(ed.), Codrington Chronicle, an experiment in Anglican Altruism ... 1710-1834, 1949.

LABAREE, L.W., Royal Instructions to British Colonial Governors 1670-1776, 2 vols., 1935.

Royal Government in America, 1930.

LAMONT, Sir N., Burnley of Orange Grove, Historical Society of Trinidad and Tobago, 1947.

LEMERY, H., La Revolution Francaise à la Martinique, 1936.

LEON, N.D., Social and Administrative Development in British Honduras 1798-1843, Oxford Thesis, 1958.

LEWIS, M.G., Journal of a West India proprietor 1815-19, edited by M. Wilson, 1929.

LONG, A.V., Jamaica and the New Order 1827-47, 1956.

Post Emancipation Problems in Jamaica 1833-47, Oxford Thesis, 1951.

LOWE, R., The Codrington Correspondence 1743-1851, 1951.

LOWENTHAL, D., Colonial Experiments in French Guiana 1760-1800, Hispanic Historical Review, 1952.

MADDEN, A.F., The attitude of the Evangelicals to the Empire and Imperial problems 1820-50, Oxford Thesis, 1950.

MANNING, H.T., The Colonial Policy of the Whig Ministers 1830-37, Canadian Historical Review, 1952.

Colonial Crises before the Cabinet 1829-35, B.I.H.R., 1957.

British Colonial Government after the American Revolution, 1935.

MATHIESON, W.L., British Slavery and its Abolition, 1823-38.

MELLOR, G.R., British Imperial Trusteeship 1783-1850, 1951.

MINTO, Countess of, A Memoir of the Rt.Hon. Hugh Elliot, 1868.

MOISTER, Rev. W., The West Indies enslaved and Free, 1883.

MURRAY, A.L., Constitutional Developments in Jamaica 1774-1815, London Thesis, 1956.

NETSCHER, P.M., History of the Colonies of Essequibo, Demerara and Berbice ... , translated by W.E. Roth, 1924.

NUGENT, Lady M., Lady Nugent's Journal, 1801-1815, edited by F. Cundall, 3rd edition, 1939.

OLIVER, V.L., The History of the Island of Antigua ... , 3 vols., 1894-9.

OTTLEY, C.R., The Complete History of the island of Tobago, 1946.

PARES, R., A West-India Fortune, 1950.

Yankees and Creoles, 1956.

PARES, R., Merchants and Planters, 1960.

PARRY, J.H., The Patent Offices in the West Indies, E.H.R., 1954.

PARRY, J.H. and SHERLOCK, P.M., A Short History of the British West Indies, 1956.

PEGGS, A.D., A Short History of the Bahamas, 3rd edition, 1959.

PENSON, L.M., The London West India Interest in the 18th Century, E.H.R., 1921.

The Colonial Agents in the British West Indies, 1924.

The Origin of the Crown Agency Office, E.H.R., 1925.

PHILLIPPO, J.C., Jamaica, its past and present state, 1843.

PIERSON, W.W., Some reflections on the Cabildo as an Institution, Hispanic American Historical Review, 1922.

PITMAN, F.W., The Development of the British West Indies, 1917.

PRIDHAM, C., England's Colonial Empire: I Mauritius and its Dependencies, 1846.

RAGATZ, L.J., The Fall of the Planter Class in the British Caribbean 1763-1833, 1928.

Absentee Landlordism in the British Caribbean 1750-1833, 1931.

REECE, J.E. and CLARK-HUNT, C.G., Barbados Diocesan History, 1928.

REINSCH, P.S., Colonial Government, 1902.

REIS, C., The Government of Trinidad, 1915.

A History of the Constitution or Government of Trinidad, 2nd edition, 1929.

ROBINSON, H.B., Memoirs of Lt.General Sir Thomas Picton, G.C.B. ... , 2 vols., 1836.

RODWAY, J., The Constitution of British Guiana, Timehri New Series, vol. 5, 1891.

RODWAY, J., History of British Guiana, 3 vols., 1891-4.

The Story of Georgetown, 1920.

SAINTOYANT, J., La Colonisation française pendant la Revolution, 2 vols., 1930.

SCHOMBURGK, Sir R.H., The History of Barbados, 1848.

SCHUYLER, R.L., Parliament and the British Empire, 1929.

The Fall of the Old Colonial System 1770-1870, 1945.

SHERIDAN, R.B., The Commercial and Financial Organization of the British Slave Trade 1750-1807, Economic History Review, 1958.

SIEBERT, W.H., The Legacy of the American Revolution to the British West Indies and Bahamas, 1913.

SIRES, R.V., Constitutional Change in Jamaica 1834-60, Journal of Comparitive Legislation and International Law, 3rd Series, XXII, 1940.

SMITH, J.H., Appeals to the Privy Council from the American Colonies, 1950.

SPURDLE, F.G., The Development of Executive Government in Barbados and the Leeward Islands 1660-1783, London Thesis, 1931.

TUCKER, H.F.G., The Press and the Colonies 1802-33, Bristol Thesis, 1936.

WASTELL, R.E.P., The History of Slave Compensation 1833-45, London Thesis, 1934.

WESLEY, C.H., The neglected period of Emancipation, Journal of Negro History, 1932.

The emancipation of the Free Coloured Population in the British Empire, Journal of Negro History, 1933.

WHITSON, A.M., The Constitutional Development of Jamaica 1660-1729, 1928.

WIGHT, M., The Development of the Legislative Council 1606-1945, 1946.

WILLIAMS, E., Capitalism and Slavery, 1944.

WOODCOCK, H.I., The Laws and constitutions of the British colonies in the West Indies having legislative assemblies, 2nd edition, 1830.

History of Tobago, 1868.

WRIGHT, J.M., History of the Bahama Islands, with a special study of the abolition of slavery in the Colony, 1905.

WRONG, H., Government of the West Indies, 1923.

YOUNG, C.G., A Fragment of Berbice History, Timehri New Series, vol. 3, 1889.

IV.

CARRUTHERS, W.A., Emigration from the British Isles, 1929.

DE KIEWET, C.W., History of South Africa, 1941.

DE SILVA, C.R., Ceylon under the British Occupation 1795-1833, 2 vols., 1953.

DIXON, C. WILLIS, The Colonial Administration of Sir T. Maitland, 1939.

DUNHAM, A., Political Unrest in Upper Canada 1815-36, 1927.

EDWARDS, I.E., Towards Emancipation, 1943.

HARLOW, V.T., The Founding of the second British Empire 1763-93, vol. I, 1952.

McKINNON, F., The Government of Prince Edward Island, 1951.

MACLINTOCK, A.H., Establishment of Constitutional Government in Newfoundland 1783-1832, 1941.

MANNING, H.T., The Revolt of French Canada 1800-1835, 1962.

MARTIN, E.C., The British West African Settlements 1750-1821, 1927.

MELBOURNE, A.C.V., Early Constitional development in Australia 1788-1856, 1934.

MENDIS, G.C., The Colebrooke Cameron Papers, 1956.

MILLS, R.C., Colonization of Australia, 1915.

MURRAY BECK, J., The Government of Nova Scotia, 1957.

PHILIPS, C.H., The East India Company 1784-1834, 1940.