

THE MAROONS OF JAMAICA

A SOCIO-LEGAL EXPOSITION

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The basic aim of this paper is to show and discuss the existence and operation of a customary legal code in Maroon¹ societies in Jamaica. To effectively make a study of this nature, it will be necessary for us to understand and appreciate the historical and sociological framework in which Maroons exist. It will then be necessary to link these with the operation of a legal code in Maroon societies. Indeed, without establishing a certain background, it will appear to the casual reader that the legal code of Maroon districts operates in a historical and sociological vacuum.

It must be mentioned at the outset that there is an extreme paucity of source material which truly seeks to examine the legal institutions of the Maroons. A lot has been written on the purely historical side, but for the present type of study, the author has been hard put to locate relevant material. Fortunately, a taped interview with one Maroon leader, Colonel Wright of the Accompong² Maroons furnished much-needed information. Accordingly, special reference will be made throughout to Accompong, a Maroon district in the hills of St. Elizabeth. Constant reference will also be made to traditional African societies where, in some cases, similar socio-legal institutions exist.

The Historical Background³

At the time of the English invasion of Jamaica in 1655, the fleeing Spaniards are supposed to have left behind them over 1500 African slaves and mulattos.⁴ The Africans took to the hill fastnesses from where they began to wreak severe depredations on the newly-arrived English colonists.⁵

By 1738 many English lives were lost and almost a quarter-million pounds spent in an attempt to defeat the Maroons. Finally, the English government was forced to conclude a peace treaty with the Maroons.⁶ This peace treaty purported *inter alia*:

(a) to grant to the Maroons lands which they "shall enjoy and possess, the posterity forever . . . to the amount of fifteen hundred acres."⁷

(b) to give "full power to [their leaders] to inflict any punishment they think proper for crimes committed by their men among themselves, death only excepted, in which case if the Captain think fit, he shall be obliged to bring before any justice of the peace;"⁸

(c) to allow those Maroons remaining in their settlements "forever hereafter . . . a perfect state of freedom and liberty";⁹

(d) to require that in case of a foreign invasion of Jamaica Maroons were "to repair to any place the Governor shall appoint, in order to repel the said invaders . . .";¹⁰

(e) to arrange a scheme whereby Maroons were to capture runaway slaves for reward.¹¹

The Treaty was subsequently ratified by the Jamaica House of Assembly.¹²

Indeed, the Treaty was a reciprocal arrangement born out of a bitter struggle for freedom waged by Africans in Jamaica.¹³ It obviously gave to the Maroons a special position: a semi-independent type of existence in which they were free "to pursue the dictates of their own minds"¹⁴ yet were bound to render certain services to the colonial regime.

Dr. Mavis Campbell sees the Treaty as being "the Magna Carta" of the Maroons.¹⁵ It is in the light of this that we may now examine the socio-political aspects of Maroon existence today.

The Nature of Maroon Societies

Today the Maroons live in a number of districts in rural Jamaica. The main towns are Moore Town, Accompong and Scot's Hall. The overall Maroon population is estimated to be 10,000¹⁶ with 1,000 living in Accompong on 1,000 or so acres of land.¹⁷

To effectively appreciate the existence and operation of a legal system in Maroon communities, it is first necessary for us to acquaint ourselves with the socio-political nature of Maroon societies.

With regard to the political organisation of Maroon districts, a reading of what follows must be done with a view to appreciating the truly centralised nature of Maroon government (which naturally ensures administrative efficiency), and, at the same time, the democratic ordering of the political system. The failure to study this objectively has led Robert Dallas, for example, to write that:

It is not to be supposed that an illiterate body of people, among whom ambition was unknown . . . would attend to nice regulations for their internal government.¹⁸

The erroneous nature of this comment will appear as we go along.

In the interest of thoroughness, it is proposed to show the political (and social) organisation of Maroon communities as being on a level comparable to socio-political aspects of certain traditional societies.

