



Center *for* Research Libraries  
GLOBAL RESOURCES NETWORK

The Center for Research Libraries scans to provide digital delivery of its holdings. In some cases problems with the quality of the original document or microfilm reproduction may result in a lower quality scan, but it will be legible. In some cases pages may be damaged or missing. Files include OCR (machine searchable text) when the quality of the scan and the language or format of the text allows.

If preferred, you may request a loan by contacting Center for Research Libraries through your Interlibrary Loan Office.

### **Rights and usage**

Materials digitized by the Center for Research Libraries are intended for the personal educational and research use of students, scholars, and other researchers of the CRL member community. Copyrighted images and texts may not be reproduced, displayed, distributed, broadcast, or downloaded for other purposes without the expressed, written permission of the copyright owner.

### **Center for Research Libraries**

Identifier: 7bec22ef-4b0d-49d2-a5bb-548e35871972

Range: Scans 001 - 044

Downloaded on: 2022-05-23 22:20:13

## P A P E R S

RELATING TO

## THE WEST INDIES:

VIZ.

Correspondence relating to Punishments inflicted on certain Negro Slaves, in the Island of *Nevis*; and to Prosecutions in consequence.

---

1.

Copy of a LETTER from the Earl of LIVERPOOL, to Governor ELLIOT; dated Downing-street, 20<sup>th</sup> September 1810.

Downing-street, 20<sup>th</sup> September 1810.

SIR,

IT has been represented to me, that a case has recently occurred within your government, in open defiance of the law, of such extreme oppression and cruelty exercised by an opulent Planter in the island of *Nevis*, named *Huggins*, towards a number of his Slaves, as to have called for investigation by the Council and Assembly of the Island; which, after a formal inquiry into the case, instituted proceedings against the offender, and publicly reprobated his conduct with the strongest expressions of indignation and abhorrence.

I have, in consequence, received His Majesty's commands to desire that you will lose no time in calling upon the proper officers for authentick copies of the Minutes of the Council and Assembly of *Nevis* upon the above case, as also for an authentic Report of any judicial proceedings which may have ensued, or of any records or documents which tend to throw light upon this transaction, or to bring to justice and to punishment any of the parties who were implicated therein; or to afford proof against any magistrates or other officers who may have been so criminally negligent of their public duties as to have witnessed, or forborne to interfere, as has been asserted, in order to prevent so disgraceful a scene.

In any communication you may make to the Council and Assembly of *Nevis* upon this subject, I am commanded to desire that you will signify His Majesty's full approbation of the sentiments expressed, and the conduct pursued by them on the above-mentioned occasion, and his firm conviction that they will give every aid and support to the measures which His Majesty may judge proper further to order, when the information hereby called for shall be brought under consideration.

I am, &amp;c.

(Signed) LIVERPOOL.

To Governor Elliot,  
&c. &c. &c.

---

2.

Copy of a LETTER from the Earl of LIVERPOOL, to  
Governor ELLIOT; dated Downing-street, 12<sup>th</sup> April  
1811.

Downing-street, 12<sup>th</sup> April 1811.

SIR,

YOUR several Dispatches, inclosing various documents in reference to the case of Mr. *Huggins*, have been received; and the narrative they contain of the unparalleled severity of that person towards his Slaves, has not failed to make the deepest impression on the minds of His Majesty's government. It might have been hoped that the fear of disgrace attendant on an outrage of humanity so publicly exhibited, would have been sufficient, in any civilized country, for its prevention; but it never could have been supposed possible that so flagrant a violation of a clause of the Act, called "the Melioration Act," could be submitted to the cognizance of a Court of Justice, and be exempted from the punishment which the Judge is empowered to inflict on conviction of the offender.

With regard to the observations made in some of the letters transmitted by you, on the manner in which the Jury was composed, and on the connection of some persons on that Jury with Mr. *Huggins* himself, it might be difficult at this distance of time to *prove* that corrupt motives influenced the decision of that Jury; but as it appears uncontradicted, and indeed admitted, that persons holding the office of magistrates were present at the punishment without interfering to prevent an act absolutely illegal in itself, I am commanded by HIS ROYAL HIGHNESS THE PRINCE REGENT, to direct that you will remove from that honourable situation any magistrate or magistrates who actually witnessed the infliction of that punishment without interference, and who have no better justification of their conduct to alledge than ignorance of the duties attached to their office; and I am to desire that this may be done with that degree of publicity that may mark to the community to which they belong, His Royal Highness's reprobation of such culpable remissness on their part. As you state in your letter of the 18<sup>th</sup> January, that you are about to complete the tour of the Islands, and as you will have an opportunity of a direct inquiry into the state of the civil and judicial institutions of each Island, you will not fail to convey to me the fullest information on these points, that His Majesty's government may be enabled to consider what steps it may be fitting to take for the reform of any abuses that may exist in the administration of justice in the several Islands under your command.

With regard to your suggestion, that it would be advisable to obtain the introduction, into the *Leeward Island Melioration Act*, of a clause corresponding with the 15<sup>th</sup> clause of the *Jamaica consolidated Act*, which limits the number of lashes that can be legally inflicted to thirty-nine, there is every reason to recommend the immediate adoption of it by the different colonial Legislatures; for although it may be feared that the limitation of the number alone of the lashes which may be inflicted, will prove inadequate to prevent even excessive severity where the disposition to it exists, still, by proving the anxiety of the Legislature to define and mitigate the degree of punishment, a moral effect may be produced, leading to the consequences that are sought from the operation of the law itself.

I have, &c.

(Signed) LIVERPOOL.

To Governor Elliot,  
&c. &c. &c.

of Negroes.]

## THE WEST INDIES.

3.

Copy of a LETTER from Governor ELLIOT, to the Earl of LIVERPOOL; dated Antigua, 20<sup>th</sup> November 1810:—with seven Enclosures.

Antigua, 20<sup>th</sup> November 1810.

MY LORD,

IN my Dispatch, N<sup>o</sup> 13. of the 29<sup>th</sup> September, I alluded to my being indisposed, and that I could not continue the tour through the Islands of my government. Since that period, for several weeks, I have been deemed by my physicians in imminent danger of paying the tribute of my existence to a climate which proves so frequently fatal to Europeans at this season of the year. It is only within these last four days that I have been able to quit my bed-chamber; and I am still so much debilitated, that I feel great difficulty in directing my attention to any business. I will not, however, let the Princess Augusta Packet return to England, without acknowledging the receipt of your Lordship's Dispatch of the 20<sup>th</sup> September.

Your Lordship will be pleased to observe, that in my Dispatches, N<sup>o</sup> 10. of the 8<sup>th</sup> September, and N<sup>o</sup> 13. of the 29<sup>th</sup> September, I expressed my regret to find, that by all the most authentic accounts I had received of the other Islands of this government, there was but too much reason to apprehend that great irregularities existed, and which could not, perhaps, be effectually remedied without a future appeal to the wisdom of His Majesty's Councils at home. The case of Mr. *Huggins*, in the island of *Nevis*, the severity of his conduct towards a number of his Slaves, the remissness of the magistrates in having allowed so disgraceful a transaction to take place in the public market-place, without interfering to stop or prevent it, the legal proceedings which have since ensued, both at *Nevis* and *St. Christopher's*, and which have occasioned great dissatisfaction, were some of the circumstances which bore in my mind when I expressed to your Lordship, generally, my doubt of the efficiency of the civil institutions, as they now exist, in the other Islands, for the purposes of administering justice, or for carrying into effect any sentence of law that might be opposed either by the influence of a powerful individual, or by the spirit of party.

It was my intention to have delayed submitting to your Lordship the most authentic accounts I could collect, of the case of Mr. *Huggins*, until I should have had it in my power to make the necessary inquiries in person, both at *Nevis* and *St. Christopher's*. A disorder, which has so nearly proved fatal to my existence, has prevented me from fulfilling an object in which my feelings are deeply interested, both as a private man, and as honoured by The King with the high station I hold in this government.

I must, therefore, now confine myself by this opportunity, to transmit to your Lordship the inclosed documents, which are all I have hitherto been able to collect. I have not failed, in the mean time, to send express by the Government Schooner, to Mr. *Cottle*, President of the Council at *Nevis*, requiring from him Copies of the Minutes of the Council and Assembly upon the case of Mr. *Huggins*; as also for an authentic report of any judicial proceedings which may have ensued, or of any records and documents which may tend to throw light upon this transaction.

I have received an answer from Mr. *Cottle* of the 13<sup>th</sup> instant, in which he promises to prepare the required Papers, and to send them to *St. John's*, with the least possible delay; but he expresses a doubt whether it will be in his power to transmit them in time, to be forwarded by the Princess Augusta Packet.

The following is a List of the Papers inclosed:

- N<sup>o</sup> 1. Resolutions of the Assembly of *Nevis*, and the Evidence taken in support thereof.
2. Copy of a Letter from J. W. Tobin to H. Elliot, esq. taken from the *St. Christopher Gazette* of the 24<sup>th</sup> August 1810.
3. Letter from J. D. Smith, Deputy Provost Marshal, to the Printer of the *St. Christopher Advertiser*.

4. Letter

## PAPERS RELATING TO

[Treatment

4. Letter from J. Weekes to J. W. Tobin.
5. Letter from Edward Huggins to the Printer of the St. Christopher Advertiser.
6. Coroner's Inquest on the body of Fanny, a negro woman.
7. Copy of a manuscript Letter from Mr. Tobin to H. Elliot, esq.

I have the honour to be, &amp;c.

(Signed) H. ELLIOT.

The Right Hon<sup>ble</sup>  
The Earl of Liverpool,  
&c. &c. &c.

No. 1.  
In Gov. Elliot's,  
20 Nov. 1810.

From the St. Christopher Gazette of 23 Feb. 1810:

Published by the Authority of the Assembly of the Island of Nevis.

*Nevis.*—AT a Meeting of the Gentlemen of the Assembly at Charlestown, on Wednesday the 31<sup>st</sup> day of January 1810;—The following Resolutions were entered into:

**RESOLVED**, That it is the opinion of this House, that the conduct of Edward Huggins, sen. esq. on Tuesday the 23<sup>d</sup> of this month, in inflicting punishment on several of his negroes in the public market-place of this town, was both cruel and illegal; and that particularly, in two cases, where *two hundred and forty-two* and *two hundred and ninety-one* lashes were given, he was guilty of an act of barbarity, altogether unprecedented in this Is'and. That this House do hold such conduct in the utmost abhorrence and detestation; which sentiments perfectly accord with the feelings of the community in general. That this House do pledge themselves to promote the strictest investigation into this cruel proceeding, so disgraceful to humanity, so injurious to the fair character of the inhabitants, and so destructive of the best interests of the West India Colonies.

Resolved, That the above Resolutions, with the Evidence taken in support thereof, be printed. That copies be transmitted to England, and circulated through all the Islands.

