

THE PRINCIPLE OF REPRESENTATION IN JAMAICA AND THE BRITISH
ATLANTIC IN THE AGE OF REVOLUTIONS

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- Abstract Britons and Americans seem to have agreed about most constitutional principles in 1776, apart from who was to be represented and how, and it has been argued that this formed the basis for conflict and revolution. Examining how representation was conceptualised in Jamaica during the same period suggests that these differences have been overdrawn. Concepts of direct and 'virtual' representation were inchoate and inconsistent in all three places, and were often used strategically rather than to express essential and irreconcilable differences. Consequently the debate over representation continued in all three places after 1776, and although compromises were struck in Britain and America through the rise of parliamentary sovereignty and republican constitutionalism respectively, in Jamaica the principles and practices of representation therefore continued to be contested. More broadly, this suggests that such tensions are immanent and unavoidable in any parliamentary system, and can only be balanced rather than fully reconciled.
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The single most important point of contention between Britons and Americans in 1776 concerned representation. All agreed that a representative legislature was the only secure protection for the common rights, liberties and privileges of Englishmen, to the extent that the conflict has been seen as a contest between and among a set of shared political languages, but who or what was to be represented, and how, was a matter of profound disagreement. It has been argued that Americans felt that only direct representation was legitimate, but British writers such as Edmund Burke put it that Parliament indirectly or 'virtually' represented the entire British nation, at home or overseas. 'Representation had been in fact the central, if not the most fundamental, issue between England and America from the very beginning of the controversy', notes Gordon Wood, while John Philip Reid has concluded that although the colonies and metropole agreed on almost everything, 'the one clear exception to this general truism was representation ... and this historical fact alone gives the concept of representation in the age of the American Revolution unique significance'.¹ The debate also remains a touchstone for modern work on the principle of parliamentary representation, with figures such as Burke still being cited to inform modern controversies over who a legislator represents and whether they can justly override the

¹ John Phillip Reid, *The concept of representation in the age of the American Revolution* (Chicago, IL, 1989) p. 4; Gordon S. Wood, *The creation of the American Republic, 1776-1787* (Chapel Hill, NC, 1998) p. 173

wishes of their constituents to advance a wider public good.² This article uses a study of representation in Jamaica during the same period to suggest that these distinctions have been overdrawn. Representation in Jamaica was seen and performed in much the same way as America before 1776, but without leading to political independence, and continued to be a source of controversy as the role and powers of the Jamaican assembly altered after 1783. This helps to confirm that concepts of representation were therefore inconsistent and inchoate in the British Atlantic even before 1783, that clashes over direct and virtual representation were often as much about political strategy as genuine differences of opinion, and that this tension was buried rather than being resolved by the settlements which followed in Britain, America and Jamaica.

1. Background

There is now an extensive scholarship on the nature of representation in Britain and America during the eighteenth century, since it was a common factor integral to a wide range of other issues such as popular and parliamentary sovereignty, authority, legitimacy and the nature and operation of checks and balances. The rediscovery of American constitutional thought and political culture by Bernard Bailyn and Gordon Wood in the 1960s renewed interest in its impact on the American Revolution, with Bailyn in particular singling out substantial and substantive differences in the radical Whig culture of colonial Americans that made revolution inevitable.³ Later work by

² See, for example, Paul Seaward, 'Edmund Burke and the Brexit Debates', *The History of Parliament* (7 February 2017) [<https://thehistoryofparliament.wordpress.com/2017/02/07/edmund-burke-and-the-brexite-debates/>, accessed 23 December 2018]

³ The foundational texts of this approach are Bernard Bailyn, *The ideological origins of the American Revolution* (Cambridge, MA, 1992); Wood, *Creation*; J.R. Pole, *Political representation in England*

John Philip Reid, Jack Greene and others has shown how this thought interacted with the nuts and bolts of political and legal practice, and how, for example, the practice of local colonial electors issuing binding instructions that prescribed the conduct of their representatives in their provincial assemblies encapsulated a specific conception of representation as direct, local and accountable, in which the Revolution itself was not elitist but popular.⁴ British commentators concurred that representation was vital but argued that members of Parliament were elected to represent the British nation rather than local interests, either domestic or colonial.⁵ This was most emphatically

and the origins of the American Republic (Berkeley, CA, 1971); Jack P. Greene, *The constitutional origins of the American Revolution* (Cambridge, 2011); John Phillip Reid, *Constitutional history of the American Revolution* (4 vols., Madison, WI, 1981-93). For recent work, see Alison L. Lacroix, *The ideological origins of American federalism* (Cambridge, MA, 2010); Daniel Joseph Hulsebosch, *Constituting empire: New York and the transformation of constitutionalism in the Atlantic world, 1664-1830* (Chapel Hill, NC, 2005); Mary Sarah Bilder, *The transatlantic constitution: colonial legal culture and the empire* (Cambridge, MA, 2004). For the events of the American Revolution in the British Atlantic, see P. J. Marshall, *The making and unmaking of empires: Britain, India, and America c.1750-1783* (Oxford, 2005); Andrew O'Shaughnessy, *An empire divided: the American Revolution and the British Caribbean* (Philadelphia, 2000)

⁴ Reid, *Representation*, esp. pp. 96-109; Bailyn, *The ideological origins of the American Revolution* pp. 161-75; Greene, *Constitutional origins* pp. 69-72; Peverill Squire, *The rise of the representative: lawmakers and constituents in colonial America* (Ann Arbor, MI, 2017), esp. pp. 168-89; Pole, *Political representation*, esp. pp. 541-2.

⁵ Reid, *Representation* pp. 97, 100, 102; Paul Kelly, 'Constituents' instructions to Members of Parliament in the eighteenth century', in Clyve Jones (ed.), *Party and management in Parliament, 1660-1784* (Leicester, 1984) pp. 169-89; Lucy Sutherland, 'Edmund Burke and relations between Members of Parliament and their constituents', in Lucy Sutherland (ed.), *Politics and finance in the eighteenth century* (London, 1984) pp. 248-94; H.T. Dickinson, 'The representation of the people in eighteenth-century England', in Maija Jansson (ed.), *Realities of representation: state building in early*

conceptualised by Edmund Burke in 1774 during his election in Bristol, who stated that a member was obliged to obey the wishes of his constituents in local matters, '[and] to prefer their interest to his own', but ultimately to defer to the interests of the nation.⁶ Parliament was not a congress of ambassadors, but 'a *deliberative* assembly of *one* nation, with *one* interest, that of the whole, where not local purposes, not local prejudices, ought to guide, but the general good', to the extent that 'if the local constituency should have an interest or should form an hasty opinion, evidently opposite to the real good of the rest of the community, the member for that place ought to be as far as any other from any endeavour to give it effect'. This enabled Burke and others to argue that Americans were indirectly or 'virtually' represented in Parliament along with others and that Parliament therefore had the right to legislate for the colonies, entrenching the crucial doctrine of parliamentary sovereignty but turning a clash over imperial taxes after 1765 into a colonial constitutional crisis.