T. O. Elias,¹⁹ in a worthwhile contribution to the study of African customary law, has divided traditional African societies into those which "are culturally homogeneous and consisting of units bound together by common interests and loyalty to a political superior . . ." ²⁰ as distinct from lesser advanced communities having "no one single centralised authority enjoying a concentration of political, judicial or military power capable of controlling by direct decrees, the activities of members of the group".²¹ It is proposed to view Maroon communities as having most similarities to African societies of the former group.

In Maroon communities, a Colonel, or executive head of state, is elected for a five-year term of office by all adults (male and female) voting *viva voce* style.²² There is no notion of divine right of office or right through kinship in these societies.²³ On failure to perform, a Colonel can be asked to abdicate office by a majority vote of the people. The Colonel must act always in the interests of the people. He must see to the effective day to day business of the community; the head of state occupies a privileged position, yet he is in every way responsible to the people.²⁴

Below the Colonel is a Major then a Captain, a State Secretary and other officials whose nomenclatures and functions differ from district to district.²⁵ Together they form a Cabinet or Working Committee.²⁶ The Colonel acts largely on their advice. The Cabinet in each district usually meets once per month, initiating discussion on important matters brought to its attention. Monthly township meetings are held which every adult member is expected to attend. All present at such a meeting have a right to speak. Any previous decision of the Council can be modified by the general opinion. Decisions reached at these meetings are binding on everyone.²⁷ This reposing of ultimate responsibility in the hands of the people indicates that in Maroon societies decision-making is directed towards democratic ends.²⁸

The non-political aspects of Maroon societies also show the homogeneity present. First of all, in the Maroon districts there exist many vestiges

of African societal behaviour patterns.²⁹ For example, Coromantyn ritual and war dances are performed on special occasions; the language spoken by some in Scot's Hall is distinctly African;³⁰ strong Revivalist groups persist in the face of opposition from encroaching "orthodox" Christian sects. In certain economic features the strategies resemble ones existent in traditional African societies. For instance, the clearing of fields is often done in a way like the Dahomean "dokpwa". This cooperative effort extends to the building of houses as well.³¹

As in all advanced societies, there is, in Maroon communities, a certain status accorded to the individual according to age, sex and functional role in the group. Children, for example, are the responsibility of parents who must maintain them properly. Elders are very much respected and exercise authority over all the young of the village, advising and even chastising any child whether related to them or not.³² Women are in charge of marketing operations. They may hold land independently of their spouses and in meetings their opinions carry just the same weight as those of men.³³

Maroon families show a certain cohesiveness even in cases where some children and both parents do not live in the same house. All children have an equal standing and are treated in the same way whether or not the child is one of a previous union that one spouse had. Marriage rites may be performed through Christian means if the parties so desire. But what really signifies to the community a marital union is the keeping of a hog-feast on the nuptial night. Colonel Wright points out that "without the feast they are not looked upon as married".³⁴

Indeed sufficient has been said to show the existence in Maroon communities of a composite, comprehensive and cohesive socio-political system. It is with this background in mind that we will now attempt to examine the customary legal code born out of this homogeneous existence or "cosmic unity", as Dr. Campbell calls it.³⁵

Law in Maroon Societies

The pre-independence Jamaica Court of Appeal in 1956 held that the provision of clause 12 in the Maroon Treaty of 1738, allowing Maroons to sentence and punish their own for crimes committed by themselves among themselves, is of no effect today as it was a limitation on the rights and privileges granted to the Maroons which in fact was removed by statute.³⁶

This declaration purported in effect to inform Maroons and the wider community that Maroons were now to regard themselves as triable for all

offences in Resident Magistrates courts since they were not different from anyone else in Jamaica under law. But such a decision must have been made in ignorance of the tradition Maroons have had of operating for themselves a body of legal rules. In this section we will examine the existence and operation of this legal system.

"The law of a given community is the body of rules which are recognised as obligatory by its members".³⁷ Out of Maroon social existence there has emerged a body of rules which apply to and must be obeyed by all. Evidence of this will appear as we examine some legal aspects of Maroon societies.