The Examination of John Burke, jun. Deputy Secretary of the said Island; upon oath; saith,

That, on Tuesday the 23<sup>d</sup> instant, he was standing in the street opposite the house of the Reverend William Green; when he saw *Edward Huggins, sen. esq.* and his two sons, Edward and Peter Thomas Huggins, ride by, with a gang of negroes, to the public market-place; from whence the Deponent heard the noise of the cart-whip: That Deponent walked up street, and saw Mr. Huggins, sen. standing by, with two drivers flogging a negro-man, whose name Deponent understood to be Yellow Quashy: That Deponent went into Dr. Crosse's gallery, and sat down: That the two drivers continued flogging the said negro-man for about fifteen minutes; That, as he appeared to be severely whipped, Deponent was induced to count the lashes given the other negroes, being under an impression that the country would take up the business: That Deponent heard Mr. George Abbot declare, at Dr. Crosse's steps near the market-place, that the first negro had received *three hundred and sixty-five* lashes: Deponent saith, that Mr. Huggins, sen. gave another negro-man *one hundred and fifteen* lashes; to another negro-man *sixty-five* lashes; to another negro-man *forty-seven* lashes; to another negro-man *one hundred and sixty-five* lashes; to another negro-man *two hundred and forty-two* lashes; to another negro-man *two hundred and twelve* lashes; to another negro-man *one hundred and eighty-one* lashes; to another negro-man *fifty-nine* lashes; to another negro-man *one hundred and eighty-seven* lashes; to a woman *one hundred and ten* lashes; to another woman *fifty-eight* lashes; to another woman *ninety-seven* lashes; to another woman *two hundred and twelve* lashes; to another woman *two hundred and ninety-one* lashes; to another woman *eighty-three* lashes; to another woman *forty-nine* lashes; to another woman *sixty-eight* lashes; to another woman *eighty-nine* lashes; and to another woman *fifty-six* lashes; and that the woman who received *two hundred and ninety-one* lashes appeared young, and was most cruelly flogged: That all the negroes were flogged by two expert whippers: That Mr. Edward Huggins, jun. and Mr. Peter Huggins were present at the time the negroes were punished: That Dr. Cassin was present

of Negroes.]

## THE WEST INDIES.

5

present when some of the negroes were whipped, and when a man received *two hundred and forty-two* lashes: That Deponent understood that Dr. Cassin was sent for by Mr. Huggins, sen.: That Edward Parris, esq. Mr. Peter Butler, and Dr. Crosse, were present at Dr. Crosse's house a part of the time during the punishment; and that Mr. Joseph Nicholson, Mr. Joseph Lawrence, and Mr. William Keepe, were present all the time.

John Burke, jun<sup>r</sup>.

Sworn before me, this 31<sup>st</sup> Jan<sup>y</sup> 1810, }  
at the Secretary's Office. }  
W<sup>m</sup> Laurence.

The Examination of Andrew M. Crosse, practitioner in physic, of the said Island; upon oath; saith,

That he was present when the negroes, mentioned in the deposition of John Burke, jun. esq. were flogged, and saw the said John Burke take an account of the number of lashes given them; and that Deponent having read over the deposition of the said John Burke, declares the same to be just and true.

Andrew Moore Crosse.

Sworn before me, this 31<sup>st</sup> Jan<sup>y</sup> 1810, }  
at the Secretary's Office. }  
W<sup>m</sup> Laurence.

The Examination of Peter Butler, of the said Island; upon oath; saith,

That he was present part of the time when Mr. Huggins, sen. was whipping his negroes. That he heard Mr. John Burke deliberately count the number of lashes given them; and that having heard the deposition of the said John Burke read, he (Deponent) verily believes the same to be just and true.

Peter Butler.

Sworn before me, this 31<sup>st</sup> Jan<sup>y</sup> 1810, }  
at the Secretary's Office. }  
W<sup>m</sup> Laurence.

The Examination of William Keepe, of the said Island; upon oath; saith,

That on the 23<sup>d</sup> instant he was going down in town, when he saw a large number of negroes, headed by Mr. Edward Huggins, sen. and his sons, Edward and Peter Thomas Huggins: That he went up, and addressed Mr. Edward Huggins, jun. and enquired what was the matter; who told this Deponent, That the negroes had acted improperly, for which they were to be flogged: That after the negroes were arranged in order according to a list, as he believes given by Mr. Peter Thomas Huggins to his father, they commenced flogging a yellow complexion negro, whose name Deponent has heard is Quashy: That he looked on until the negro received about *twenty-four* lashes, when he saw Mr. John Burke, jun. walk up street, and go to Dr. Crosse's: That Deponent went there also, and that the first negro appeared to receive a very severe flogging, which induced Mr. John Burke, jun. to count the number of lashes given to the other negroes; and that Deponent having heard the deposition of the said John Burke read, he thinks the same is in all other respects very accurate.

William Keepe.

Sworn before me, this 31<sup>st</sup> Jan<sup>y</sup> 1810, }  
at the Secretary's Office. }  
W<sup>m</sup> Laurence.

The Examination of Joseph Laurence, of the said Island; upon oath; saith,

That he was present on the 23<sup>d</sup> instant, when Mr. Edward Huggins, sen. was flogging his negroes in the market-place; and that the number of lashes given the negroes by two drivers, as stated in the deposition of Mr. John Burke, jun. is just and

6

## PAPERS RELATING TO

[Treatment

No. 1.  
In Gov. Elliot's,  
20 Nov. 1810.

and true: That Deponent saw one of the negroes, after he was whipped severely, scrape the blood from his buttocks and drink it.

Joseph Laurence.

Sworn before me, this 31<sup>st</sup> Jan<sup>y</sup> 1810, }  
at the Secretary's Office. }  
W<sup>m</sup> Laurence.

The Examination of George Abbott, Deputy Naval Officer of the said Island; upon oath; saith,

That on the 23<sup>d</sup> instant he counted *three hundred and sixty-five* lashes, and that a negro-woman passing his house, said, he would die. This Deponent asked her if all the lashes were given to one person; to which she answered, yes: That Deponent then went down in town, and saw a yellow negro in the market-place, which appeared severely whipped.

George Abbott.

Sworn before me, this 31<sup>st</sup> Jan<sup>y</sup> 1810, }  
at the Secretary's Office. }  
W<sup>m</sup> Laurence.

No. 2.  
In Gov. Elliot's,  
20 Nov. 1810.

Copy of a LETTER, published in the St. Christopher Gazette of the 24<sup>th</sup> August 1810.

To Hugh Elliot, Esquire, Captain General and Governor in Chief of His Majesty's Leeward Charibbee Islands.

SIR,

YOUR Excellency has doubtless seen the Resolutions of the Assembly of Nevis, on the 31<sup>st</sup> January last, and the affidavits on which they were grounded. Coming from a country where the fountains of justice still remain pure, and the liberty of the press is respected, your Excellency must, I am persuaded, on your arrival here, have experienced the same feelings of surprize and indignation, which the respectable part of this community did, on hearing a VERDICT of ACQUITTAL pronounced against one of the actors in that bloody scene. The evidence on the trial was still stronger than in the affidavits; for it appeared, not only that several of the negroes received more than two hundred lashes, but that a still severer torture was inflicted on one of them, by the continued application of two cart-whips, to make him confess, what he persevered in declaring he was ignorant of; and this was sworn to by two respectable witnesses. One of the women received two hundred and ninety-two lashes. She is still alive! But another, of a weaker frame, and whose punishment was far less, died, after a lingering illness, the 22<sup>d</sup> of June last. Had they all died, the Act by which they suffered being, according to the declaration of that jury, a legal Act, the authors of it would have been perfectly GUILTLESS; and every overseer in the country, however ignorant or brutal, left at full liberty to whip, mutilate and destroy, at his pleasure, the Slaves committed to his charge. But fortunately the verdict of a jury makes no precedent in law; and CRUELTY, by the English law, which is in full force here, is still Cruelty. It was not defined by our ancestors, or its limits marked out by line and compass, but left to the heart of man to determine: and deeply it is to be lamented, that in this small community such an appeal is found insufficient. Under these circumstances, it is my intention to propose to the Legislature of this Island some laws for the better protection of Slaves. They are such as will, I hope, meet with the approbation of your Excellency, and the government at home; that government, so lately interested in the fate of the wretched exile of *Sombrero*, and, anxious to rescue even the brute creation from tyranny, can never be insensible to what has passed here. By the consolidated Act of Jamaica, no master or magistrate is suffered to inflict, in any case, more than thirty-nine lashes; and the magistrates of this Island, with whom I have the honour to associate, have not thought themselves authorized, even in the most serious cases of insubordination, to exceed the limits of the Mosaic law. Under these feelings, and a full persuasion that true policy must ever be founded on humanity, the Assembly passed their Resolutions; by which they have rescued themselves from that just disgrace which otherwise must have fallen on the whole community. For this, in a neighbouring Island, they

of Negroes.]

## THE WEST INDIES.

7

they have been vilified as common libellers, and their printer punished by those who knew, or ought to have known, that the publication of an affidavit, taken with a view to bring a public offender to justice, or the censure of a legislative body on his conduct, could never, by any perversion of law or common sense, be construed into a libel. Satisfied am I, that had your Excellency been present, the proceedings in that Island would never have taken place. Should any thing I have written be deemed libellous by Mr. Huggins or his abettors, let their vengeance fall on me, not on Mr. Howe, a man too poor to fee lawyers, but too honest to accept a bribe, or to provide for a numerous family by the sacrifice of a quiet conscience and an honourable name. Or if, instead of making another attack on this unfortunate man, as I am told they intend to do, would it not be more magnanimous to direct it against the counsel for the Crown (now Chief Judge) who publicly declared, after the trial was over, that it was a packed jury. Of the author of this letter it is sufficient to say, that he exists only by the labour of negro slaves, and from them derives most of the comforts he enjoys, as well as those advantages of education, which have taught him what, in return, he owes to them. If it is their lot, in this world, to labour, it is his duty to render their existence happy by the right exercise of his understanding, and the cultivation of every good feeling with which he is endowed. With a full assurance, that the welfare of these people, who form so large a part of the population of these Islands, will not be neglected under the government of your Excellency,

I remain, with sentiments of respect, &c.

Nevis, }  
17<sup>th</sup> August 1810. }

(Signed) J. W. Tobin.

From the St. Christopher Advertiser of the 4<sup>th</sup> Sept. 1810.

To the Printer of the St. Christopher Advertiser.

SIR,

Having seen a most infamous assertion in a publication, signed J. W. Tobin, which appeared in Mr. Howe's Paper of Friday last, stating, that the "King's Counsel, now Chief Judge" who conducted a late prosecution in this Island against Mr. Edward Huggins, at the suit of the Crown, declared after the trial, that the jury which tried that prosecution was a packed jury; I feel it *now* my duty, not only as a public officer but as a private gentleman, to declare, in the most positive terms, that the proceedings of that day, *so far as I was officially concerned in them*, were conducted with propriety and impartiality; and that I neither, directly or indirectly, used any means whatever to impede or divert this course of justice on that occasion. After making that avowal, I think it necessary to say, that the honourable James Weekes (who was on that day the prosecuting counsel for the Crown, and has since been appointed Chief Judge of this Island) having been called upon by me to declare, whether he did make that assertion, has, in the most positive and unequivocal manner, *publicly denied having made it*; and further said, that he precluded even the possibility of a suspicion of such a circumstance, by having himself taken from the box the tickets, on which the names of the jurors were written, and mixed them together, previous to the jury being called. In a letter to Mr. Tobin, dated the 28<sup>th</sup> instant, a copy of which will be handed to you herewith, and which I request you will publish at the same time (it having been written before I called upon Mr. Weekes) he also denies the assertion. I therefore leave these circumstances to the consideration of an impartial public, with this observation, it is evident that there is a falsehood somewhere, and I do now declare, that the man who made the assertion, either in public or private, (meaning thereby that I packed the jury, or was privy to such a proceeding) is a base, infamous and malicious liar.

I am, &c.

(Signed) John Dasent Smith,  
Dep<sup>y</sup> Provost Marshal.

Nevis, }  
August 31<sup>st</sup> 1810. }

No 2.  
In Gov. Elliot's,  
20 Nov. 1810.