The risk of this approach is that it reduces British and American political thought to a series of binary dichotomies of popular versus parliamentary sovereignty, direct versus virtual representation, and binding versus non-binding instructions, which were fundamentally incompatible, irreconcilable and led inevitably to conflict. The more nuanced analysis by Gordon Wood has demonstrated how ideas about the nature of representation were in fact scattered, inchoate and to some extent incoherent in both Britain and America during this period, and were neither clarified or reconciled in the

modern Europe and European America (Basingstoke, 2007) pp. 19-44; Pole, *Political representation*, pp. 3-32, 385-497

⁶ Richard Bourke, *Empire and revolution: the political life of Edmund Burke* (Princeton, NJ, 2015) pp. 374-90; F. P. Lock, *Edmund Burke* (2 vols., Oxford, 1998) pp. 369-78; Reid, *Representation* pp. 11-42, 54-62

course of the conflict. 'The imperial debate had compelled the colonists into a comprehensive inquiry into the nature of representation', he has argued, 'with the consequent realising of a jumble of ideas that the Declaration of Independence had by no means brought into order', including the dual conceptions about virtual and direct representation that were latent in this shared set of political languages.⁷ In Britain, for example, the practice of issuing binding instructions on national matters had already been practiced intermittently before the 1760s, and remained an aspect of radical Whig politics in London until it gradually developed into the broader demand for electoral reform.⁸ Binding instructions on public matters were also virtually unknown in America outside New England before the Stamp Act crisis of 1765, and Wood has demonstrated that the realities of independent government after 1776 forced many republicans to adopt theories of virtual representation to justify centring power in new republican institutions. 'Independence and the establishment of their new republics, whether or not Americans clearly realised it, only reaffirmed and strengthened the assumptions involved in the concept of virtual representation', he notes, 'and many Americans in 1776 and the years following continued to stress, in words no less explicit than those of Burke or Blackstone, the proper duties of a good representative' to ignore local instructions that conflicted with the public good.⁹

Representation was therefore a contested concept in the American Revolution and its aftermath, not just between but also within Britain and America, but the question

⁷ Wood, *Creation* p. 173. See also Pole, *Political representation*, pp. 169-382, 503-39

⁸ Kelly, 'Constituents' instructions', pp. 179-86; Sutherland, 'Burke', pp. 281-98; Reid, *Representation* pp. 68-76, 110-27

⁹ Wood, *Creation* p. 179

remains why it was so contested. Introducing the experience of Jamaica can help to clarify this. Like the other islands of the British West Indies, Jamaica was settled at the same time as the American colonies, had similar political institutions, a shared political culture, and a social and economic system largely identical to the mainland plantation colonies.¹⁰ With around 300,000 whites, slaves and free people of colour by 1774, Jamaica was roughly the same size as leading American colonies such as Massachusetts, New York and South Carolina, and recent work has shown that its assembly was among the most active in the region.¹¹ The island also had a vibrant and combative political culture, based on a hair-trigger defence of their own rights and privileges as Englishmen than mirrored or even exceeded the behaviour of the American colonists. 'It has been a commonly-received opinion', noted the planter and historian Edward Long in 1774, for example, 'that the people of this island are

¹⁰ O'Shaughnessy, *An empire divided* pp. 4-33, 109-34; George Metcalf, *Royal government and political conflict in Jamaica, 1729-1783* (London, 1965) pp. 27-31; Frederick G. Spurdle, *Early West Indian government: showing the progress of government in Barbados, Jamaica and the Leeward Islands, 1660-1783* (Palmerston North, New Zealand, 1962) pp. 28-32; Christer Petley, *Slaveholders in Jamaica: colonial society and culture during the era of abolition* (London, 2009) pp. 60-7; Michael Watson, 'The British West India legislatures in the seventeenth and eighteenth centuries: an historiographical introduction', *Parliamentary History*, 14 (1995) pp. 89-98. For a broader study of these similarities, see Jack P. Greene, *Peripheries and center: constitutional development in the extended polities of the British Empire and the United States, 1607-1788* (Athens, GA, 1986)

¹¹ Aaron Graham, 'Jamaican legislation and the transatlantic constitution, 1664-1839', *Historical Journal*, 61 (2018) pp. 327-55; Aaron Graham, 'Legislatures, legislation and legislating in the British Atlantic, 1692-1800', *Parliamentary History*, 37 (2018) pp. 369-88; Alison Olson, 'Eighteenth-century colonial legislatures and their constituents', *Journal of American History*, 79 (1992) pp. 543-67. For the British Atlantic before 1776, see O'Shaughnessy, *An empire divided*, esp. pp. xiv-xvi, 145-59, 239-48; Marshall, *Making and unmaking* pp. 13-118, 158-81, 273-52

fond of opposition to their governors, [and] that they are ever discontented and factious', but he tried to show that this was a justified and proportionate response to the successive efforts of imperial governors to deny them their rights and liberties and to undermine the house of assembly in the island in order to advance imperial power.¹² As will become clear, Jamaicans were just as concerned as Americans about representation, and likewise insisted upon radical Whig principles of direct representation and binding instructions to check British power, but this did not lead them to rebellion in 1776, and their politics after 1783 reveal ongoing controversies about the nature of direct and virtual representation within the island. Examining the experience of Jamaica in this period can help to clarify what was exceptional and unexceptional about the British and American cases, and the underlying nature of the concept of representation in the British Atlantic during the 'age of revolutions'.

Since the output of printed material in Jamaica was far lower in this period than in America and much less has survived, making it impossible to adopt the same focus on published materials employed by Bailyn, Wood and others, it also becomes necessary to develop a different approach. As Reid has noted with reference to the American colonies, and David Lemmings, David Eastwood and others with reference to Britain, a great deal of political thought in this period was also expressed by and through the operation of law, with disputes over narrow technical matters such as the electoral franchise reaching such levels of violence because they embodied broader concepts

¹² Kamau Brathwaite, *The development of Creole society in Jamaica, 1770-1820* (Oxford, 1971) pp. 23, 68-79; Agnes M. Whitson, *The constitutional development of Jamaica, 1660 to 1729* (Manchester, 1929); Metcalf, *Royal government*; Spurdle, *Early West Indian government* pp. 58-75; O'Shaughnessy, *An empire divided* pp. 54-5, 115-26

about who could and should be represented, and how, and why.¹³ Wood and Reid both argue that the practice of local constituencies issuing binding instructions on public matters expressed their support for direct rather than virtual representation, in which political sovereignty and authority flowed from the people rather than from institutions or an abstract 'nation'.¹⁴ By studying how binding instructions were employed in Jamaica during the late eighteenth century it can be seen how political interests in the island conceived of representation, and how this evolved after 1783 as the colonial legislature, as in America, acquired more power to speak and act for the interests of the island. This change was conceded by the Crown rather than wrenched from it, but in both Jamaica and the new United States after 1783 the rhetoric of direct representation and the practice of binding instructions were now re-orientated away from Crown and Parliament to critique the acts of these local legislatures themselves.. As Wood has noted of the United States after 1783, 'it was these secondary stages of the Revolution, ... that put the most serious kinds of strains on the inherited body of the Whig thought used to explain and justify the Americans' original revolt against magisterial authority'.¹⁵ In America this led to landmark constitutional reforms in 1787, but the colonial status of Jamaica meant that the island took another path.

¹³ Reid, *Representation* pp. 23-30, 110-18; Greene, *Constitutional origins*; David Eastwood, *Governing rural England: tradition and transformation in local government, 1780-1840* (Oxford, 1994); David Lemmings, *Law and government in England during the long eighteenth century: from consent to command* (Basingstoke, 2011) pp. 1-16; J.A.W. Gunn, 'Eighteenth-Century Britain: in search of the state and finding the Quarter Sessions', in John Brewer and Eckhart Hellmuth (eds.), *Rethinking Leviathan: the eighteenth-century state in Britain and Germany* (London and Oxford, 1999) pp. 99-125

¹⁴ See above n. 4.