To begin with, there is a body of rules applicable to land-holding. Land in Maroon districts is owned by the community of individuals. In each area land set apart for Maroons is owned by the group at large; corporate ownership prevails.³⁸ Each individual member of the society has a potential right to possession of a portion of the land. But the individual has in theory a right only to the use of the land. In other words, the ownership is that of the group, and the individual member has possession only. It must be noted, however, that possession here is really more than sheer physical control by the allottee of his portion of land as he may, for instance, exclude from it strangers to the possessory title that he has.

Land is obtainable by effective occupation of waste land or unused land and a formal application to the Colonel for the recognition of its 'ownership' by an individual. The Colonel, holding as trustee, symbolises the residuary reversionary and ultimate ownership of all land held by a Maroon community.³⁹

Land is also disposable within the community to any person (another Maroon) by a holder of a portion. Usually a parcel of land is passed on down through the family, it being inheritable, as all other forms of property are, by all the offspring, whether "bastard" or "legitimate issue".⁴⁰ Land may be used in any manner desired by the holder, although he is expected to use it in a way compatible with the life-style of the community.⁴¹ Whoever holds the land generally has full ownership of the produce of the land. But an exception to this rule occurs where a tree, for instance, on a man's land is owned by another.⁴² Dunham notes that "the owner may be far away, but the proceeds of the tree go to him or his family. Ownership of this single tree passes from father to son, and a Maroon would sooner touch a man's wife than the green fruit that grows on his palm tree, though he may own and tend the land on which it grows".⁴³

The land granted to an individual may revert to the community if it is unworked for two or three seasons.⁴⁴

Land disputes do occur but the settlement of these is discussed later.⁴⁵

In the area of personal chattels, the relationship between the owner and the thing owned is one of absolute dominion. Unless the chattels are jointly acquired, by inheritance or otherwise, there are no legal fetters of any kind on their owner's power of dealing with them as he pleases.⁴⁶

With respect to marriage and family law, all children of a man or woman before or after marriage are regarded as belonging to the couple. All children have an equal right to inherit.⁴⁷ A Maroon man is bound to recognise his children as his own. Disputes concerning paternity are settled in the community or are tried in a Resident Magistrate's court.

For purposes of inheritance, an oral disposition of property is regarded as legal, although the tendency today is towards making wills.⁴⁸

There are laws applicable to aliens too. If an outsider wishes to live and own property in Maroon communities, he must first live with them for an undefined period of time, during which time he is observed to see whether he is a person potentially fit to join the community. Once an outsider has been accepted in the area and marries a Maroon, he gains the full status of a Maroon.⁴⁹

For the adjudication of disputes and offences, there exists a system whereby complaints are first brought to the Colonel through the Captain or the Major. The Cabinet, now acting as a court, meets in public session and both parties or the offender are brought before this body. The Major may act as Clerk of Courts. Both sides of the case are heard and the disputants or the defendant raise their own arguments, calling witnesses if this is necessary.⁵⁰ Public comment is allowed during trials.

Finally, the court sits back to "justify" the case.⁵¹ In seeking to arrive at a decision, the advice of others competent in a particular area is sought, and there is also a heavy reliance on precedents, despite the absence of written records.⁵² At Accompong, specialisation takes place in land disputes as these are settled by the judgments of three nominated officials who are fully conversant with the law of tenure and who know the different land boundaries.⁵³

Sentences are usually passed by the Colonel. Punishment may involve a fine or, in exceptional cases, a public flogging. This is to ensure that the individual "feels ashamed for his wrong".⁵⁴ In some cases, too, the guilty party must apologise publicly to the wronged party. For petty theft the actual goods or their value must be given to the plaintiff.⁵⁵

As Dr. Mavis Campbell notes, great faith is shown by Maroons in their judicial system.⁵⁶ The Maroon legal system seeks to restore the well-being of the parties and, as far as possible, the *status quo ante*.⁵⁷ Indeed, this satisfies the purpose and function of law in a society, the instrument "to secure order and regularity in the conduct of human affairs and to ensure the stability of the body politic".⁵⁸