No. 3.  
In Gov. Elliot's,  
20 Nov. 1810.



No. 4.  
In Gov. Elliot's,  
20 Nov. 1810.

From the St. Christopher Advertiser of the 4th September 1810.

SIR,

Morning Star, August 28<sup>th</sup> 1810.

I deprecate the practice of making news-paper appeals to the public, as the too frequent medium by which party prejudice and private malevolence are gratified, under the semblance of public justice; and as I have ever been anxious, as far as my public station or private influence enabled me, to sooth the animosities which the evil genius of this little community too successfully keeps alive, it is not without considerable regret, that I observe your reference to my name in the Address which you have thought it proper to make to his Excellency the Captain General, by a letter published in the St. Kitt's news-paper of Friday last, on the subject of the prosecution against Mr. Huggins.

I am not called upon to support or contradict your assertion, but I think it necessary to qualify it by my recollection of my public conduct on the occasion alluded to, and as far as that recollection bears me out, *I most certainly did not make the public declaration which you have stated*; nor indeed could I have made it, without incurring that general censure which ought to have been passed upon me, if I had not followed it by a public accusation of the officer capable of so base a dereliction of his duty. And if any momentary feeling, respecting the business of that day had betrayed me into a public accusation, which I was not prepared to support by proof, it is more than probable that your letter would not have been the first intimation to me of the circumstance.

I think I am correct in saying, that in conversing with some person who stood near me after the trial, upon the subject of the proceeding, and from which (though I do not recollect that I addressed the conversation to you) it is likely your misconception arises; I expressed myself nearly in the following terms:

“ That the proceeding of the day might raise the suspicion of a packed jury, and that it certainly was an extraordinary coincidence, that such names as were called, should have followed in the regular course of taking the tickets out of the Marshal's box. But that I had myself, previous to the calling of the names, examined the box, and shaken the tickets together, in order to prevent even suspicion of any improper influence.” And this act and motive I publicly stated, when the names of the jurors were calling; how, therefore, could I consistently make such an accusation as you have stated?

My object was to bring the party accused to a fair and impartial trial, and if I erred at all, it was in the anxiety to preclude even a suspicion that any desire existed on the part of the Crown to influence the choice of jurors. I thank God I then was, as I trust I shall ever be, in discharging the duties of a public station, above the influence of party spirit or personal prejudice; and if any of the persons who acted on that day sacrificed their public duties to private motives, I am happy that their consciences are not in my keeping.

The cause of this discussion is a lamentable one, and to all men who regard the political existence, and local happiness of the Colony, it must be a subject of deep regret. But subjects of general interests to mankind, more especially such as involve the character of individuals, should be handled with temperance and impartiality; for heat and impetuosity, which too readily induce us to sacrifice our judgments to popular feeling, will so often overturn the work of justice, as to defeat the very object which they profess to pursue. And this I fear may be too justly applied to the present case.

I have, in my public character, expressed my sentiments both of the original transaction, and the manner in which it has been brought before the tribunal of public justice; and if I am called upon officially to repeat them, I shall do so without disguise or prejudice.

I only now hope that in any further discussion of the subject, according to your view of it, you will not deem it necessary (and I take the liberty to say it could hardly have been so in the present instance) to bring forward my name, or any private observation which you may hear as coming from me, without at least some previous explanation of your *motive* for doing so. In the exercise of my public duties, I am open to you and to all men, and I shall endeavour to be as firm in the exercise of those duties, as ready to meet the ordeal of scrutiny.

I am, &c.

(Signed) James Weekes.

To

James Webbs Tobin, esq.

of Negroes.]

## THE WEST INDIES.

5

From the St. Christopher Advertiser of the 4<sup>th</sup> Sept. 1810.

For the St. Christopher Advertiser.

No. 5,  
In Gov. Elliot's,  
20 Nov. 1810.

Mr. Printer,

I have hitherto treated with contempt the vile assertions contained in the St. Christopher Gazette, in the productions of *Senex* and *Juvenis*; the former of those pieces, I conceived, would be considered by the world as an unfair and unjust attempt to influence the then expected trials, and the latter as the effect of disappointed malignity;—but in a piece signed “J. W. Tobin,” which appeared in the last number of the above paper, so serious a charge is insinuated, or rather expressly made against me, that it would no longer become me to be silent. To refute, therefore, the infamous calumny which the last-mentioned production is intended to spread, I have to request, Mr. Printer, that you will insert in your next paper, a copy of the Coroner's inquest taken on the body of the woman alluded to by Mr. Tobin; to which I shall only add, that that Inquest was founded on the testimony of three medical gentlemen, one of whom (except during a short time that he was indisposed) had attended the estate to which the deceased belonged, from the middle of August last to the time of her death, and that during the indisposition of this gentleman, another of the above gentlemen had attended for him.

Assertions are easily made, but men will not easily be persuaded merely on the affirmance or insinuation of *Juvenis*, or Mr. J. W. Tobin, that a public officer, bound by the solemn obligation of an oath, could so far forget his duty as to pack a jury to serve a particular purpose, or that if he was ever so disposed, he could effect his design. In calling the jury who sat on my trial, the Marshal drew from a box in which the names of persons summoned to serve as jurors were deposited; those names were written on cards, mixed together previous to the Marshal's proceeding to call the jury, and drawn out by him with eyes averted from the box. The whole country almost were assembled together, and certainly not a few of them were anxious for my conviction. If there had been any thing unfair in the conduct of the Marshal, it could not have escaped the observation of all of those persons; some of them would have seen it; and it was the duty of the King's counsel to have taken notice of it prior to the trial, and to have made an application on the subject to the Court, which would undoubtedly have provided a remedy. Why have *Juvenis* and Mr. J. W. Tobin chosen to make a newspaper the vehicle of their accusations against the Marshal? If either of them is actuated by a grain of public spirit, it would lead him to a prosecution of the Marshal for misconduct so dangerous, so shameful, and so infamous as that which they impute to him. With respect to the jury, which these perhaps equally respectable writers assert or insinuate to have been packed, I shall only farther observe, that they are all of them of unimpeached characters; but that two-thirds of them are men with whom I was not in the habit of associating, and that, with the exception perhaps of one, there were none of them who had ever received a favour from me, or I believe looked up to me for one. I leave it therefore to the honest and impartial part of the world to judge, whether such persons could have been selected for the purpose of acquitting me. Mr. Tobin asserts the verdict of this jury to have excited feelings of surprize and indignation in the respectable part of the community, though in the number of those who pronounced it were gentlemen of respectability, and there were others of great respectability in the country who considered it as just and proper, and rejoiced at my acquittal; but perhaps Mr. Tobin considers himself at liberty to affix epithets, and to mark as respectable those only who agree in the opinions he professes.

Being averse to newspaper discussions, I shall not enter into a particular examination of Mr. J. W. Tobin's publication, but shall conclude with saying, that, amidst the malice with which it abounds, I am glad to find that the writer appears to speak in terms of some respect of the government at home. I shall even hope from this that he has abandoned his early opinions and pursuits; that he really wishes for the duration of the British constitution, and has become a convert to those sentiments of affection, esteem and admiration, with which wise and good men regard it. Or, is the language used by him adopted to suit a particular purpose? Let his own conscience decide it. I will not make the most unfavourable construction.

(Signed) Edward Huggins.

Nevis, }  
August 31st 1810. }

No. 6.  
In Gov. Elliot's,  
20 Nov. 1810.

From the St. Christopher Advertiser of the 4<sup>th</sup> September 1810.

*Nevis.*—AN Inquisition indented, taken at the parish of St. Thomas, in the Island of Nevis aforesaid, the twenty-third day of June, in the fiftieth year of our Sovereign Lord the King ;

Before me, William Burke, esq. Coroner of our Lord the King, in the Island aforesaid, upon the view of the body of a negro woman, named Fanny, then and there lying dead, upon the oaths of John D. Creese, George Burke, and Andrew Jolliffe, good and lawful men of the said Island ; who, being sworn and charged to enquire on the part of our said Sovereign Lord the King, when, where, how, and after what manner the said negro woman, named Fanny, came to her death, do say upon their oaths, that the said negro woman, named Fanny, on the 22<sup>d</sup> day of June instant, in the year aforesaid, at the Parish aforesaid, in the Island aforesaid, came to her death ; that she had no marks of violence appearing on her body, and died by the visitation of God, in a natural way, and not otherwise. In witness whereof, as well the aforesaid Coroner as the Jurors aforesaid, have to this Inquisition put their seals on the day and year first aforesaid, at the Parish and Island aforesaid.

(Signed) W. Burke,  
Coroner.

(Signed) J. D. Creese, (L. s.)  
Geo. Burke, (L. s.)  
And<sup>r</sup> Jolliffe, (L. s.)

No. 7.  
In Gov. Elliot's,  
20 Nov. 1810.

SIR,

Nevis, September 7<sup>th</sup>, 1810.

I flatter myself that on considering the importance of the subject which has caused me publicly to address your Excellency, you will pardon the liberty I took in so doing, as well as that of now bringing it before you in a private letter ; and as it may become a matter of future investigation, I think it necessary to be somewhat circumstantial.

The late Assembly, after passing their Resolutions, not relying entirely on the zeal or abilities of Mr. Weekes, the Crown officer, who had once been presented to the Court by a grand jury for neglect of his public duty, and was known to have refused, as a magistrate, to accompany those who inspected the negroes who had suffered, applied to Mr. Caines. This gentleman, who is senior King's counsel, and is distinguished for his humanity and abilities, refused to come up, and in consequence the business devolved upon Mr. Weekes, who, after bargaining for an extraordinary fee, undertook the cause, a bill of indictment having been found against Mr. Huggins. The trial took place the 1<sup>st</sup> May, some of the names of the negroes who had been punished having been previously struck out of the indictment, and amongst these Fanny, or Affey, at that time dangerously ill ; the Marshal proceeded to call the jury by a mode introduced by Mr. Weekes since January 23<sup>d</sup>, and never before practised in this island in a criminal cause. Two packs of cards were produced, and an open box. One of them was put aside ; and from the other, which was neither shuffled or cut before the Court, the Marshal drew the cards that were uppermost. There were so many of Mr. H.'s friends on the jury, that no challenge was made to any of them by the prisoner's counsel ; though after they were impannelled, on a by-stander's observing that there were ten for Mr. H. and two against him, Mr. Long, one of his counsel, replied, " They should not have been there if I had known it." Amongst others who were on the jury were William Bennet Frost, overseer to Mr. Huggins ; John M. Hixon, overseer to his son-in-law ; Mr. Cottle and George Burke, at the time in custody of the Marshal for not paying a fine incurred for withdrawing from a former jury on a cause in which Mr. Huggins was deeply concerned. Neither of these were objected to by Mr. Weekes, though on a subsequent trial he declared from the bench, that George Burke was unfit to sit on any jury. The prisoner, if so he might be called, never gave bail, or was in custody of any one ; nor would imprisonment have been very practicable, as the jail of this Island has long been in a very dilapidated state ; and its keeper been chiefly employed as overseer to the Marshal. It could not be made out on the trial (though there were three barristers in silk gowns brought up from St. Kitt's by the prisoner) that of the thirty-two negroes who were flogged, any one of them had ever uttered a contumacious expression, or lifted a hand against a white man. Their crime was that of running away,

of Negroes.]