¹⁵ Wood, *Creation* p. 364

2. Representation

Jamaicans were neither unaware nor uninterested in questions of representation in the eighteenth century. 'North Americans and the West Indians may well laugh at Mr Grenville's ludicrous idea of a virtual representation in the House of Commons', wrote Long, for instance, 'while they see themselves compelled, like the conquered provincials of ancient Rome, to employ deputies and hire orators for explaining their grievances [and] soliciting and pleading their cause to Caesar and the senate.'¹⁶ As noted above, their legislatures were established along similar lines, their legislators operated on similar patterns, and their legislation followed similar trends, all closely informed by the same brand of radical or 'Old' Whig political thought which stressed the nature of the 'ancient constitution' inherited from England as a system of checks and balances in which the legislature protected the rights, liberties and privileges of the people by keeping the prerogative power of the Crown in check. 'The assembly consider their privileges as derived to them from their constituents, and that they are not concessions from the Crown', Long noted, echoing his American counterparts, '... and sure these are principles settled on so just and rational a foundation that no true Briton will attempt to controvert them'.¹⁷ The political history of Jamaica before 1783 was likewise one of conflict between governors and the assembly over the boundaries of imperial intervention, and as, in the American colonies, one of the key points of contention was the protection of the franchise in order to ensure that the assembly remained representative of the interests of the people and not a compliant

¹⁶ Edward Long, *The History of Jamaica, or, General survey of the antient and modern state of that island* (3 vols., London, 1774) vol. i, 114-15

¹⁷ Long, *History of Jamaica* vol. i, 56

tool of the Crown.¹⁸ That the 'people' amounted only to a narrow section of the white elite, perhaps 1,500 out of the 30,000 whites and the 350,000 people in the island by 1815, was not felt to undermine these grand claims.¹⁹ This evolved in important ways after 1783 as the imperial state withdrew from actively intervening in all but a few matters and as the assembly expanded its responsibilities, marked by a huge rise in volume and efficiency of law-making.²⁰ 'The interests of local elites helped to drive this continued upsurge in colonial legislation', and were sometimes enforced through their binding instructions to representatives on local matters.²¹ There were seen as legitimate, but as the instructions evolved in the 1780s and 1790s to contest wider matters of public good, the island was forced to wrestle with the same tensions between direct and virtual representation seen in Britain and America.

The practice of parish vestries in Jamaica giving instructions to their representatives was, as in the British Isles and North America, relatively common and almost wholly unexceptionable, as long as those instructions remained at the level of local rather

¹⁸ Whitson, *Jamaica* pp. 40-8, 112-16, 139-40; Metcalf, *Royal government* p. 129; Spurdle, *Early West Indian government* pp. 69-75

¹⁹ Graham, 'Jamaican legislation', p. 333

²⁰ Ibid. ; Alexander L. Murray, 'The constitutional development of Jamaica, 1774-1815' (Unpublished PhD thesis, University of London, 1956), esp. pp. 94-5; Neville A.T. Hall, 'Constitutional and political developments in Barbados and Jamaica, 1783-1815' (Unpublished PhD thesis, University of London, 1965) pp. 55-88, 119-64, 433-9; Helen Taft Manning, *British colonial government after the American Revolution, 1782-1820* (Hamden, CN, 1966) pp. 48-73, 127-49. For the broader context, see P. J. Marshall, *Remaking the British Atlantic: the United States and the British Empire after American Independence* (Oxford, 2012)

²¹ Graham, 'Jamaican legislation', p. 349

than island-wide or 'colonial' issues.²² Since these instructions were often delivered informally or advertised in colonial newspapers whose issues do not survive, it is not possible to offer an accurate count of them, and very few minute books from the island's parish vestries remain for the period before 1770, but a survey of those books which survive unevenly from 1770 onwards suggest that most parishes undertook this exercise every few years.²³ The usual practice was for the vestry to pass a resolution which required the member to present a bill or petition before the assembly at their next session. Thus, the vestry of Kingston identified a number of loopholes in the poll tax legislation in December 1783 which were enabling certain merchants to evade payment.²⁴ Having proposed a solution, the sub-committee urged the vestry to instruct their members 'in the strongest manner' to get the necessary clauses inserted in the next act. The vestry of Port Royal instructed their representative in January 1801 to lend his support to a bill under discussion in the house for cutting a canal to Kingston Harbour through the nearby parish of St Andrew's.²⁵ This would ease access to Kingston for residents in Port Royal, and since the bill had already failed

²² See above n. 4

²³ For the survival of records in Jamaica, see James Robertson, 'Jamaican archival resources for seventeenth and eighteenth century Atlantic history', *Slavery & Abolition*, 22 (2001) pp. 109-40. For the nature of parish vestries in Jamaica, see below n. 28. For the nature of the public sphere in Jamaica in this period, see Brathwaite, *Creole society* pp. 31-9; Andrew Lewis, "'An incendiary press': British West Indian newspapers during the struggle for abolition", *Slavery & Abolition*, 16 (1995) pp. 346-61; Petley, *Slaveholders in Jamaica* pp. 40-1

²⁴ Jamaica Archives, Spanish Town, Jamaica [hereafter JA], 2/6/6 (Kingston vestry minutes), ff. 85v-88r. These records are inconsistently paginated and foliated, so the citations used are those which allow easiest reference in each volume.

²⁵ JA, 2/19/3 (Port Royal vestry minutes), 3 January 1801

once, the vestry were apparently determined to make it successful.²⁶ 'I shall always with great cheerfulness comply with every request of theirs, and ... shall vote for it accordingly', their representative replied, and he duly introduced the bill on 20 February, though it failed again after opposition from local landowners and their agent Simon Taylor, one of the leading sugar planters in the island.²⁷ Giving instructions to representatives was therefore an accepted practice in Jamaica, as in Britain and America, at least where local matters were concerned.

This was largely because the vestry was accepted as a body that was itself a proper and legitimate representative of the interests of the local community, and therefore reasonably justified in presuming to give instructions to its representatives. Reid has noted that this could be a major sticking point outside New England, since the bodies drawing up the instructions rarely overlapped directly with the electorate, but parish vestries in Jamaica were elected on much the same franchise as the assembly itself and this gave them the institutional coherence and legitimacy to bind the hands of their representatives.²⁸ If further authority was required, the vestry could also call public meetings of the freeholders of the parish to debate wider issues. In October 1794, for instance, a special meeting of the vestry of St Ann's was held which agreed that the magistrates who sat in the vestry had no power to vote in financial matters, and appointed a committee 'to correspond with the several vestries of the island' to

²⁶ *Journals of the House of Assembly of Jamaica* (14 vols., Kingston, Jamaica, 1808-26) vol. x, 375, 388, 491, 494

²⁷ *Ibid.*, vol. x, 521, 531, 533, 540. For Taylor, see Hall, 'Political developments', pp. 58-62; Christer Petley, *White fury: a Jamaican slaveholder and the age of revolution* (Oxford, 2018)

²⁸ Reid, *Representation*, 102, 104; Squire, *Rise* pp. 178-80. For the Jamaican vestry, see Brathwaite, *Creole society* pp. 20-3; Petley, *Slaveholders in Jamaica* pp. 53-5, 60-3 and the examples below.

carry this resolution into effect, 'by petition or address to the assembly or instruction to representatives in assembly'.²⁹ The vestry of Port Royal had set up a committee to correspond with their own representatives 'upon any business that tends to the general interests of the island or this parish in particular, and to give them such instructions from time to time as they may think fit', and they took the letter from St Ann's under consideration.³⁰ Three weeks later, they reported to the vestry that all these resolutions 'are founded in reason and equity, and consonant to the general interests of the island', and called a public meeting of the freeholders of the parish to discuss them, which then instructed their representatives 'to endeavour by all legal means' to procure an act confirming this resolution.³¹ The practice of freeholders instructing their representatives in local business thus remained uncontentious in Jamaica.

However, these easy assumptions came under strain when the question was posed, as in the British Isles and North America, of how far representatives were obliged to obey the instructions of their constituents on public matters. Planters and merchants in Jamaica and the West Indies were already well aware of these latent issues, which had arisen already in successive clashes between assemblies, councils and governors over the island agents appointed to represent the islands in London.³² Initially these

²⁹ JA, 2/9/2 (St Ann's vestry minutes), p. 108.

³⁰ JA, 2/19/3, 18 October 1794, 8 November 1794; *Journals* vol. ix, 409, 419

³¹ JA, 2/19/3, 15 November 1794; *Journals* vol. x, 531, 540.