One noticeable feature of the judicial system as it exists in Accompong is that there is no jury in trials.⁵⁹ Let it be noted that the absence of juries here, illustrates that the equitable and restorative nature of the justice meted out in Maroon districts negatives any need to have another body set up to decide cases. The societies are relatively small, too, and the 'reasonable' men in the society would have a say in any case at these public trials.⁶⁰ Furthermore, their leaders, in whom they repose a great deal of faith, seem indeed to be considered capable and sufficiently skilful to render an effective restoration of the balance in the social order by their decisions.

It must not be felt, however, that changes in the legal rules do not take place. At public meetings, and at Cabinet level, legislative acts do in fact alter or amend rules and regulations, where to do so is felt necessary.

There are certain cases which the Maroons regard as triable in the ordinary Jamaican courts.⁶¹ But, on a whole, the Maroons do in fact exercise most jurisdiction over their own affairs. Questions as to their right to do this are raised in the section following.

Having examined the existence and operation of a system of laws and justice among the Maroons, it now remains for us to examine their *locus standi* in relation to the wider Jamaican society.

Maroons and the Jamaican Society

The Maroons, from the above description of their societies and their legal system, may be said to occupy a special position in Jamaica. But Maroons do not see themselves as being a nation-state all to themselves; they will not live to the exclusion of the Jamaican society. They regard themselves as having a right to proper roads, educational facilities and medical care. Their use of the institutions of the wider society (e.g., schools) and their exercise of the vote in national elections may seem to indicate a sense of identity with Jamaica on their part.⁶²

However, Maroons are firm in asserting that they are a special group of African descendants. Their 'cousins' on the outer side of Jamaica have not

managed to retain a potential for developing their own solutions to the issues that confront them in a social environment which is dominated by a privileged minority.⁶³ Maroons, on the other hand, have won for themselves a relatively independent means of existence in which they can develop institutions truly born out of themselves and the African tradition.⁶⁴

One burning question posed by this 'freedom' that the Maroons have is whether or not Maroons are subject in all cases to the jurisdiction of the ordinary Jamaican courts. Clause twelve of the 1738 Treaty is at the base of any claim they make to a right to judge their own and punish them.

There is at least one decided case on this point: *R. v. Man O. Rowe*.⁶⁵ The facts briefly are that the appellant Rowe, a Maroon official, before the Appeal Court, argued that he was not to be held liable before a Resident Magistrate's court for illegal possession of ganja (marijuana) and having unlawful publications in his possession, at the time of a police raid on Accompong.⁶⁶

The basis of Rowe's argument was that by virtue of clause 12 of the 1738 Treaty, a clause saved by legislation of 1856, jurisdiction to try this type of offence was in the Colonel of a Maroon settlement, and not in a Resident Magistrate's court.

The Court of Appeal held, *per contra*, that clause 12 of the Treaty granted to the Captains of the Maroons the power to impose punishment on their people for crimes committed by Maroons among themselves; this was not a right or privilege saved by the legislation of 1856, but was a limitation on their rights and privileges. This limitation was earlier removed. In effect, Maroons were now like other British subjects, enjoying *inter alia*, the right to be tried before Resident Magistrate's courts. According to Chief Justice Carberry:

There is today no difference or distinction whatever in the rights and obligations as defined by the law of this Island between the persons residing in the former Maroon settlements and those of any other British subject in Jamaica.⁶⁷

It is submitted that this decision is open to serious questioning.

First of all, to declare that Maroons are in no way different from other Jamaican citizens is to ignore the fighting past of the Maroons and the existence among them of the homogeneous socio-political and legal institutions described above.