## THE WEST INDIES.

11

away, to avoid carrying out dung by night, a practice contrary to a clause in the Melioration Act. A negro, named Aberdeen, brought from another estate of the prisoner's, was flogged with the rest; he received 187 lashes, on an accusation of breaking canes. This man's name was never admitted into the indictment. He was brother to one of the executioners. Mr. Weekes not only after the trial said, "it was a packed jury," but told me that one of the witnesses was certainly guilty of perjury. Mr. W. has continued to visit Mr. H.; and was lately, by the recommendation of Mr. Cottle, created Chief Judge of this Island by the late Commander in Chief, and his first charge to the jury was in a cause in which he had been both counsel and attorney. The oldest Judge on the bench has since resigned, and Mr. Weekes has applied individually to some of the Assembly for a salary in addition to the usual fees. This has never yet been granted, and probably never will, unless to one duly qualified by a legal education in England, and solely devoted to the duties of so important an office. It is to be observed, that since the death of the negro Fanny, or Affey, there have been two grand juries, on the first of which were the three sons of Mr. Huggins, and Mr. Daniel Wayne; and on the second, two of his sons and the same Mr. Wayne, who has been upon every grand jury since the 23<sup>d</sup> of January. He is a stranger in the Island, who has taken refuge under the roof of Mr. H. to escape his creditors in England, and is ever ready to justify the atrocities of his patron. It is right your Excellency should know that there were five magistrates within sight or hearing of what passed in the market-place, and that none of them interfered to prevent it.

Your Excellency will doubtless be told that they who have exerted themselves in bringing to punishment the authors of such crimes, have been actuated by a spirit of party. Of that you will be well able to judge, when acquainted with all the circumstances. When I arrived a twelvemonth since in this country, Mr. Cottle the president made me an offer of a seat in the council, which I declined on the ground of ill health, and want of sight; nor should I have thought of meddling in public affairs, but for the horrid outrages lately committed in this Island, and the open violation of law and justice which have followed them. Mr. Huggins, the author of these evils, when I was here sixteen years ago, was then as distinguished for his cruelty as in the present day, and his conduct held in abhorrence by every good man in the community, and by no one more than by Mr. Cottle, since become his son-in-law, neither deficient himself in understanding or humanity. Mr. John Stanley, late attorney general for these Islands, some years since assured my father, that he was examined before a Committee of the House of Commons respecting a murder committed by Mr. Huggins, who has not scrupled to acknowledge to a friend, that he shot a negro. It was understood at the time, that the body had been thrown into a negro hut, and burnt with it. An inquest was taken on the body of another negro, who died shortly after a most inhuman flogging; but the overseer, who is still in the Island, refused to give any satisfactory evidence to the Grand Jury who examined him. Two wretched suicides, weary of life and the sufferings they endured, have been taken out of a cistern, with their chains about them. Not whips and chains alone, but iron collars armed with spikes have been used, and I believe still are, as instruments of punishment by this man. Ignorant and brutal as he is, he has amassed an immense fortune, and still is grasping at the possession of more land and more negroes. His doctrine was, that it was cheaper to buy negroes than to breed them. He has publicly boasted of five attempts against his life by poison; and there are medical men who well know the facts. In the first six months after he took possession of the estate called *Pinnings*, nine negroes died without any epidemic disease. A wretched old woman came to me a few days ago, to tell me she was compelled to work in the field. She was a favourite house-negro in her former master's family, and had nursed one of his children. Being ordered to throw a mixture of gunpowder and salt-water on the mangled bodies of the negroes whipt in the market-place, she refused, and incurred the displeasure of her master; and her intellects have since been evidently disordered. An English groom, who had been witness to many of these shocking scenes, quitted the estate with horror, and returned to England, where his testimony will have some weight, as he bears a very good character. The negro Fanny, who died, had not been accustomed to hard work for many years before Mr. H. got possession

of

No. 7.  
In Gov. Elliot's,  
20 Nov. 1810.

## 12 PAPERS RELATING TO THE WEST INDIES.

No. 7  
To Gov. Elliot's,  
20 Nov. 1819.

of the estate; but he put her into the field, and she was one of those ordered to carry out dung by night. She never worked with the hoe again after the whipping, and died of an atrophy. Of the three who composed the jury on the inquest, two were on the jury which acquitted Mr. Huggins; and the coroner was one of the magistrates, who, with unconcern, beheld the flogging in the market-place. This inquest was never returned to the secretary's office, as is usual, and was not to be found when called for by the grand jury, who fortunately for the country, did not present either of the Mr. Huggins's, or we should have witnessed a trial more scandalous than the last. Of the five lawyers in court, four were retained on one side, and the cause of the King would have been left to Mr. Peterson, a gentleman who, after studying the law for a few months in the fort (of which he is captain gunner) was called to the bar here, and immediately obtained a silk gown from the then commander in chief, by means of which he succeeded Mr. Weekes as a matter of course. Both he, the Chief Judge and the Marshal, are men overwhelmed with debt. The latter is the deputy of a deputy who resides at St. Kitts, and rents his place from the Provost Marshal General, who lives in England. As I am desirous that in the narrative which the printer of the St. Christopher Gazette is about to publish, nothing should be inserted but what is perfectly accurate, it is my intention to furnish him with the particulars of the trial. He is a man the country is much indebted to, for having resisted the attempts made to silence his press. He has been most cruelly persecuted, but the sentence of his judges will excite less surprize when it is known that their chief is an habitual drunkard, often intoxicated on the Bench, and was brought down in a litter to pass sentence on a prisoner, at whose trial he had never been present. This gentleman, to his other dignities, adds those of Coloael of Forts and Fortifications, Master and Examiner in Chancery, Judge Surrogate in the Court of Admiralty, Register of Deeds, Casual Receiver and Captain Gunner of Fort Thomas.

I am sorry thus to occupy your Excellency's time with the affairs of this little community, but having reason to believe that it is your sincere desire to exercise the high powers of your station for the benefit of those who look to you for justice and protection, I have laid before you these facts, which a stranger to the Island cannot be supposed to know. I regret that I am personally unknown to your Excellency, but should you be desirous of knowing more of the man who has thus claimed your attention, I must refer you for that knowledge to Mr. Charles Mills, should you see him, or to Mr. Burton, Chief Judge of Antigua, to whom my family are well known.

With great respect, I remain, &c.

To Hugh Elliot, esq.  
Capt<sup>a</sup> Gen<sup>l</sup> & Gov<sup>r</sup> in Chief,  
&c. &c. &c.

(Signed) J. W. Tobin.

## 4.

Copy of a LETTER from Governor ELLIOT, to the Earl of LIVERPOOL; dated Antigua, 21<sup>st</sup> November 1810:—with five Enclosures.

Antigua, 21<sup>st</sup> November 1810.

MY LORD,

IN my preceding letter I have, in obedience to your Lordship's instructions of the 20<sup>th</sup> September, transmitted various papers relating to the case of Mr. Huggins at Nevis. I beg leave to repeat, that it was not my intention to have laid before your Lordship an account of this business, nor to have submitted my observations upon it, before I had an opportunity of making myself master, by personal inquiry on the spot, of all the circumstances and bearings of a transaction, which has so deservedly become an object of your Lordship's serious attention; still less did I think myself justified in attempting to point out the material defects existing in the government of the Leeward Islands, as it is now constituted, until I had an opportunity of collecting authentic facts, and of maturely weighing the validity of the complaints which have already reached me. It is, therefore, with diffidence, particularly in the present debilitated state of my health, that I venture to enter at all upon a subject of such delicacy and importance; although I feel that I am called upon to add a few observations to the statements contained in some of my preceding dispatches.

I have subjoined extracts of two letters, the first from Mr. Cottle, president of the Council at Nevis; the second from Mr. Wilson, one of the senior members of the Council at St. Christopher's, both corroborating the general expression of dissatisfaction in those Islands with the state of their governments. Upon these I beg leave to confine myself to remark, that I do not apprehend the defects complained of are to be ascribed principally to the remissness or culpability of their leading members. The root of the evil lies deeper. The fact is, the governments of the smaller Islands were formed in times when many of the proprietors lived upon their estates, and the white population was, in some instances, perhaps ten times as numerous as it now is. Of the few white inhabitants who remain, managers, overseers, self-created lawyers, self-educated physicians, and adventurous merchants, with little real capital and scanty credit, compose the greatest part. The acquirements of education, among many of this description of persons, are very unequal to the task of taking a share in the governments. The prevalence of principle, either moral or religious, is also, I fear, not to be fairly calculated from the repetition of the hacknied expressions, of which an ostentatious use is frequently made in addresses, and on all occasions meant to meet the public eye at home.

To collect from such a state of society, men fit to be legislators, judges or jurymen, is perfectly impracticable. Individual interest—personal influence—animosity of party feuds, weigh down the scale of justice, and divert the course of legislative authority into acts of arbitrary and unjustifiable power, cloaked under the semblance, and dignified with the name, of constitutional acts. How such defects are to be remedied is a question which requires much minute investigation, and serious and dispassionate consideration; neither can I yet venture to trouble your Lordship at length with my crude ideas upon so extensive and intricate a subject. I shall therefore confine myself to repeat, what I have already said in a former dispatch, that I apprehend the defects prevailing in the present state of the government of the Leeward Islands, cannot be remedied without a future appeal to the wisdom of His Majesty's enlightened councils at home.

In referring to the case of Mr. Huggins, it will be necessary to advert to an Act, now styled The Meliorating Act, as intended to ameliorate the state of the slaves in this government, passed at St. Christopher's in the month of April 1798, and confirmed the 6th of March 1799. In this Act there are four clauses which relate to the punishment of slaves, the 15th, 16th, 17th and 18th. Of these I need

only transcribe the 15th clause herewith annexed, in which your Lordship will be pleased to observe the following passage:

"It is hereby expressly declared and enacted, that if any person shall *cruelly whip, maltreat, beat or imprison, or keep in confinement, without sufficient support*, any slave under his or her direction or care, such person shall be indicted for the same in the superior Court of Criminal Jurisdiction for the Island wherein such offence shall be committed, and upon being legally convicted thereof, shall suffer such punishment by fine or imprisonment, or both, as the Judges or Justices of the said Court shall think proper to inflict."

Unfortunately, the provision contained in the above passage does not limit the number of lashes to be inflicted upon a slave to thirty-nine, as is the case in the 14th clause of the Consolidated Act passed at Jamaica in the year 1792; of which clause I also subjoin a copy, in order that your Lordship may the more readily compare the two. But even taking the 15th clause of the Leeward Islands Meliorating Act, as it now stands, it is indeed difficult to conceive by what perversion of human reason, and still more by what perversion of human feeling, any jury could have given a verdict of acquittal for punishments, in the course of which, I believe, it appeared on incontrovertible evidence, that three hundred lashes of cart-whips, or nearly that number, had been inflicted in the public market-place, without the sentence of a magistrate, upon a considerable proportion of a gang of thirty-two negroes, who were all, more or less, severely punished, without having been convicted of any act which, by the most forced construction, could be deemed mutinous or dangerous to the community at large. The problem is, therefore, I fear, only to be solved, by confirming the melancholy statement I have made in the outset of this dispatch, of the unworthy and inadequate materials which constitute those tribunals, so improperly styled Courts of Justice, in several of the West India Islands. One regulation, in my humble opinion, ought without delay to be adopted in all the Islands of my government; which is, that the 14th clause of the Jamaica Consolidated Act should be added to the Leeward Islands Meliorating Act, restricting the power of the owner, or of these under him or her, from inflicting more than thirty-nine lashes for any one fault.

Upon my expressing here my surprise, that this had not already been done at the time of passing the Meliorating Act, I received a note upon the subject (of which I enclose a copy) from Mr. James Athill, who was one of the Representatives of this Island, at St. Christopher's. From its contents your Lordship will be pleased to observe, that no blame attaches to the Representatives of Antigua, if so salutary a regulation, dictated by humanity, and proposed by that respectable and enlightened lawyer, Mr. Burke, Attorney General of the Leeward Islands, was not adopted by the General Council and Assembly.