³² For the Jamaican agents, see Long, *History* vol. i, 114-22 and Lillian M. Penson, *The colonial agents of the British West Indies: a study in colonial administration, mainly in the eighteenth century* (London, 1924); Metcalf, *Royal government* pp. 22, 159; Perry Gauci, 'Learning the ropes of sand: the West India lobby, 1714-1760', in Perry Gauci (ed.), *Regulating the British economy, 1660-1850* (Farnham, 2011) pp. 107-21; Andrew O'Shaughnessy, 'The formation of a commercial lobby: the West

agents were absentee planters or merchants who acted on a personal basis to represent the interests of the islands to Parliament or the government, but it became increasingly common from the early eighteenth century for colonial governments to vote funds for the employment of professional agents, which then raised the important issue of who was qualified to instruct them and thus who they ultimately represented. Long noted instances where the Jamaican assembly and council had disagreed and sent competing instructions to their agent, 'so that, in complying with the one, he must necessarily have acted inconsistent with the other, or else have maintained an inactive neutrality (disobliging to both parties) and attended to the orders of neither'.³³ In this case, Long argued, it was incumbent on the agent to heal the breach or to try to state the case for both sides impartially. If neither was possible the agent should then aim 'to pursue those measures ... which appear most agreeable to the general sense and promise to be the most conducive to the interest and peace of the whole island', though, as a dedicated opponent of royal power, Long found it unlikely that the council, 'whose imaginations have too often been inflated with a fond desire of alienating themselves ... from the rest of their countrymen', could ever have a valid claim to speak for the interests of the island.³⁴ Under some circumstances there was therefore a need for the island's representative to set aside binding instructions and use his own impartial judgement of the wider public good to guide him, though the elected nature of the assembly meant that it should carry more authority with him.

India interest, British colonial policy and the American Revolution', *Historical Journal*, 40 (1997) pp. 71-95; Hall, 'Political developments', pp. 409-12.

³³ Long, *History* vol. 116

³⁴ *Ibid.* vol. i, 118. For his views on popular basis of authority of assembly versus the council, see *Ibid.* vol. i, 49-58

Long's discussions of the responsibilities of the island agent as the representative of the island demonstrate that no sharp division can be drawn between the British and colonial understandings of representation during this period. The right of parishes and other local interests to instruct their representative in local matters was not at all problematic. Demands for direct representation in public matters could coexist with virtual representation within the British political system, while American legislators were rapidly forced to enunciate their own doctrine of virtual representation after 1776 as they confronted the problems of governance. In Jamaica planters could argue for direct representation in the assembly while accepting the need for a more virtual form of representation in Britain, when it suited their interests. As Wood as argued, both doctrines were therefore latent within the political constitutions of the British Atlantic, and bringing the Jamaican experience into focus helps to demonstrate how strategically or opportunistically they could also be used. After 1783, colonists in Jamaica began to use binding instructions to critique the assembly itself, which had adopted its own implicit doctrine of virtual representation to justify measures taken for the defence of the island during the age of revolutions. Concepts of direct and virtual representation were therefore fluid and flexible within the British Atlantic, because changing patterns of governance in Britain, America and Jamaica posed important challenges for existing patterns of political thought and representation.

3. Instructions

As noted above, binding instructions on public matters were almost unknown in the British Atlantic outside New England until the Stamp Act crisis of 1765, when they

began to spread and were adapted to resist other grievances.³⁵ As far as can be judged, the first instance of a similar phenomenon in Jamaica occurred in 1768, when the vestry of St Ann's instructed its representatives to vote against any efforts by the governor to get the assembly to reimburse the Crown for having subsidised the payment of imperial troops in the island.³⁶ This was part of a wider campaign by the assembly between 1764 and 1768, to resist a perceived attack on its privileges and liberties by the governor which even overshadowed the Stamp Act controversy. It was also an attack on the Crown rather than Parliament but was couched in much the same language as the American instructions. The magistrates and vestrymen had an 'undoubted right to give instructions ... on all points which ... may affect us in common with the rest of our fellow subjects, freeholders of the island', it began, and stated that the instructions were being given so that the members 'may better know what we do and shall expect from you in the further execution of that important trust which we have delegated into your hands and confided to your integrity'.³⁷ The representatives were therefore the delegates of their constituents rather than being independent actors, and were obliged to respect all their wishes and oppose any measures which promised additional financial burdens and the dilution of their

³⁵ Reid, *Representation* p. 98; Squire, *Rise* pp. 173-7; Pole, *Political representation*, pp. 33-66

³⁶ JA, 2/9/1 (St Ann's vestry orders) ff. 15v-16v; Metcalf, *Royal government* pp. 160-76; Jack P. Greene, 'The Jamaica privilege controversy, 1764-1766: an episode in the process of constitutional definition in the early modern British empire', *Journal of Imperial and Commonwealth History*, 22 (1994) pp. 92-102; O'Shaughnessy, *An empire divided* pp. 81-107, 111-21; T.R. Clayton, 'Sophistry, security and socio-political structures in the American revolution, or, why Jamaica did not rebel', *Historical Journal*, 29 (1986) pp. 319-44

³⁷ JA, 2/1/1 (St Thomas in the Vale vestry minutes) f. 15v. The use of rhetorical openings was a colonial rather than metropolitan practice: see Squire, *Rise* pp. 177-8; Reid, *Representation* p. 102

liberties by the Crown. '[We] thus publicly require of you, our representatives in assembly' to oppose the tax, it concluded, '... and as we have reason to be satisfied with your past conduct in the House, so we rest assured that nothing will be left undone on your part to make the sense of your constituents in this particular the rule of your future conduct'.³⁸ Since this squared so well with the wider sentiments of the assembly, the instructions appear to have been accepted with any qualms.

From the very outset, instructions on wider matters of public interest were therefore stated uncompromisingly in terms which overlapped very closely with the language employed in North America during the same period, reflecting a common political inheritance and understanding of the nature of representation. This perhaps helps to account why the practice jumped so quickly from New England after 1765 to the rest of North America, and to Jamaica, and even to the British Isles, where it was revived in January 1769 with the creation of instructions for the members of Parliament for London and Middlesex by radical Whigs, as noted above. The idea may have been a resurrection of past English practice or inspired by examples in Scotland and the American colonies, but it is striking that one of the leading figures in this episode was the Jamaican planter and radical Whig politician William Beckford, who cheerfully subscribed to this extended programme for curtailing definitively the power of the Crown.³⁹ Beckford may not have been aware of the instructions issued by St Ann's, but from his colonial experience he was probably particularly familiar with, and also

³⁸ JA, 2/1/1, f. 16v

³⁹ Sutherland, 'Burke', pp. 284-94; Kelly, 'Constituents' instructions', pp. 179-86; Reid, *Representation* pp. 63-76; Perry Gauci, *William Beckford: first prime minister of the London empire* (2013) pp. 168-70; Bourke, *Empire and revolution* p. 380; Lock, *Burke* vol. i, 223, 369-78

sympathetic to, the wider principle, and this may therefore explain why the practice of binding instructions was revived so suddenly in Britain 1769 after several decades of desuetude, and why it called forth such a strong and definitive rebuttal from Burke. In attacking the legislature itself for its own unrepresentative and illegitimate nature, the shift in Britain also presaged a similar transformation in America and Jamaica after 1783 as assemblies took over the powers of governance and generated concerns about how far they too were genuinely representing the interests of their electors rather than the selfish interests of individuals and parties. In America, Wood argues, 'the expanded use of binding instructions was an important symptom of what was happening to the relations between the people and their legislative delegates in the 1780s ... [and] this debate over instructions had the effect of laying bare fomenting changes in American thinking about representation'.⁴⁰ This was addressed by a constitutional convention in 1787 which placed sovereignty and representation upon a new republican rather than democratic footing, in which elected offices and legislatures 'virtually' represented the people. Jamaica felt similar tensions, as this section will demonstrate, but they could not be resolved and therefore persisted.