Furthermore, with all due respect, it is suggested that the reasoning of

the Chief Justice is suspect. Section five of the 1856 legislation (19 Vic., c. 25)⁶⁸ purported to save the rights and privileges granted to the Maroons, and counsel for the appellant relied on this in argument. But the Chief Justice interpreted clause twelve of the Treaty as being "a limitation on their rights and privileges". Accordingly, before this, a statute of 1791 (32 Geo. III, c. 4)⁶⁹ had transferred jurisdiction previously exercised by Maroon leaders to a Superintendent of Maroon towns. His sole reason for interpreting the clause as being a limitation was that "the list of offences which attracted capital punishment in those days was a very comprehensive one, and included all felonies. Therefore Captain Cudjoe and his successors were given very limited jurisdiction".⁷⁰

But it seems clear that this is to interpret clause twelve improperly. A close interpretation shows firstly that Maroon Captains could punish, as they saw fit, "crimes" committed by their men among themselves. Secondly, in the case of "death", if the Captain "thinks they deserve death" he shall be obliged to bring them before any Justice. The combined effect of this does not seem to be a limitation on the jurisdiction of the Captains, but, *per contra*, to grant them very wide discretionary powers. It is in their purview to punish "crimes" (no doubt to be defined in their terms); and if they believe a killing deserved death they may approach a Justice of the Peace asking him to prescribe punishment only (since the provisions do not preclude a trial beforehand). Furthermore, the "comprehensive" list of capital offences did not necessarily concern Maroons and their own offences since at no place in the Treaty were they bound to follow Jamaican law. The Treaty in fact gave them the 'go-ahead' to develop, *inter alia*, their own legal rules.⁷¹

It is thus difficult to see how legislation of 1791 could have been seen as having taken away what obviously were not limitations, but wide rights and privileges granted under the Treaty. Accordingly, it is submitted that *R. v. Man O. Rowe* was not rightly decided; and that clause twelve of the Treaty was saved by the 1856 legislation (which is still in force) and continues to empower the Maroons to try "crimes committed by their men among themselves".

An issue of greater import with regard to the Maroons and the outside community is whether a treaty made by them with the British colonial government can have the force of law. It may be argued that the Treaty was an agreement made to end fighting alone with a band of Maroons whose leaders submitted to the British colonisers. But, space not permitting a lengthy discussion of the point, suffice it to be pointed out that in

international law, there have been instances where treaties made by colonising powers with chiefly societies like those of the Maroons have guaranteed the independence of these groups.⁷²

Indeed, such a question ought to have been settled long ago. Since Jamaica became independent the legislators have made no attempt to affix clearly the constitutional position of the Maroons. In law it may be said that *R. v. Man O. Rowe* does not apply as it seems to have been wrongly decided and was a decision of a pre-independence Court of Appeal in any case. The Treaty may not turn out to be binding on the Jamaican government. Nonetheless, any declaration of the *locus standi* of Maroons must take careful cognisance of their past and also of their institutions, some of which may prove instructive in the decolonisation of the society.⁷³

Summary and Conclusions

We have attempted here to examine the operation of law in Maroon communities by adopting an approach which shows the type of society, the socio-political institutions that exist and then the legal system that has evolved from all this.

Our discussion has pointed us too to the conflicts which arise when it comes to deciding the status of Maroons and their institutions relative to the wider Jamaican society. The issues raised are ones which must be resolved so as to create for Maroons increased benefits in terms of education, farming techniques and medical care while guaranteeing that they pay much-needed revenue and that they impart to the wider collection of people their own solutions to the life that must be sought in a decolonising society.

NOTES

1. The name *Maroon* is said to be derived from the Spanish *cimarron*, meaning *wild*. See Katherine Dunham, *Journey to Accompong* (New York: Holt & Co., 1946).
2. *Accompong* is the name of an old Maroon warrior. It is an Ashanti name. Correctly spelt *Acheampong*, it means 'God of the heavens'. See *Daily Gleaner*, May 13, 20, 27, 1973, article by Dr. Mavis Campbell, "The Maroons of Jamaica".
3. For a comprehensive history of the Maroons, see Robert Charles Dallas, *History of the Maroons* (2 vols.; London: Frank Cass & Co. Ltd., 1968).
4. Dunham, *op. cit.*, p. 4.
5. See A. E. Furnes, in *Jamaica Historical Review*, Vol. 5 [No. 2] (Nov. 1965), pp. 30-49.