Since I began this dispatch, I have received a letter from Dr. Cassin, of the Island of Nevis, of the 20<sup>th</sup> November, of which I enclose a copy. It appears that Dr. Cassin, a magistrate in that Island, was called upon by Mr. Huggins to attend in his medical capacity, as physician, at the punishment of the negroes; at which he expresses his abhorrence, and endeavours to excuse himself as a magistrate, for not having prevented it, having then been ignorant of his duty, and not supposing that he had the power of interfering.

I have the honour to be, &c.

(Signed)

H. ELLIOT.

The Right Honourable  
The Earl of Liverpool,  
&c. &c. &c.

No. 1.  
In Gov. Elliot's  
of 21 Nov. 1810.

Extract of a Letter from Mr. Cottle, President of the Council at Nevis, to H. Elliot, esq.;—dated Nevis, 18<sup>th</sup> September 1810.

I fear your Excellency will find Nevis as much deserving the character of an Island without a government as Montserrat. I am sorry to say so, but the anti-aristocratic spirit has taken such hold of the lower-classes, and the superior class is so torn to pieces by different interests, that what might be an Eden, is converted into a place of torment.

Extract of a Letter from Mr. J. Wilson, Member of the Council at St. Christopher's, to H. Elliot, esq.;—dated St. Kitt's, 18 September 1810.

No. 1.  
In Gov. Elliot's  
of 21 Nov. 1810.

On the petition I now take the liberty of handing to your Excellency, permit me to say a few words, not with any view to influence your mind either one way or the other, as such an attempt on my part would be high presumption; but I venture so to do, conceiving it probable that your Excellency is, as yet, but little acquainted with the general character of this community.

To witness the facility with which, thus far, this point has been carried, is in my humble conception so glaring an act of injustice, and the principle so dangerous to the welfare and good government of the Colony, whose *lost character*, from such like acts, is already at its lowest ebb, that every man of property in the Island must tremble at the consequences that will inevitably follow such conduct.

#### Extract of The Meliorating Act.

“ XV.—And be it further Enacted, by the Authority aforesaid, That in order to remove any doubt which may arise, as to the legality or propriety of punishing the owner or director of any slave, for any cruel conduct towards such slave, it is hereby expressly declared and enacted, that if any person shall *cruelly whip, maltreat, beat, or imprison or keep in confinement, without sufficient support*, any slave under his or her direction or care, such person shall be indicted for the same in the superior Court of Criminal Jurisdiction for the Island wherein such offence shall be committed; and upon being legally convicted thereof, shall suffer such punishment, by fine or imprisonment, or both, as the Judges or Justices of the said Court shall think proper to inflict; and the said Judges or Justices are hereby authorized, if they shall deem it necessary for the further protection of the said slave, to order the Marshal or his Deputy to sell and dispose of such slave to any person (except the Owner) at public outcry, and at the best price that can be procured for such slave; and the monies arising from such sale, after payment of the fees, shall be paid to the person having the first lien thereon, and in case of no such prior lien, then to the owner of the said slave.”

No. 2.  
In Gov. Elliot's  
of 21 Nov. 1810.

#### Extract of The Jamaica Consolidated Act.

“ XIV.—And, in order to restrain arbitrary punishments, be it further enacted by the authority aforesaid, That no slave on any plantation or settlement, or in any of the workhouses or gaols in this Island, shall receive more than ten lashes at one time and for one offence, unless the owner, attorney, guardian, executor or administrator, or overseer of such plantation or settlement, having such slave in his care, or supervisor of such workhouse, or keeper of such gaol, shall be present; and that no such owner, attorney, guardian, executor, administrator or overseer, supervisor or gaol-keeper, shall, on any account, punish a slave with more than thirty-nine lashes at one time, and for one offence, nor inflict or suffer to be inflicted such last-mentioned punishment, or any other number of lashes, in the same day, nor until the delinquent has recovered from the effects of any former punishment, under the penalty of ten pounds for every offence, to be recovered against the person directing or permitting such punishment.”

No. 3.  
In Gov. Elliot's  
of 21 Nov. 1810.

SIR,

In reply to your Excellency's question, relative to the Meliorating Act, I have to inform you, that in the draft of the Resolutions which were the foundation of the Meliorating Act, and which were almost exclusively prepared by Mr. Burke, after consulting his colleagues in the General Assembly from this Island, there was, to the best of my recollection, a clause to limit punishments to thirty-nine lashes; but it was rejected in the Commons House of Assembly, as being considered to be too great an interference with the authority of the proprietor. Such a clause would, I am convinced, be readily adopted in this Island, where indeed it is, I believe, less necessary than in some of our sister colonies.

No. 4.  
In Gov. Elliot's  
of 21 Nov. 1810.

I have the honour to be, &c.

James Athill.

Doctor



No. 5.  
In Gov. Elliot's  
of 21 Nov. 1810.

Doct<sup>r</sup> Cassin, of the island of Nevis, is sorry to be called on, as he conceives is urgently the case, in justification of himself, for having as a magistrate suffered the very severe, and, in his opinion, unjustifiable and cruel punishment of Mr. Edward Huggins's negroes in the market-place of this Island, on the 23<sup>d</sup> of January last past, to trouble his honor the Commander in Chief with this communication, but trusts his honor will have the goodness to excuse him; and further hopes he will be pleased to transmit this, with the other documents, to the Earl of Liverpool.

On that occasion Doct<sup>r</sup> Cassin was called on by message from Mr. E. Huggins, twice at least, if not thrice, to attend in his *medical capacity*; which call he neglected to attend to, in consequence of his feelings being outraged on the occasion; and not till he understood *his opinion of the state of health* of one of the individuals to be punished was required, did he attend; when he was happy in so doing, as he had saved that individual from a severe punishment—when he conceived it his duty, *so called on as a medical man*, and particularly as the medical man then under an engagement to attend those negroes by the year. Though Dr. Cassin was then recently acting as a magistrate, with great shame does he confess that he was in that instance ignorant of his duty, or he would undoubtedly have interfered on the part of humanity, and have put a stop to the proceedings; and which he trusts the inhabitants generally of this Island will give him credit for public spirit enough to have done, notwithstanding his interests would have suffered much by it. Dr. Cassin begs further to observe, in consequence of his abhorrence of that transaction being generally known, he has long since lost the attendance of that estate, and the further interests of the party whose very good opinion he then held, but which he is rejoiced so to have lost.

To his Honour the Commander in Chief,

&c. &c. &c.

20<sup>th</sup> Nov. 1810.

5.

Copy of a LETTER from GOVERNOR ELLIOT, to the Earl of LIVERPOOL; dated Antigua, 25<sup>th</sup> November 1810:—with 14 Enclosures.

No. 17.

Antigua, 25<sup>th</sup> November 1810.

MY LORD,

I HAVE the mortification to state, that the papers I alluded to yesterday, which were to be transmitted to me by Mr. Cottle, President of the Council at Nevis, relative to the case of Mr. Huggins, have arrived at so late an hour this day, as to make it impossible for me to detain the government schooner (for fear she should miss the packet) for the purpose of even perusing, much less of taking copies of such voluminous documents. The only letters which I could read in haste, are those from Mr. Cottle to me, as also that of Mr. Weekes, the King's Counsel for the prosecution, and a most extraordinary letter from Mr. Huggins to Mr. Cottle explanatory of his conduct.

As I am very doubtful, whether it will be practicable to obtain duplicates of the above papers from Nevis or St. Christopher's; I humbly entreat that your Lordship will have the goodness to direct them to be copied, and to be sent out to me by the first packet, as well for my guidance in the future investigation of the business, as they may be deposited, as they ought to be, in the archives of this government.

I subjoin a List of the Papers enclosed. I have the honour to be, with great truth and respect,

My Lord,

Your Lordship's most obedient and  
Most humble Servant,

H. ELLIOT.

To the Right honourable  
The Earl of Liverpool,  
&c. &c. &c.

List of the Papers received from Mr. Cottle, and transmitted with the Dispatch, No. 17.

A Letter from Mr. Cottle to Mr. Elliot; dated Nevis, 22<sup>d</sup> November 1810.

No. 1.  
In Gov. Elliot's  
of 25 Nov. 1810.

- No. 1. Minutes of the Assembly.
- 2. Minutes of the Council.
- 3. Marthal's Report of the formation of the Jury.
- 4. Record of the Trial and Verdict.
- 5. Evidence taken by Defendant's Counsel.
- 6. A Packet, containing a letter from Mr. Weekes to Mr. Elliot, dated Morning Star, 21<sup>st</sup> November 1810; and Evidence taken by Mr. Weekes.
- 7. A Letter from Mr. Huggins to Mr. Cottle.
- 8. Petition and Affidavit of Edward Huggins, Coroner's Inquest.

Private:

- A. Letter from Mr. Cottle to Mr. Elliot, Nevis, 22<sup>d</sup> November 1810.
- B. Copy of Correspondence, not material, but explanatory of the delay.

Nevis, 22<sup>nd</sup> November 1810.

Sir,

I have the honour of enclosing to your Excellency herewith, a copy of the Minutes of the Council, a copy of the Minutes of the Assembly, a copy of the Record of the Trial, a certified Report of the formation of the Jury, and, a statement of the Evidence thereon, compiled from their notes, and signed by the Counsel of the defendant. Mr. Weekes, who was concerned on the part of the prosecution, prefers sending his statement of the evidence, sealed up, to your Excellency, which I also enclose.

No. 2.  
In Gov. Elliot's  
of 25 Nov. 1810.

I applied to the late senior Assistant Judge, who presided at the trial, for his charge to the Jury; he says, he only recollects telling them, they were, from the evidence they had just heard, perfectly masters of the case, and they must retire and do their duty. I then enquired of him, if he had taken any notes of the evidence, and put the same question to the other three Judges individually; and was answered by them, that they had not taken any. I also take the liberty of forwarding to your Excellency, a letter addressed to me by Mr. Huggins, with a petition and affidavit referred to in his letter, explaining the motives of his conduct.

I have the honour to be, &c.

(Signed)

T. T. Cottle.

No. 1.

At a Meeting of the Gentlemen of the Assembly at the Town of Charles Town, on Wednesday the 31<sup>st</sup> day of January 1810:—President, The Hon. WILLIAM HIGGINS, Speaker; William Laurence, Finlay Nicholson, James Hanley, John Richardson, Peter T. Huggins, William W. Wilkes, Josiah W. Maynard, W. G. Laurence, Rich<sup>d</sup> L. Hicks, W<sup>m</sup> Bowrin, jun. James Tobin, Edw<sup>d</sup> Pemberton, W<sup>m</sup> Pemberton, Thomas Liburd, esq<sup>r</sup>:

No. 3.  
In Gov. Elliot's  
of 25 Nov. 1810.

Ordered, That the Minutes of the last Meeting be read;—and they were read accordingly.

Mr. Maynard in his place having informed the House, that a most violent act of cruelty was committed by Edward Huggins, sen. esq. in inflicting punishment on several of his negroes in the public market-place of this town; and praying that this House do proceed to the investigation of the same:—Upon motion being made, and seconded:

Ordered, that the following persons be desired to attend;—who were summoned, and accordingly appeared, and gave the following evidence.