For instance, a consistent concern in Jamaica and other islands was the status of the judiciary, especially the very low quality and amateur character of judges even in the higher courts of the island, most of them planters or merchants with limited legal education.⁴¹ Proposals were made in 1785 and again in 1796 to increase their salaries

⁴⁰ Wood, *Creation* p. 370

⁴¹ *Journals*, vol. viii, 70, 130, 191, 192, 193, 198, 206, 292; vol. ix, 546, 561, 584. For the context, see Murray, 'Constitutional development', pp. 198-210; Hall, 'Political developments', pp. 92-4, 401-4; Manning, *British colonial government* pp. 151-65; Spurdle, *Early West Indian government* pp. 207-8; Brathwaite, *Creole society* pp. 16-20

in order to attract a better class of incumbent. However, these was strongly opposed by many parishes in the island on the grounds that they would constitute a major expense, and from the fear that it would exclude judges from the assembly as placemen and turn them into mere ciphers of the governor, while also opening the door to further offices and sinecures which would be a drain on the island's revenue and provide further patronage to the Crown.⁴² The assembly received at least seven petitions in 1785 against the measure, and the vestry of Kingston instructed its representatives to firmly resist any such efforts, 'as it is of high importance to have public justice administered by independent men ... and to have the utmost frugality observed in disposing of the money levied upon the people'.⁴³ Having restated its power to instruct its members, the vestry also ordered them to support a bill against placemen to safeguard elections, and to deal with a wide range of parish business. In 1796 the vestry of St Thomas in the Vale published its 'decided disapprobation' of the proposal to provide a salary to any judge not trained in law, and ordered its members to oppose it, while the vestry of Kingston called a meeting of freeholders 'to take into consideration what conduct it will be proper to recommend to their representatives to pursue upon an occasion of so great magnitude and importance'.⁴⁴ For much the same reason several parishes supported a measure in 1799 to replace the paying of the island treasurer or receiver-general by fees with a more reasonable fixed salary, and the Kingston vestry duly voted its thanks to its representatives and other 'independent

⁴² For an earlier controversy over appointments of judges, Metcalf, *Royal government* pp. 212-15; Murray, 'Constitutional development', pp. 210-24.

⁴³ JA, 2/6/6, ff. 156v-158v

⁴⁴ JA, 2/1/1, pp. 228-9; JA, 2/6/7, f. 44v

members' who had pushed it through.⁴⁵ The concern of the parishes was therefore to use their instructions to support both economy and the traditional balance of power within the constitution by limiting the power of the Crown and its officials.

However, as the Jamaican house of assembly consolidated its own power after 1783, the practice and rhetoric of binding instructions and direct representation was also used to resist an over-mighty assembly taking measures to address the new volume of business upon it. The speaker took the leading role in coordinating the passage of legislation, making the office 'of great responsibility ... [and] exceeding laborious, by the great increase in public business', and there were proposals in 1791 and 1793 to give him a salary of £1,000 in recognition of this.⁴⁶ A number of parishes instructed their members to oppose these proposals because they threatened the independence and impartiality of the office. 'Representatives of the people ought not to expect any pecuniary compensation for their services to the public, and ... the Speaker is not more entitled to a salary than any other member', a meeting of the freeholders in Clarendon parish resolved in October 1791, and it was also a waste of public money at a time of economic distress, so the *custos* was ordered to publish a copy of these resolutions and send a copy to the members 'and ... instruct them in the name of this

⁴⁵ JA, 2/6/7, f. 127v; *Journals*, vol. x, 540, 541, 556, 557, 563, 568. For attitudes to patent officers, see Hall, 'Political developments', pp. 412-32; Manning, *British colonial government* pp. 109-14; Murray, 'Constitutional development', pp. 121-2; Spurdle, *Early West Indian government* pp. 64-8, 122-4, 200-9

⁴⁶ *Journals*, vol. ix, 223; *The Laws of Jamaica* (7 vols., St Jago de la Vega, Jamaica, 1802-24) vol. iii, 22-3 (34 Geo. III c. 13); Brathwaite, *Creole society* pp. 22-3; Hall, 'Political developments', pp. 95-8.

meeting to give every opposition in their power to any [such] motion'.⁴⁷ The parish of St Dorothy held a similar meeting in November and made a set of swingeing resolutions whose vigour was out of all proportion with the small size of the parish. 'It is the duty of freeholders to meet and consult on all occasions of danger to their liberty and property', they argued, especially for such a matter that was so 'dangerous to the property of the people, and ... an innovation pregnant in its consequences with the most serious and alarming evils'.⁴⁸ They concluded that members were obliged to represent the views of their constituents, and instructed them 'to resist and oppose with all their ability and influence the grant of such a salary'. In St Thomas in the Vale, the vestry called its own meeting to debate the issue in September 1791, then another meeting in April 1792 to examine the conduct of the assembly and its representatives, and yet another in January 1793 'to obtain the sense of the said parish' and instruct their members how to respond to this latest attempt.⁴⁹

Instructions from vestries also increasingly focussed on the unwarranted extravagance displayed by the assembly as colonial taxation expanded, both in absolute terms and relative to the population and economy of the island. When Edward Long wrote his *History of Jamaica* in 1774 the expenditure of the Jamaican assembly was no more than J£60,000 per year, about £0.2 per head or 1 to 2 per cent of national income.⁵⁰

This rose during the American Revolutionary War, peaking at J£240,000 in 1782, and

⁴⁷ *Daily Advertiser*, 30 May 1791, 'At a meeting'. The *custos* was the chairman of the bench of magistrates in each parish.

⁴⁸ *Daily Advertiser*, 15 November 1791, 'At a meeting'.

⁴⁹ JA, 2/1/1, pp. 71, 81, 136

⁵⁰ Aaron Graham, 'The colonial sinews of imperial power: the political economy of Jamaican taxation, 1768-1838', *Journal of Imperial and Commonwealth History*, 45 (2017) p. 199

fell back to J£120,000 per year or about double the pre-war expenditure between 1784 and 1791. The successful and violent slave revolt in Saint Domingue or Haiti in 1791 triggered increased spending on defence, and expenditure spiralled upwards after 1795 when a revolt by an autonomous community of black Maroons laid waste to large parts of the north-west of the island and required an expansion in the imperial garrison.⁵¹ Spending peaked at J£463,000 in 1801, about J£1.2 per head, and grew from 2 to 3 per cent of national income before 1791 to 6 to 8 per cent during the 1790s, during a further period of economic readjustment as Jamaica began to hit the limits of its natural resources.⁵² Under these conditions, parishes did not object to the assembly raising large amounts of taxation to support military expenditures which provided security, but insisted on the principles of direct democracy to instruct their representatives to protest wasteful grants by the assembly which only benefitted private interests at the expense of colonial taxpayers.

In October 1786, for example, the vestry of St Andrews' unanimously agreed that 'the justices and vestry in vestry convened are a body competent to give instructions to the representatives in assembly in all parochial matters', and sent a large set of

⁵¹ Ibid. ; Manning, *British colonial government* pp. 217-49; Murray, 'Constitutional development', pp. 96-119.