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6. For text of this Treaty see *Daily Gleaner*, September 10, 1938, p. 19.
7. Treaty, clause 3. The amount was later increased after demands by Maroons for more lands.
8. *Ibid.*, clause 12.
9. *Ibid.*, clause 2.
10. *Ibid.*, clause 7.
11. *Ibid.*, clause 9.
12. 12 Geo. II, c. 5 (12th May, 1739).
13. The significance of this has been recognized by many, including the Russian anthropologist, A. D. Dridzo, who sees the Maroons as the first guerilla-type freedom fighters in the New World. See A. D. Dridzo, *The Maroons of Jamaica in the Second Half of the 18th Century* (Institute of Jamaica Reference Library [text in Russian]), pp. 279-306.
14. Dallas, *op. cit.*, Vol. 1, p. 93.
15. Campbell, *op. cit.*, p. 11. The Treaty she sees as a "powerful source holding them [the Maroons] together in some kind of cosmic unity".
16. Figures obtained from Colonel Wright of Accompong.
17. Campbell, *op. cit.*, article of 20th May, 1973, p. 11. This is a figure subject to change as there are serious questions being raised by Maroons at Accompong concerning lands which are alleged to have been taken from them through the agency of previous governments.
18. See Dallas, *op. cit.*, p. 93.
19. See T. Olawale Elias, *The Nature of African Customary Law* (Manchester University Press, 1956). See also for a more general approach, A. N. Allott, "African Law", in J. Duncan and M. Derrett, eds., *Introduction to Legal Systems* (London: Sweet and Maxwell, 1968). The writer regrets that lack of space will prevent a wide examination of the traditional African societies.
20. Elias, *op. cit.*, p. 11.
21. *Ibid.*
22. Interview with Colonel Wright.
23. Dunham, *op. cit.*
24. Compare this with African government: Government "implies a delicate balance of power and authority on the one hand, and obligation and responsibility on the other. He who wields political power and influence necessarily incurs corresponding obligations and responsibilities."
25. It is suggested that the military titles derive from the fighting past.
26. The Cabinet in some cases has over 24 members.
27. Interview with Colonel Wright.
28. N.B. Elias' comment, *op. cit.*, p. 19. "The representative character of their political institutions is well brought out and their constant pre-occupation with the goal of democracy in popular government is duly emphasised."
29. See Melville J. Herskovits, *The Myth of the Negro Past* (Boston: Beacon House, 1969), in *passim*.
30. Campbell, *op. cit.*
31. Dunham, *op. cit.*
32. *Ibid.* "A Patriarch has the right to correct the young, to whomever they belong and the child who pays no heed is shunned by his associates."