The Examination of John Burko, jun. Deputy Secretary of the said Island; upon oath; saith,

That on Tuesday the 23<sup>d</sup> inst. he was standing in the street opposite the house of the Rev. William Green, when he saw Edw<sup>d</sup> Huggins, sen. esq. and

No. 3.  
In Gov. Elliot's  
of 25 Nov. 1810.

and his two sons Edward and Peter Thomas Huggins, ride by with a gang of negroes to the public market-place, from whence the deponent heard the noise of the cart-whip; that deponent walked up street, and saw Mr. Edw<sup>d</sup> Huggins, sen. standing by with two drivers flogging a negro man, whose name deponent understood to be Yellow Quashy; that deponent went into Doctor Crosse's gallery and sat down; that the two drivers continued flogging the said negro man for about fifteen minutes; that as he appeared to be severely whipped, deponent was induced to count the lashes given the other negroes, being under the impression that the country would take up the business: That deponent heard Mr. George Abbott declare at Doctor Crosse's steps, near the market-place, that the first negro had received 365 lashes. Deponent saith, that Mr. Huggins, sen. gave another negro man 115 lashes; to another negro man 65 lashes; to another negro man 47 lashes; to another negro man 165 lashes; to another negro man 242 lashes; to another negro man 212 lashes; to another negro man 181 lashes; to another negro man 59 lashes; to another negro man 187 lashes; to a woman 110 lashes; to another woman 58 lashes; to another woman 97 lashes; to another woman 212 lashes; to another woman 291 lashes; to another woman 83 lashes; to another woman 49 lashes; to another woman 68 lashes; to another woman 89 lashes; and to another woman 56 lashes; and that the woman that received 291 lashes appeared young, and was most cruelly flogged. That the negroes were flogged by two expert whippers; that Mr. Edward Huggins, jun. and Mr. Peter Huggins were present at the time the negroes were punished; that Doctor Cassin was present when some of the negroes were whipped, and when a man received two hundred and forty-two lashes; that deponent understood that Doctor Cassin was sent for by Mr. Huggins, sen. That Edw<sup>d</sup> Parris, esq. Mr. Peter Butler, and Doctor Crosse, were present at Doctor Crosse's house a part of the time during the punishment; that Mr. Joseph Nicholson, Mr. Joseph Lawrence, and Mr. W<sup>m</sup> Keepe, were present all the time.

John Burke, jun.

Sworn before me this 31<sup>st</sup> Jan<sup>y</sup> 1810, }  
at the Secretary's office. }

W<sup>m</sup> Lawrence.

The Examination of Andrew M. Crosse, Practitioner in Physic of the said Island; upon oath; saith,

That he was present when the negroes mentioned in the deposition of John Burke, jun. esq. were flogged, and saw the said John Burke take an account of the number of the lashes given them; and that deponent having read over the deposition of the said John Burke, declares the same to be just and true.

Sworn before me this 31<sup>st</sup> Jan<sup>y</sup> 1810, }  
at the Secretary's office. }

Andrew Moore Crosse.

W<sup>m</sup> Lawrence.

The Examination of Peter Butler of the said Island; upon oath; saith,

That he was present part of the time when Mr. Edward Huggins, sen. was whipping his negroes; that he heard Mr. John Burke deliberately count the number of lashes given them; and that having heard the deposition of said John Burke read, he, the deponent, verily believes the same to be just and true.

Sworn before me this 31<sup>st</sup> Jan<sup>y</sup> 1810, }  
at the Secretary's office. }

Peter Butler.

W<sup>m</sup> Lawrence.

The Examination of William Keepe, of said Island; upon oath; saith,

That on the 23d inst. he was going down in town, when he saw a large number of negroes headed by Mr. E. Huggins, sen. and his sons Edward and Peter Thomas Huggins; that he went up and addressed Mr. Edward Huggins, jun. and enquired what

of Negroes.]

## THE WEST INDIES.

19

what was the matter, who told this deponent the negroes had acted improperly, for which they were to be flogged: That after the negroes were arranged in order, accordingly to a list as he believes given by Mr. Peter Thomas Huggins to his father, they commenced flogging a yellow-complexion negro, whose name deponent has heard is Quashy; that he looked on until the negro had received about 24 lashes, when he saw Mr. John Burke, jun. walk up street and go to Doctor Crosse's; that deponent went there also, and that the first negro appeared to receive a very severe flogging, which induced Mr. John Burke, jun. to count the number of lashes given to the other negroes; and that deponent having heard the deposition of the said John Burke read, he thinks the same in all other respects very accurate.

W<sup>m</sup> Keepe.

Sworn before me this 31<sup>st</sup> January 1810, }  
at the Secretary's office, }  
W<sup>m</sup> Lawrence.

The Examination of Joseph Lawrence, of said Island; upon oath; saith,

That he was present on the 23<sup>d</sup> instant, when Mr. Edward Huggins, sen. was flogging his negroes in the market-place, and that the number of lashes given the negroes by two drivers, as stated in the deposition of Mr. John Burke, jun. is just and true; that deponent saw one of the negroes, after he was whipped severely, scrape the blood from his buttock and drink it.

Joseph Lawrence.

Sworn before me this 31<sup>st</sup> January 1810, }  
at the Secretary's office, }  
W<sup>m</sup> Lawrence.

The Examination of George Abbott, deputy Naval Officer of said Island; upon oath; saith,

That on the 23<sup>d</sup> instant, he counted 365 lashes, and that a negro woman passing by his house, said, he would die: This deponent asked her if all the lashes were given to one person, to which she answered, yes; that deponent then went down in town, and saw a yellow negro in the market-place, which appeared severely whipped.

George Abbott.

Sworn before me this 31<sup>st</sup> Jan<sup>y</sup> 1810, }  
at the Secretary's office, }  
W<sup>m</sup> Lawrence.

Upon Motion made, and seconded—Resolved, That it is the opinion of this House, that the conduct of Edward Huggins, sen. esq. on Tuesday the 23<sup>rd</sup> of this month, in inflicting punishment on several of his negroes in the public market-place of this town, was both cruel and illegal; and that particularly in two cases, where 242 and 291 lashes were given, he was guilty of an act of barbarity altogether unprecedented in this Island.

That this House do hold such conduct in the utmost abhorrence and detestation, which sentiments perfectly accord with the feelings of the community in general.

That this House do pledge themselves to promote the strictest investigation into this cruel proceeding, so disgraceful to humanity, so injurious to the fair character of the inhabitants, and so destructive of the best interests of the West India Colonies.

Resolved, That the above Resolutions, with the evidence taken in support thereof, be printed; that copies be transmitted to England, and circulated through all the Islands.

Resolved, That a copy of the foregoing Resolutions, with the evidence taken in support thereof, be sent to the Council for their consideration.

The

No. 3.  
In Gov. Elliot's  
of 25 Nov. 1810.

No. 3.  
In Gov. Elliot's  
of 25 Nov. 1810.

The Gentlemen of the Assembly to his Honor the President and Council.

We herewith send you certain Resolutions entered into by this House, with the evidence taken in support thereof, for the consideration of your Board.

Assembly-Room, }  
Jan<sup>r</sup> 31<sup>st</sup> 1810. }

W<sup>m</sup> Higgins, Speaker.

His Honor the President and Council to the Gentlemen of the Assembly.

Gentlemen,

This Board has considered the Resolutions of your House, and the evidence taken respecting the conduct of Mr. Edward Huggins, sen. and adopt the sentiments of your House, in respect to the acts of cruelty stated by such evidence to have been committed; and this Board is of opinion, that every legal measure should be taken to bring the party to trial: But this Board is also of opinion, that as the party charged must be tried by another tribunal, the publication of any evidence, previous to such trial should be avoided.

By command.

Council Chamber, }  
31<sup>st</sup> Jan<sup>r</sup> 1810. }

Jn<sup>o</sup> Burke, jun.  
Clerk of Council.

On Motion made, and seconded—Resolved, That the Speaker give directions to have the Resolutions of this day, and the evidence in support thereof, published in the St. Kitt's newspaper.

At a Meeting of the Gentlemen of the Assembly, at the Town of Charles Town, on Thursday the 22<sup>nd</sup> day of February 1810:—Present, the Hon. William Higgins, Speaker; William Laurence, James Tobin, Peter T. Huggins, Edward Pemberton, William Pemberton, William G. Laurence, James Hanley, William Bowrin, jun. William W. Wilkes, and Jo<sup>o</sup> W. Maynard, esquires:

Ordered, That the Minutes of the last Meeting be read; and they were read accordingly.

On Motion made, and seconded—Resolved, That it is the opinion of this House, that one or more of the Crown Lawyers should be retained to conduct the prosecution against Mr. Huggins the elder, agreeable to the Resolutions entered into on the 31<sup>st</sup> day of January last; and this House will make provisions for the payment thereof.

At a Meeting of the Gentlemen of the Assembly, at the Town of Charles Town, on Thursday the 15<sup>th</sup> day of March 1810:—Present, James Tobin, William Laurence, Edward Pemberton, Richard L. Hicks, Josiah Maynard, William Pemberton, William Bowrin, jun. James Hanley, Peter Thomas Huggins, William W. Wilkes, William G. Laurence, and Thomas Liburd, esquires:

The House made choice of James Tobin, esquire, as Speaker pro tempore in the room of the honourable W<sup>m</sup> Higgins, esquire, who was indisposed.

Ordered, That the Minutes of the last meeting be read; and they were read accordingly.

On Motion made, and seconded—Resolved unanimously, That application be made to Clement Caines, esq. King's Counsel at St. Christopher's, to defend the prosecution at present against Thomas Howe, the printer, for publishing the Resolutions of this House on the 31<sup>st</sup> day of January last, and to act as an auxiliary with Mr. Weekes in the prosecution of Mr. Huggins in Nevis.

The Gentlemen of the Assembly to his Honor the President and Council.

This House having unanimously resolved, That application be made to Clement Caines, esquire, King's Counsel at St. Christopher's, to defend Mr. Thomas Howe,

of Negroes.]

## THE WEST INDIES.

21

Howe, the printer of St. Christopher Gazette, against the prosecution at present depending against him for publishing the Resolutions of this House, on the 31<sup>st</sup> day of January last, and to act as an auxiliary with Mr. Weekes in the prosecution against Mr. Huggins in Nevis, and that a deputation of two members from this House be sent down with a retaining fee for that purpose. We have therefore appointed Josiah W. Maynard and William Laurence, esquires, to join such members of your Board as you may think proper.

Assembly-Room, }  
15<sup>th</sup> March 1810. }

James Tobin,  
Speaker, pro tempore.

No. 3.  
In Gen. Elliot's,  
of 25 Nov. 1810.

His Honour the President and Council, to the Gentlemen of the Assembly.

Gentlemen,

This Board consider a deputation of the Legislature for the purpose of seeing counsel, in any case unprecedented, and derogatory to its dignity; but are ready to concur in the propriety of retaining counsel to support the Resolutions of your House.

By command.

Council Chamber, }  
15<sup>th</sup> March 1810. }

Jn<sup>o</sup> Burke, jun.  
Clerk of Council.

On Motion made, and seconded—Resolved, That the Speaker do write to Clement Caines, esq. and present him with a fee of £ 50. sterling to defend Mr. Howe, the printer at St. Kitt's, on the prosecution commenced against him for publishing the Resolutions of this House; as also a fee of £ 50. sterling to carry on the prosecution against Mr. Huggins the elder, in Nevis; and we do authorize the Speaker to draw on the Treasurer for that amount.