⁵² J. R. Ward, *British West Indian slavery, 1750-1834: the process of amelioration* (Oxford, 1988) pp. 38-60; Selwyn H.H. Carrington, 'The American Revolution and the British West Indies economy', *Journal of Interdisciplinary History*, 17 (1987) pp. 823-50; Seymour Drescher, *Econocide: British slavery in the era of abolition* (Pittsburgh, PA, 2010) pp. 38-54, 65-112; David Ryden, *West Indian slavery and British abolition, 1783-1807* (Cambridge, 2009) pp. 216-41. The problem can be summarised as one of increasing output but rising costs and falling sugar prices, which depressed profits. For taxation, see Graham, 'Colonial sinews', pp. 188-209

instructions to their two members with parish business.⁵³ Tacked onto the end was a long statement about 'the present distressed state of the island' and the need for strict economy in public affairs; 'we therefore particularly will and require you', they told them, 'not to give your vote or assent for the granting or voting of any public monies but for the payment of the contingencies and services of the island, its just debts, and [the] support of its public credit', a set of instructions which the members accepted and which was printed in the local newspaper.⁵⁴ A meeting of freeholders called by the vestry in the parish of St Ann's passed a similar set of resolutions the following year, including a long list of parochial business and a firm instruction to its members to 'use their utmost endeavours' to retrench all salaries and sinecures.⁵⁵ At Martha Brae in Trelawney, the vestry instructed their representatives to bring forward just as wide a range of parochial business, but added the firm direction that they were also to move for a vote of censure against the previous assembly for 'wanton and unconstitutional grants of the public money; and you are particularly enjoined to support the above motion'.⁵⁶ Taken with the resolution of the Kingston vestry in 1785, which similarly mingled parochial and public business, the 1780s can therefore be seen as an important moment of transition within the Jamaica colonial state, as the growing pressures of finance began to push parish vestries to speak on public as well as parochial issues, and to insist that their members represented their views directly in an assembly which appeared to be increasingly unaware of them.

⁵³ JA, 2/6/40 (St Andrew's vestry minutes), pp. 236-9; Hall, 'Political developments', pp. 107-8.

⁵⁴ JA, 2/6/40, pp. 239-40.

⁵⁵ *Cornwall Chronicle*, 17 November 1787, 'At a meeting'

⁵⁶ *Cornwall Chronicle*, 28 November 1787, 'At a meeting'; *Journals*, vol. viii, 292, 450, 604

This process at this point was still incomplete, reflected by the mixing of parochial and public business and also, for instance, by the caveats tacked onto the Trelawney instructions. 'In framing the foregoing instructions we have given you the sense of your constituents', these stated, 'yet, from the confidence we have in your abilities and inclination to serve the parish you represent, we leave to your discretion to act as circumstances may require'.⁵⁷ This ambivalence would disappear in the 1790s as financial pressures on the island worsened. The Clarendon instructions of 1791, for instance, not only ordered their representatives to make a general call for economy in the conduct of public business but noted that the decision to reject the offer by the Kingston vestry to site the commemorative statue of Lord Rodney, hero of the Battle of the Saints in 1782, 'would have been the means of saving an immense sum to the public, which the erecting thereof in Spanish Town will now cost, on the very expensive plan which has been adopted'.⁵⁸ The meeting of the freeholders of Port Royal in August 1794 also noted that the heavy taxation recently laid on the island exceeded what was necessary for its defence, and that the representatives for the parish should 'be instructed to endeavour the relief of that burden of taxes by such means as they in wisdom think most efficacious to accomplish that'.⁵⁹ Proposals to repeal the deficiency law in 1800 and 1803, which was intended to help maintain a prescribed ratio of whites on rural plantations, were opposed by the parishes of St Thomas in the Vale and St Ann's not only for financial reasons, since the fines for non-compliance were an important part of public taxation, but also for the potential

⁵⁷ *Cornwall Chronicle*, 27 November 1791, 'At a meeting'

⁵⁸ *Daily Advertiser*, 30 May 1791, 'At a meeting'

⁵⁹ JA, 2/19/3, 15 November 1794

impact on the wider safety of the island.⁶⁰ The vestry 'most earnestly entreat you to give all the opposition in your power to this measure, and request you to give your support to any bill that may be brought in for the purpose of restoring it', they said, adding that the experience of 1795 'as well as the example of their neighbours' in Saint Domingue proved that their safety depended on maintain the law in full.

During the 1780s and the 1790s a number of vestries in Jamaica therefore adopted the practice of issuing binding instructions to their representatives on topics of broader public interest, often coupled with explicit and forceful statements about the various obligations incumbent on these members to directly represent their views. The practice may have been adopted in 1768 as it spread from New England to the remainder of the British Atlantic to protest imperial encroachments, and drew upon a shared pool of radical Whig rhetoric and political thought which insisted on the illegitimacy of the principle of virtual representation, and the incompatibility between imperial and colonial views of the duties and powers of representatives. In America it helped to undermine the legitimacy of British rule, and then led to a crisis of authority within the new state itself which was only resolved by constitutional reforms in 1787 which channelled representation through a new republican framework of government. In Jamaica the same practices did not lead to outright rebellion in 1776, even if the 'Town party' within the Jamaican assembly did manage to force through a resolution in 1774 favouring the American Patriots, and as the power of the colonial legislature expanded after 1783 the parishes likewise began to use the practice of binding

⁶⁰ *Journals*, vol. x, 478, 479, 534, 540; vol. xi, 89, 90, 91, 151, 152, 153. For the deficiency tax, see Neville A.T. Hall, 'Some aspects of the "deficiency" question in Jamaica in the eighteenth century', *Caribbean Studies*, 15 (1975) pp. 5-19

instructions to protest against the unrepresentative behaviour of the house of assembly itself.⁶¹ Views of representation were therefore fluid and situational, rather than being inherent or essential, and were deployed as necessary by local electors to protest against abuses of power by both imperial and then colonial authorities. In the United States this was resolved by constitutional reform, but there was much less room for manoeuvre in Jamaica, since the assembly remained poised between its traditional role as a defender of the people against the Crown, on the one hand, and its new role as an autonomous legislative body on the other. This came to a head in 1807, during a prolonged crisis that brought these issues out into the open and exposed the full complexity of views about representation within the island.

4. The Duckworth grant, 1806-7

The issue at stake in 1807 was the decision taken by a majority of members in the house in December 1806 to make a grant of 3,000 guineas or about J£4,000 to Vice-Admiral Sir Thomas Duckworth, commander-in-chief of the naval squadron in the West Indies, who had recently defeated a French fleet at the Battle of Santo Domingo in February 1806.⁶² This victory, the last fleet engagement between British and French ships in the Napoleonic war, was widely seen as a decisive moment that definitively ended the prospect of French invasion and removed the sole remaining threat to British merchant shipping in the West Indies. The grant of money was only one of the numerous rewards showered on Duckworth and his officers, including a

⁶¹ Metcalf, *Royal government* pp. 187-90; O'Shaughnessy, *An empire divided* pp. 138-43

⁶² *Journals*, vol. xi, 283, 290, 498, 505, 555. One guinea was £1 1s or £1.05 sterling, so the total was £2,857 sterling or J£4,000 at the prevailing rates of exchange.

vote of thanks by both houses of Parliament, a generous allowance of prize money, the presentation of a ceremonial sword by the City of London worth 200 guineas 'for the skilful and gallant attack made by him', and a vase from the Lloyd's Patriotic Fund worth £400.⁶³ As John McAleer has noted, these gifts were a reflection of the perceived importance of the Caribbean trade to London and the broader British national interest, and were an important way for interest groups to reward public service while promoting their own particular interest. He also notes that several parishes did not approve and sent in petitions or instructions to their members to oppose the grant, even if they all also expressed their continued appreciation for Duckworth and his efforts. Examining those instructions in more detail shows how parishes deployed their rhetoric of representation and instructions to criticise the assembly for its unrepresentative acts, which struck back in turn by overriding the liberties of certain individuals in order to preserve its own monopoly as the sole representative of public opinion in the island, which was necessary to resist the renewed threat of imperial power underlying efforts to end the slave trade.