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33. Interview with Colonel Wright. Women also are entitled to hold political office.
34. *Ibid.*
35. Campbell, *op. cit.*
36. See *R. v. Man O. Rowe* (1956) Ja. L. R. 45—dealt with in more detail below.
37. Definition given by T. O. Elias, *op. cit.*, p. 55. Space does not permit a discussion of this or any other definition of law. Suffice it to say that the writer sees this definition as suitable for describing what exists as law in Maroon societies.
38. For a distinction between 'communal' and 'corporate' see Elias, *op. cit.*, p. 164.
39. N.B. Maroon customary law tenure has no conception of land-holding comparable to the English idea of a fee simple absolute in possession or a system in which everyone holds land as tenants of the Crown.
40. "Bastard" = illegitimacy. Inheritance is dealt with later.
41. All land is thus at the moment used for agricultural or building purposes.
42. Colonel Wright in fact pointed the writer to such a tree owned by another but growing on his land.
43. Dunham, *op. cit.*, p. 19.
44. *Ibid.*
45. In Accompong six such cases occurred in 1973. (Interview with Colonel Wright).
46. Interview with Colonel Wright.
47. *Ibid.*
48. *Ibid.* These are often drawn up by the Colonel on request.
49. *Ibid.* He must not have "committed himself" elsewhere.
50. Dunham, *op. cit.*, p. 76 gives an interesting account of a trial for the theft of bananas: *Willie A. v. Willie B.*
51. Campbell, *op. cit.*
52. Interview with Colonel Wright.
53. *Ibid.*
54. Such floggings, like crime, are rare, e.g., in 1973 there was only one administered in Accompong.
55. See Joseph J. Williams, *The Maroons of Jamaica* (Boston: Boston College Press, 1938) for a discussion of this.
56. Campbell, *op. cit.*
57. As in African traditional societies, "the judges are more intent on the maintenance of the social equilibrium than on a strict declaration of legal rights and duties of the litigants without regard to the social consequences of their verdict. Instead of spinning out abstract theories of law, their aim is usually the pragmatic one of removing the causes of social tension, of binding or re-binding the estranged parties in a give-and-take reciprocity, of the re-incorporation of an erring member in the social structure". Elias, *op. cit.*
58. *Ibid.*, p. 268.
59. Campbell, *op. cit.*
60. See *Willie A. v. Willie B.*, Dunham, *op. cit.*, p. 76.
61. These are usually bastard cases. The rare murder or rape may be tried in Jamaican courts; it is open to debate whether clause 12 of the Maroon Treaty does not allow them to exercise a discretion in this area (see clause 12). Despite *R. v. Man O. Rowe* (discussed below), the R. M. Courts in Jamaica seem to prefer if Ma-

rooms try their own cases. Witness, for example, Dr. Campbell's report that many cases "seeped through" from Moore Town to Port Antonio are often returned for trial by the Moore Town Cabinet.

62. N.B. The exercise of voting does not conclusively show that Maroons are citizens of Jamaica in a true sense. Note, for example, that the vote exercised by Palestinians living in Jerusalem in mayoral and national elections has not really shown them to be real citizens of Israel. Similarly, it may be arguable that Maroons cannot necessarily be said to be Jamaican citizens by their voting.
63. See Herskovits *passim*, *op. cit.*
64. N.B. An immediate difference in Maroons: they rely on their Treaty as giving them a right not to pay taxes. Campbell comments: "The paying of taxes rankles with these people; they think it an outrage and contrary to the Treaty."
65. *R. v. Man O. Rowe* (1956) 7 Ja.L.R. 45
66. The police usually enter Maroon communities after prior consultation with the Colonel.
67. *R. v. Man O. Rowe*, *loc. cit.*, p. 56.
68. *Ibid.*, p. 54.
69. *Ibid.*, p. 50 *per* Carberry C.J.: "The effect of this section was to displace the powers which had been given to Captain Cudjoe and his successors by the joint effect of clause 12 of the Treaty and 12 Geo. II, c. 5" (the statute of 1739 which ratified the Treaty).
70. *Ibid.*, p. 49.
71. In addition note that the "displacing" section, s.2, 32 Geo. III, c. 4, cannot be seen as such. This section in fact set up a 'court' under the Superintendent to deal with certain specified offences which only arose through the dealings of Maroons and the outside community, e.g., disobedience to the Governor's orders, etc. It had nothing to do with the jurisdiction of a Maroon Captain over the offences committed by the Maroons among themselves. Still less did it have anything to do with even the 'comprehensive' list of capital offences since this court could not mete out punishment extending to 'life, limb or transportation'. *Ibid.*, p. 50 (judgment).
72. Witness the independence of Lesotho and Swaziland, both in the middle of South Africa.
73. The Maroon system of land tenure with its attendant rules may show the rest of the community the way to ensure a constant use of land; rather than allowing tracts to lie disused, Maroon law compels reversion to the community if land is unworked for over two to three seasons. In the Jamaican society even customary land-holding may allow for land being owned yet not being utilised. See Edith Clarke, *My Mother Who Fathered Me* (London: Allen & Unwin, 1966), chap. 2.