At a Meeting of the Gentlemen of the Assembly at the town of Charlestown, on Saturday the 5<sup>th</sup> of May, 1810:—Present, The Honourable WILLIAM HIGGINS, Speaker; James Tobin, W<sup>m</sup> Laurence, Edw<sup>d</sup> Pemberton, W<sup>m</sup> Pemberton, James Hanley, W<sup>m</sup> Bowrin, jun. W<sup>m</sup> W. Wilkes, W. G. Laurence, Peter T. Huggins, Rich<sup>d</sup> L. Hicks, esquires.

Ordered, That the Minutes of the last meeting be read; and they were read accordingly.

Mr. Tobin laid before the House the copy of a Letter written by him, as Speaker, pro tempore, on the 15<sup>th</sup> of March last, to Clement Caines, esq. and his Answer thereto, which was ordered to be read; and they were read accordingly, and are as follows:

Sir,

The Legislature of this Island having entered into Resolutions to apply to you to defend the cause of Mr. Thomas Howe, the printer of the St. Christopher Gazette, against whom a prosecution is commenced for publishing certain former Resolutions of this House, and also to engage your professional services in support of an indictment against Edw<sup>d</sup> Huggins, sen. esq. I herein have the pleasure to inclose you two orders on the public treasury for £ 50. sterling each; and in hopes they will be favoured with your acceptance, and that our proceedings will be sanctioned by the support of your eminent abilities,

I have the honor to be, Sir,

Your most obedient humble Servant,

Assembly-Room, }  
Nevis; 15<sup>th</sup> March 1810. }

James Tobin,  
Speaker, pro tempore of the Assembly.

Dear Sir,

Monkey Hill, March 21<sup>st</sup> 1810.

I am highly flattered by the favourable opinion the Legislature of Nevis have expressed of my abilities, little worthy, I am sure, of such respectable approbation; but it is an invariable rule of my conduct not to receive a fee in any criminal prosecution.

No. 3.  
In Gov. Elliot's,  
of 25 Nov. 1810.

If I took one against the Crown, it would be acting in direct opposition to the duties of my situation as Crown Officer; if I took a fee in favour of a prosecution, I should be bound to carry it on to the utmost of my ability: but now I am bound only to carry it on to the extent of justice.

When she pronounces a person accused not criminal, I am bound to declare to the jury which I am addressing, that he is innocent. This I could not do if I had taken a fee to convict him. These considerations induce me to request, that the Legislature of Nevis would suffer me to return the very handsome fees which they have been good enough to offer me, although I cannot return them without the deepest and most grateful sense of the honour which has been conferred on me. That Mr. Tobin should have communicated to me this testimony of the Legislature's consideration, adds very much to the pleasure which I have derived from it; for

I am, my dear Sir,

Sincerely and respectfully your's,

Clement Caines.

Nevis, 17<sup>th</sup> November 1810.—The foregoing is a true transcript taken from the Minutes of the House of Assembly in this Island.

W<sup>m</sup> Burke,  
Clerk of Assembly, pro tempore.

No. 4.  
In Gov. Elliot's,  
of 25 Nov. 1810.

No. 2.

Nevis.—At a Meeting of the Council this 31<sup>st</sup> day of January 1810:—Present, The Honourable THOMAS JOHN COTTLE, President; the Honourable Walter Maynard, the Honourable John Colhoun Mills, the Honourable and Reverend Samuel Lyons, the Honourable James Daniell, the Honourable James Weekes, the Honourable Samuel Laurence.

The Gentlemen of the Assembly, to his Honour the President and Council.

We herewith send you certain Resolutions entered into by this House, with the Evidence taken in support thereof, for the consideration of your Board.

Assembly-Room, }  
31<sup>st</sup> January 1810. }

W<sup>m</sup> Higgins,  
Speaker.

Charlestown Nevis, Assembly-Room, Jan<sup>r</sup> 31<sup>st</sup> 1810.

Resolved, That it is the opinion of this House, that the conduct of *Edward Huggins*, sen. esq. on Tuesday the 23<sup>d</sup> of this month, in inflicting punishment on several of his negroes in the public market-place of this town, was both cruel and illegal, and that particularly in two cases where 243 and 291 lashes were given, he was guilty of an act of barbarity altogether unprecedented in this Island; that this House do hold such conduct in the utmost abhorrence and detestation, which sentiments perfectly accord with the feelings of the community in general.

That this House do pledge themselves to promote the strictest investigation into this cruel proceeding; so disgraceful to humanity, so injurious to the fair character of the inhabitants, and so destructive of the best interests of the West India Colonies.

Resolved, That the above Resolutions, with the evidence taken in support thereof, be printed; that copies be transmitted to England, and circulated throughout all the Islands.

Resolved, That a copy of the foregoing Resolutions, with the evidence taken in support thereof, be sent to the Council for their consideration.

Examination of John Burke, junior, esquire; upon oath; before the House of Assembly, this 31<sup>st</sup> Jan<sup>r</sup> 1810; saith,

That on Tuesday the 23<sup>d</sup> January, he was standing in the street opposite Mr. Green's, when Mr. Huggins, senior, and his two sons, Edward and P. T. Huggins, passed with a number of negroes; that before he quitted he heard the cart-whip going in the public market; that he walked into Doctor Crosse's and sat down; that

that Mr. H. continued to flog a negro man named Yellow Quashy (as he has heard with respect to the name of the negro) for about 15 minutes, with two drivers; that as the man appeared most severely flogged, he was induced to count the lashes given the others, being under an impression the public would take up the business: That he heard Mr. Abbott declare the first negro had 365 lashes. That Mr. Huggins gave another negro 115, another 65, another 47, another 165, another 242, another 212, another 181, another 59, another 187; one woman 110, another 58, another 97, another 212, another 291, another 83, another 49, another 68, another 89, another 56, and that the woman that received 291 appeared young and most cruelly flogged; all the negroes were flogged by two expert whippers.

Mr. Edward Huggins, junior, Mr. P. Huggins were present all the time; and that Doctor Cassin was present when some of the negroes were whipped, and when a man received 242; that he understood the Doctor was sent for by Mr. Edward Huggins, senior. That Mr. Keepe, Mr. Joseph Nicholson, Dr. Crosse, Mr. Parris, and Mr. P. Butler, during a part of the time. Mr. Jos. Laurence was present.

John Burke, junior.

Examination of Dr. Crosse; upon oath; saith,

That he was present when the negroes were flogged, and when Mr. Burke took an account of the number of lashes given them; and that the within examination of Mr. Burke is the truth, and nothing but the truth.

Andrew Moore Crosse.

Examination of Peter Butler; saith,

That he was present part of the time when Mr. Edward Huggins, senior, was whipping his negroes; that he heard Mr. John Burke deliberately count the number of lashes given them, and he believes what Mr. Burke has declared in his examination to be just and true.

Peter Butler.

Examination of William Keepe; saith,

That on the 23d instant he was going down in town, when he saw a large number of negroes, headed by Mr. Edward Huggins, sen. and his sons Edward Huggins, jun. and P. T. Huggins; that he went up and addressed Mr. Edward Huggins, jun. and inquired what was the matter; who told the Examinant that the negroes were acting improperly, for which they were to be flogged: That after the negroes were arranged in order according to a list, as he believes, given by Mr. P. Huggins to his father, they commenced flogging a yellow complexion negro, whose name he has heard is Quashy; that he looked on until the negro received about 24 lashes: about that time he saw Mr. John Burke walk up street, and go to Doctor Crosse's; that this Examinant went to Doctor Crosse's also; that the first negro appeared to receive a very severe flogging, which induced Mr. Burke to count the number of lashes given the other negroes; and that Mr. Burke's examination, in all other respects, he thinks and believes is very accurate.

Examination of Joseph Laurence; saith,

That he was present on the 23d instant, when Mr. Huggins was flogging his negroes in the market-place; and that the number of lashes given the negroes by two drivers, as stated in the examination of Mr. Burke, is just and true: that he saw one of the negroes, after he was whipped severely, scrape the blood from his buttocks and drink it.

Joseph Laurence.

Examination of George Abbott; saith,

That on the 23d instant he counted 365 lashes; and that a negro woman passed by his house, and said, "he would die;" this Examinant then asked if they were all given to one person, and she said, yes: That the Examinant then went

No. 4.  
In Gov. Elliot's,  
of 25 Nov. 1810.



No. 4.  
In Gov. Elliot's,  
of 25 Nov. 1810.

went down in town, and saw a yellow negro in the market-place, who appeared severely whipped.

George Abbott.

His Honour the President and Council to the Gentlemen of the Assembly.

Gentlemen,

This Board has considered the Resolutions of your House, and the Evidence taken respecting the conduct of Mr. Edward Huggins, s<sup>r</sup>. and adopt the sentiments of your House, in respect to the acts of cruelty stated by such evidence to have been committed; and this Board is of opinion, that every legal measure should be taken to bring the party to trial.

But this Board is also of opinion, that the party charged must be tried by another tribunal; the publication of any evidence previous to such trial should be avoided.

By command.

Council Chamber, }  
31<sup>st</sup> Jan<sup>y</sup> 1810. }

Jn<sup>o</sup> Burke, jun.  
Clerk of Council.

At a Meeting of the Council, this 15th day of March 1810:—Present, The Honourable THOMAS COTTLE, President, the Honourable Walter Maynard, the Honourable and Reverend Samuel Lyons, the Honourable James Daniell, the Honourable James Weekes, the Honourable Samuel Laurence.

The Gentlemen of the Assembly to his Honour the President and Council.

This House having unanimously resolved, That application be made to Clement Caines, esq. King's Counsel at St. Christopher's, to defend Mr. Thomas Howe, the printer of the St. Christopher Gazette, against the prosecution at present depending against him, for publishing the Resolutions of this House on the 31<sup>st</sup> day of January last, and to act as an auxiliary with Mr. Weekes in the prosecution against Mr. Huggins in Nevis; and that a deputation of two members from this House be sent down with a retaining fee for that purpose. We have therefore appointed Josiah W. Maynard and William Laurence, esquires, to join such members from your Board as you may think proper.

Assembly-Room, }  
March 15<sup>th</sup> 1810. }

J. Tobin, Speaker, pro tempore.

His Honour the President and Council to the Gentlemen of the Assembly.

Gentlemen,

This Board considers a deputation of the Legislature, for the purpose of seeing counsel, in any case unprecedented, and derogatory to its dignity; but are ready to concur in the propriety of retaining counsel to support the Resolutions of your House.

By command.

Council Chamber, }  
15 March 1810. }

Jn<sup>o</sup> Burke, jun.  
Clerk of Council.

Nevis - - - Secretary's Office.

I do hereby certify and attest, That this and the foregoing six sheets of paper, hereunto annexed, contain a true and faithful Extract from the Book of the Minutes of His Majesty's Council in and for this Island of Nevis; and which Extract hath carefully been examined and compared with the said book, by me.

Given under my hand, }  
the 17<sup>th</sup> day of Nov<sup>r</sup> 1801. }

Jn<sup>o</sup> Burke, jun.  
Clerk of Council.

## Rule of Court made the 6th March 1810.

It is ordered by the Court, That for the future, the Marshal shall make a separate and distinct list of the pannel of the jurors, which is to contain the names of all persons liable to serve, and that such list shall be laid before the Bench, at the time the pannel is called over by the Marshal.

And it is further ordered, that the names of each juror shall be written upon a separate and distinct card or folded paper, and the whole deposited in a box containing two compartments, from one of which the same shall be drawn in regular order by the Marshal on forming petty jurors, until the number required is obtained; and in the other, the tickets so drawn shall be deposited as the names are called.

## The King against Edward Huggins the elder.

I do hereby certify, That the jury in the above cause was drawn and formed pursuant to the directions of the foregoing rule of court, and that twenty-nine names were indiscriminately drawn before the said jury were agreed upon, and sworn to try the same.