The initial dispute was how far the assembly and its members were accurately and adequately representing the needs of the population of the island. What seems to have lain behind the decision to make such a generous grant to Duckworth was the same combination of forces which had encouraged earlier assemblies to make equally generous gifts to Rodney in 1782 or George Walpole in 1796 for successfully suppressing threats to the island.⁶⁴ As McAleer has noted, such gifts were '[a]

⁶³ John McAleer, 'Eminent service': war, slavery and the politics of public recognition in the British Caribbean and the Cape of Good Hope, c. 1782-1807', *Mariner's Mirror*, 95 (2013) pp. 43-4

⁶⁴ *Ibid.* pp. 33-51

recognition of their service, courage and skill in the defence of national economic, strategic and political interests', and the Jamaican gifts not only complemented the similar outpouring of gifts in Britain but also served as an incentive to other officers and symbolically linked the interests of Jamaica with those of the British nation.⁶⁵ At a moment when the slave trade was under particular threat by the recent revival of abolitionist pressure, and when public opinion was already turning against West Indian planters as aberrant and corrupted representations of the British virtues of liberty and freedom, such gifts helped to reinforce the planters' arguments that they were a loyal and patriotic part of the wider British nation, and that their interests – in particular the continuation of slavery – were those of the wider public interest.⁶⁶ By contrast, Jamaican parishes felt that the gift was extravagant and ill-timed. Taxes had fallen since their peak in 1801 but were still at about J£300,000 per year, and by 1806 the island was also carrying a public debt of roughly J£300,000.⁶⁷ Economic conditions remained dire, exacerbated by a glut of sugar within British markets due to the conquest of foreign sugar islands and the growing difficulty of re-exporting sugar to European markets.⁶⁸ In 1804 the island assembly produced a report for the select

⁶⁵ Ibid. p. 34

⁶⁶ Christer Petley, 'Devoted islands' and 'that madman Wilberforce': British proslavery patriotism during the age of abolition', *Journal of Imperial and Commonwealth History*, 39 (2011) pp. 393-415; David Lambert, 'The 'Glasgow King of Billingsgate': James MacQueen and an Atlantic proslavery network', *Slavery & Abolition*, 29 (2008) pp. 389-413; David Lambert, 'The counter-revolutionary Atlantic: white West Indian petitions and proslavery networks', *Social & Cultural Geography*, 6 (2005) pp. 405-20; Srividhya Swaminathan, *Debating the slave trade: rhetoric of British national identity, 1759-1815* (Farnham, 2009); Paula Dumas, *Proslavery Britain: fighting for slavery in an era of abolition* (New York, 2016)

⁶⁷ Graham, 'Colonial sinews', p. 199

⁶⁸ Ryden, *West Indian slavery* pp. 240-53; Drescher, *Econocide* pp. 121-41

committee of Parliament on slavery which had described the straitened state of the Jamaican and West Indian planters and the urgent need for continuing the slave trade in order to prevent the utter destruction of their economy.⁶⁹ Making generous gifts, however well-deserved, therefore burdened the island with further taxation and undermined its overall political strategy against the abolition of the slave trade.

Consequently the grant itself was heavily contested with 'great opposition' when it was debated in the house in November 1806, and numerous meetings in various parishes provided an opportunity for electors to restate their conviction that they had the power to discuss, debate and condemn the actions of their representatives and provide binding instructions for their future conduct.⁷⁰ The vestry of Kingston called a meeting of freeholders in December which found the grant 'a wanton and improvident expenditure of the public money', and that their representatives had 'acted most inconsistently, when, according to many resolutions of the house, the island is in an alarming state of distress, [so] that they have thereby justly forfeited the confidence of their constituents'.⁷¹ A public meeting of the freeholders in the neighbouring parish of St Andrews' likewise voted that their representative had 'abused the trust reposed in him by his constituents', and pressed for the house to be

⁶⁹ *The Report from a Committee of the House of Assembly of Jamaica ... to inquire into the proceedings of the imperial Parliament of Great Britain and Ireland, relative to the slave trade, &c. &c.*, (London, 1805). For context, see Ryden, *West Indian slavery* pp. 240-2

⁷⁰ The National Archives of the United Kingdom, London [hereafter TNA], CO 137/118 f. 22r, Coote to Windham, 11 January 1807. Similar objections were made in 1791 when the assembly proposed to raise £10,000 to lend to white planters in Saint Domingue to defeat the slave revolt: Murray, 'Constitutional development', pp. 251-6; Hall, 'Political developments', pp. 83-4, 139-43.

⁷¹ JA, 2/6/8, pp. 132-4

dissolved and elections called 'in order that we may have an opportunity of choosing a person to represent us who will not sacrifice his public trust to private friendship'.⁷²

These resolutions were then printed in the local newspapers of the island, and represented such a severe challenge to the authority of the house that its members immediately voted to censure the chairmen of these respective meetings and the editors who had printed their resolutions, on the basis that they constituted 'a breach of the privileges, and [is] destructive of the freedom, of this house'.⁷³ The chairmen were ordered to justify themselves before the bar of the house, and the editors were not released until they had withdrawn the newspapers from sale.

The framework provided by Wood's study of representation and sovereignty in the wake of the American Revolution, and described in earlier sections, provides the context for understanding this crisis. American legislatures were increasingly caught before 1787 between the demands of their constituents and a broader public good, which was resolved by a constitutional settlement that created federal and state institutions with mixtures of direct and virtual representation that could resolve, or at least accommodate, these tensions. In Jamaica this could not be done, because its colonial status precluded substantial democratic reform, and because the assembly still saw itself as the main check on imperial power, which would be undermined if competing sources of popular representation emerged. The wider political context is crucial here. Members were well aware of agitation in Britain for the Slave Trade Abolition Act, which would be introduced into Parliament in January 1807 and was

⁷² TNA, CO 137/118 f. 24r, [unknown newspaper], 'At a meeting [of the vestry of St Andrew's]'

⁷³ *Journals*, vol. xi, 517, 519; Brathwaite, *Creole society* p. 38; Hall, 'Political developments', pp. 84-8, 109-11.

perhaps the most direct intervention in the internal government of the West Indian colonies by the British state since 1783.⁷⁴ It could only be resisted by a unified house of assembly which could claim to speak for the entire population of the island, and if parishes called this into question by insisting that members spoke only for individual interests within the colony, then it would be unable to resist this imperial intervention. Wider circumstances therefore placed Jamaica back in the same position it had been before 1776, and rather than responding by accommodating these demands for direct representation, it instead doubled down and tried to enforce its claim to virtually represent the public as a bulwark against imperial power. 'The assembly, in other words, was vindicating its claim to be *the* representative institution of the society', notes Edward Brathwaite, '[and] such a position was seen to be essential, if society was to be controlled and maintained in its constituted form'.⁷⁵

The result was therefore a constitutional crisis which generated the response which the house had hoped to avoid, as vestries now called on the governor to reassert his prerogative powers to contain an over-mighty assembly. The vestry of St Andrews' met in January 1807 and passed a further resolution against the grant, as 'not only

⁷⁴ For the shift in imperial relations after 1807, see Manning, *British colonial government*, pp. 139-49; Murray, 'Constitutional development', pp. 69-93; Hall, 'Political developments', pp. 164-78; D. J. Murray, *The West Indies and the development of colonial government, 1801-1834* (Oxford, 1965) pp. 1-12, 32-46, 89-105, 230-2; Lauren Benton, 'Abolition and imperial law, 1790-1820', *Journal of Imperial and Commonwealth History*, 39 (2011) pp. 355-74

⁷⁵ Brathwaite, *Creole society* p. 39. See also Hall's comment that 'the island's assemblies were essentially vehicles for the constitutional expression of public opinion. They articulated and refined the consensus of island opinion, but being representative institutions they were essentially barred from acting in violation of this consensus': Hall, 'Political developments', p. 99.

improvident but totally repugnant to those essential and vital principles upon which, by a glorious constitution, the utility of the representative body to the people radically depends', and then included an additional condemnation of the 'unconstitutional attack on the liberty of the press' and petitioned the governor to exercise his royal prerogative and dissolve the assembly for new election.⁷⁶ In Kingston, the freeholders likewise asked the governor to call new elections, so that that they and others 'may have the means of redressing grievances ... and have for the future assured to them the faithful representation of their voice in the legislature', since the current house manifestly had forfeited their confidence by its unconstitutional conduct in the matter of both public finance and the freedom of the press.⁷⁷ The freeholders of Port Royal had earlier submitted a short petition to the governor in December making similar points, especially how far 'their representatives had justly forfeited the confidence of their constituents', and now submitted another one in January which added their condemnation of the measures taken against the process and opened by stating their right to instruct their members on how to vote on questions of public interest. 'It is the undoubted right of the freeholders legally to assembly and freely consider, discuss and, if requisite, condemn the conduct of their representatives', they said, and concluded that the parish representatives had 'acted contrary to the interests of their constituents' by voting the grants when the island was in a state of financial distress.⁷⁸

As news of the grant and the actions of the assembly spread, this language was then adopted by at least six other parishes, including some who had already made use of

⁷⁶ JA, 2/6/41, f. 27r; TNA, CO 137/118 ff. 47r-v

⁷⁷ TNA, CO 137/118 f. 45r-v

⁷⁸ TNA, CO 137/118 f. 97r, *Jamaica Courant*, 20 February 1807, 'At a meeting'.

this rhetoric in the past. For example, a meeting of freeholders in St Ann's in January repeated their 'indubitable and constitutional right ... [to meet] and declare their sentiments on the conduct of their representatives ... and to take every legal means to prevent the abuse of delegated power', and praised the actions of those who had opposed the grant as reflecting the 'real interests of their constituents'.⁷⁹ Another meeting in St Thomas in the Vale in February likewise voted the grant as 'impolitic', given the strategy adopted in Parliament, and praised their own representatives for voting against the grant. The practice was also adopted by a number of parishes who had so far refrained from binding their representatives with instructions, at least in public. A meeting in the parish of St James' stated the 'undoubted and indefeasible right of the subjects to meet together and express their sentiments on the conduct of their representatives ... and take all constitutional means to correct any public abuses', both regarding public finances and the attack on the liberty of the press, and condemned their representative for voting in favour and failing to 'consult the interests of his constituents or of the public'.⁸⁰ A meeting in Portland likewise praised their members for being 'at once so considerate of the distresses of their country, so conformable to the interests and the wishes of their constituents, and so creditable to the independence of their own principles'.⁸¹ The freeholders of Trelawney stated that the house 'has no authority delegated to them to appropriate the public money' other than for the needs of government, making the grant an illegal abuse of the power vested in them by the people, while the freeholders of St Elizabeth's condemned the

⁷⁹ *St Jago Gazette*, 7 to 14 February 1807, 'At a meeting'; TNA, CO 137/118 f. 50r.

⁸⁰ TNA, CO 137/118 f. 24r, [unknown newspaper], 'Resolutions entered into at a meeting of the freeholders of St James''

⁸¹ TNA, CO 137/118 f. 97r, *Jamaica Courant*, 20 February 1807, 'At a meeting'

grant in the same terms and argued that 'electors have a constitutional right to scrutinise the conduct of their representatives'.⁸²

Thus, having developed in Jamaica after 1768 initially as a means of contesting the power of the royal prerogative, in 1807 the rhetoric of direct representation was deployed to demand the exercise of that prerogative against an unrepresentative assembly in order to restore the traditional workings of the island's constitution. The petitions, noted the governor, Sir Eyre Coote, to the Colonial Office, generally asked him to 'exercise the prerogative of the Crown' by dissolving the assembly and calling fresh elections, to ensure that constituents could register their discontent with the conduct of their representatives.⁸³ The freeholders of Port Royal thought the measure was 'indispensably necessary to the preservation of their rights and privileges', while the freeholders of Portland considered it the only remedy to an 'arbitrary and oppressive exertion of power, and invasion of our birth-rights as Englishmen' by the house.⁸⁴ Similar requests had been made in the past, such as in 1787, when the dispute over finance noted earlier had led the vestry of St Andrews' to resolve that the assembly had been 'unconstitutionally partial and oppressive, tending to suppress public credit in granting and giving away in a most shameful and partial manner the money of the public', and to propose a public meeting to petition the governor to dissolve the assembly.⁸⁵ This had been echoed in Kingston, and later that year in July the vestry and freeholders in Trelawney had resolved to present a vote of thanks to the

⁸² *St Jago Gazette*, 10 to 17 January 1807, 'At a meeting'; TNA, CO 137/118 f. 130r-v. See also *St Jago Gazette*, 27 December 1806 to January 1807, 'At a meeting', for Westmoreland parish.

⁸³ TNA, CO 137/118 f. 22r, Coote to Windham, 11 January 1807.

⁸⁴ TNA, CO 137/118 ff. 43r, 132r-v, 134r-v

⁸⁵ JA, 2/6/40, p. 265

governor for doing so, and had instructed their representatives to move a vote of thanks to the governor in the next session of the assembly on this account.⁸⁶ The protest in 1807 was of a different order entirely though, pointing to heightened tensions over the fundamental nature of representation which had been defused in Britain and America by the rise of the doctrines of parliamentary sovereignty and republican constitutionalism. In Jamaica these tensions were not, and could not, be resolved, leading to the spectacle in 1807 of electors petitioning the governor to use his prerogative powers to protect democracy in the island while the assembly denied the principles of both direct representation and freedom of the press. The power of this example, and the resurgence of imperial power after 1807 in the suppression of the slave trade, was perhaps enough to deter future confrontations from occurring, and although the parishes continued to draw up instructions for their representatives on local issues, none were delivered on public issues after 1807.⁸⁷

5. Conclusion

John Philip Reid has suggested that there were fundamental differences in concepts of representation in Britain and America in the eighteenth century, which were so fundamental that contemporaries were unable to explain them, and which made a breach wholly inevitable. 'The American Revolution controversy caught the British constitution in the predicaments of its own inconsistencies', he argues, as partisans on

⁸⁶ JA, 2/6/6, ff. 222r, 244r; *Cornwall Chronicle*, 24 November 1787, 'At a meeting'.

⁸⁷ This is based on a survey of newspapers and vestry minute books for the period up to 1840. For examples of instructions on local matters, see JA, 2/6/8, 29 October 1817; JA, 2/6/9, 24 November 1817; JA, 2/3/1, ff. 40r, 116v.

each side failed to recognise that they had incompatible views about the nature of political representation.⁸⁸ This article has used the example of Jamaica during the same period to suggest otherwise, and to emphasise the common experience of the British and American states after 1783. Despite using similarly radical language to instruct members of the assembly during the 1760s, Jamaica did not rebel in 1776, and as the nature of colonial politics altered after 1783 this idiom was then turned against the assembly itself, as in Britain after 1768 and the United States after 1776. The realities of legislative government in all three places exposed the need for some theory of virtual representation; parties in post-revolutionary America, notes Wood, 'could blend both actual and virtual representation, and thus make conspicuous what had been a basic ambiguity in their thinking about representation from the very beginning of the controversy with England'.⁸⁹ In Britain and America this was addressed by the rise of parliamentary sovereignty and constitutional republicanism respectively, which vested sovereignty in institutions which claimed at some level to represent the people and the public good of the nation. The assembly in Jamaica was perhaps moving in the same direction after 1783 as it took on an increasing role in governance, testifying to a shared experience of political transformation in the British Atlantic during the age of revolutions. However, substantive reform was retarded by the dependent status of the colony, and the need to maintain legislative unity in order to resist imperial intervention after 1807, so the tension in Jamaica was never fully resolved. Tensions and ambiguity over the concept of representation therefore were, and are, inherent to any system of representative democracy, and the ongoing debates about the limits of direct and virtual representation should perhaps therefore be seen

⁸⁸ Reid, *Representation* p. 137

⁸⁹ Wood, *Creation* p. 188

'Representation'

as similar examples of political strategising rather than as evidence of deep, essential and irreconcilable political and constitutional disagreements within these systems.