Nevis, }  
November 21<sup>st</sup> 1810. }

John Dasent Smith,  
Deputy Provost Marshal.

At a Court of King's Bench and Common Pleas held in and for the Island of Nevis, at the public Court Hall in Charles Town, on Tuesday the 6th day of March 1810, and in the 50th year of His Majesty's reign:—Present, The honourable EDWARD PEMBERTON, eldest Justice, the honourable and Rev. Edward Brazier, the honourable William Laurence, the honourable William W. Wilkes.

No. 6.  
In Gov. Elliot's,  
of 25 Nov. 1810.

The following good and lawful men of the Island aforesaid, were this day sworn, and charged to enquire, for our Lord the King, for the body of the said Island:

James Hanley, foreman; Joseph Brazier, Butler Claxton, William Keepe, Joseph K. Watley, James Laurence, Walter Bucke, John T. Crosse, Richard Brodbelt, William Bowrin jun. Edward Frith, Frank Browne, William Laurence jun. Jos. W. Stanley, Adam Brodie, Frederick Huggins, Daniel Wane, George Bucke, Frank Newton, John Huggins, sen. William Pemberton, William Slater, Thomas Liburd.

The said jurors for our Lord the King, made the following Presentments:

Nevis, March 6<sup>th</sup> 1810.

The jurors for our Sovereign Lord the King, on their oath, present *Edward Huggins* senior, for having on the 23d day of January last past, punished several of his negroes in a very cruel manner in the public market-place of the town of Charles Town; contrary to an Act of the General Assembly of the Leeward Islands.

We also present the following Magistrates: Edward Huggins jun. Henry Richard Cassin, Joseph Jones, William Green, William Burke, John Richardson, and William Higgins, for suffering Edward Huggins senior to correct his negroes on the said 23d day of January contrary to the above Act.

James Hanley,  
Foreman with his Fellows.

At a Court of King's Bench and Common Pleas held in and for the Island of Nevis, at the public Court Hall in Charles Town, on Tuesday the 3d day of April 1810, and in the fiftieth year of His Majesty's reign:—Present, The honourable EDWARD PEMBERTON, eldest Assistant Justice, the honourable and Rev. Edward Brazier, the honourable William Lawrence, the honourable William W. Wilkes.

The following good and lawful men of the Island aforesaid, were this day sworn, and charged to enquire, for our Lord the King, for the body of the said Island.

James Hanley, foreman; Joseph Brazier, Butler Claxton, William Keepe, Joseph K. Watley, James Laurence, Walter Bucke, John T. Crosse, Richard Brodbelt,

No. 6.  
In Gov. Elliot's,  
of 25 Nov. 1810.

Brodbelt, William Bowrin junior, Edward Frith, Frank Browne, William Lawrence junior, Joseph W. Stanley, Adam Brodie, Frederick Huggins, Daniel Wane, George Bucke, Frank Newton, John Huggins senior, William Pemberton, William Slater, Thomas Liburd.

The said jurors for our Lord the King this day found the following Bills of Indictment:

*Nevis to wit.*—The jurors for our Lord the King, upon their oath, present, That *Edward Huggins* the elder, late of the parish of St. Paul in the Island aforesaid, being a person of a cruel and inhuman disposition, on the 23d day of January, in the fiftieth year of the reign of our Sovereign Lord George the Third, of the United Kingdom of Great Britain and Ireland King, &c. with force and arms at the parish aforesaid, in the Island aforesaid, in and upon a certain male negro slave named Tom Pinney, a certain other male negro slave named Quashey, a certain other male negro slave named Ned, a certain other male negro slave named William Coker, a certain other male negro slave named Castile, a certain other male negro slave named Range, a certain female negro slave named Nellys Juba, a certain other female negro slave named Madges Juba, and a certain other female negro slave named Catherine, then and there being the negroes and slaves of the said Edward Huggins, or under his direction and care, did make an assault, and with certain whips and cords the said several negro slaves cruelly and excessively did whip, maltreat and beat, and other wrongs to the said negro slaves then and there did, to the extreme torture of the said several negro slaves, and to the great risk of their lives, contrary to the form of the Act in that case made and provided, and against the peace of our said Lord the King, his crown and dignity.

And the jurors aforesaid, upon their oath aforesaid, do further present, That the said Edward Huggins the elder, being such person as aforesaid, afterwards, to wit, on the said 23d day of January in the year aforesaid, with force and arms at the parish aforesaid, in the Island aforesaid, in and upon 30 other negro slaves, then and there being the negro slaves of the said Edward Huggins, or under the direction and care of the said Edward Huggins, did make another assault, and then and there with certain other whips and cords, which he the said Edward Huggins caused to be held and used by certain negro drivers of and belonging to the said Edward Huggins, and which were then and there used and exercised by such drivers by the orders and in the presence of the said Edward Huggins, to wit, in the public market-place in the parish aforesaid, in the Island aforesaid, the said 30 negro slaves last-mentioned cruelly did whip, maltreat and beat, so that the lives of the said 30 slaves were thereby greatly endangered, and other wrongs to the said last-mentioned negro slaves then and there did, contrary to the form of the Act in that case made and provided, and against the peace of our said Lord the King, his crown and dignity.

Witnesses sworn in Court, to give evidence before the Grand Jury—John Burke junior, William Keepe, George Abbott, Joseph Lawrence, Andrew Moore Crosse.

Weekes, King's Counsel.

At a Court of King's Bench and Common Pleas held in and for the island of Nevis, at the public Court Hall in Charlestown, on Tuesday the 1<sup>st</sup> May 1810, and in the 50<sup>th</sup> year of His Majesty's Reign:—Present, The honourable Edward Pemberton eldest Assisfant Justice, the honourable and Reverend Edward Brazier, the honourable William Laurence, the honourable William W. Wilkes.

Edward Huggins the elder being this day arraigned upon the indictment, found against him on the 3<sup>d</sup> day of April last, pleaded thereto "Not Guilty;"—whereupon came Job Ede, foreman, with his fellows, George Burke, John Hanley, William Henry Rawlins, Thomas Slaidler, Matthew Wallace, Samuel Sturge, Robert Mulhall, John Darlow Cresse, John Brooks, John M. Hixon, and William Bennett Frost junior, the gentlemen Jurors of the Petty Jury; who, being charged with this issue, brought in the following verdict:

Nevis, 1<sup>st</sup> May 1810. "Not Guilty."

Job Ede,  
Foreman with his Fellows.

Upon

of Negroes.]

## THE WEST INDIES.

27

Upon the return of the Jury, the verdict was read and ordered to be recorded.

Witnesses sworn on the part of the King:—John Burke, junior, William Keepe, Joseph Nicholson, Joseph Laurence, Henry Barnes, Samuel Bennett, Doctor Andrew M. Crosse, Doctor Henry R. Cassin, William Pemberton, Thomas Arthurton.

Witnesses sworn on the part of the defendant:—Peter T. Huggins, William W. Wilkes, Henry Rawlins, John Dasent Smith.

No. 6.  
In Gov. Elliot's,  
of 25 Nov. 1810.

*Nevis.*—Secretary's Office.

I do hereby certify and attest, That the foregoing five sheets of paper hereunto annexed, contain a true and faithful Extract from the Records of the Court of King's Bench and Common Pleas, now remaining in this office, and which Extract hath been carefully compared with the said Records, by me.

Given under my hand the 17<sup>th</sup> day of November, one thousand eight hundred and ten.

John Burke, junior,  
Deputy Secretary.

*Nevis*, 1<sup>st</sup> May 1810.—In the King's Bench and Common Pleas.

The King *v.* Edward Huggins, sen. esq.

Indictment for Cruelty in the punishment inflicted on several of his Slaves, on the 23<sup>d</sup> January 1810.

No. 7.  
In Gov. Elliot's,  
of 25 Nov. 1810.

Evidence adduced in support of the prosecution.

*John Burke*, being duly sworn, deposed,

That on Tuesday the 23<sup>d</sup> January 1810, he, the witness, was in the street opposite the Rev. Mr. Green's house, when he saw the defendant and his two sons, Edward and Peter Huggins, ride by with a gang of negroes; the negroes were taken to the market-place, from whence he heard the cart-whip.

That witness walked up street, and saw defendant standing by with two drivers, who were flogging a negro man, named, as witness believes, Yellow Quashy.

Witness went and sat down in Doctor Crosse's gallery—Says, that two drivers continued flogging said negro man for about fifteen minutes.—Says, that as this man appeared to be severely whipped, he was induced to count the lashes given the others, conceiving the country would take up the business.—Says, that defendant gave one man 115 lashes; to another 65; to another 47; to another 165; to another 242; to another 212; to another 181; to another 59; to another 187; to a negro woman 110; to another woman 58; to another woman 97; to another woman 212; another woman 291; another woman 83; another woman 49; another woman 68; another woman 89; and another woman 56.

Witness says, that the woman who received 291 lashes, appeared to be young, but most cruelly flogged.

That all the negroes were flogged by two expert whippers; says, that Mr. Edward Huggins jun. and Mr. Peter Huggins, were present at the punishment; says, that Dr. Cassin was present when some of them were whipped; that Dr. Cassin was present when a man received 242 lashes.

Witness says, he understood Dr. Cassin was sent for by Mr. Huggins the defendant; says, that Mr. Parris, Mr. Peter Butler, and Dr. Crosse, were present at Dr. Crosse's house part of the time.

Says, that Mr. Joseph Nicholson, Mr. Joseph Laurence, and Mr. W<sup>m</sup> Keepe, were present there all the time.

Being cross-examined, says, that he has been 14 years Secretary of the Island.

Being asked, if he had not heard, whilst Secretary, hearsay evidence objected to; admitted that he had.

Being asked, if he had not sworn before Mr. Laurence, as to what he had heard Mr. George Abbot say on the 23<sup>d</sup> January; witness admitted he had done so.

Being interrogated, if he did not know it was wrong to give evidence of the declarations of a third person, particularly when such third person might be called

No. 7.  
In Gov. Elliot's,  
of 25 Nov. 1810.

called himself? he did not answer. Says, that he understood the offence the negroes had committed was quitting their work. He did not think that offence required such severe correction. He could see the punishment take place; he was near enough to see it.

He never saw any sailor punished at all.

Never saw a soldier punished for desertion, or any thing else.

*William Keepe* sworn; says, the slaves were severely flogged; believes the first received about 300 lashes, the second about 100, the third about 200.

Says, that three or four were very severely flogged; has heard of other punishments as severe in their effects, but not the same number of lashes; admits that 300 lashes might not have produced worse effects than 70 or 80. Says, that such a number of lashes might have produced death, if not carefully laid on. Says, that they could not walk afterwards. The floggings commenced about nine o'clock, and were over about eleven or twelve; one of them took up three quarters of an hour. Defendant delayed the flogging by asking questions. Witness was at Doctor Crosse's, but could not see if all the lashes struck. Believes the account given by Mr. Burke to be pretty correct.

*Jos. Nicholson* sworn; deposes, that the second negro appeared to be flogged severely; there were two drivers employed. Witness believes Mr. Burke's account of the lashes to be too much.

Cross-examined—Admits he only heard they run away, he afterwards learnt the offence to be very serious; says, that three of the negroes were more severely flogged than he ever saw before; don't say but there have been negroes as severely flogged as those three, but he never saw them. He had never known punishment inflicted on negroes shewing a general disposition to go away. Admits the negroes of Ward's estate went away twice in a body, also Maynard's once, Hamilton's once, Nesbitt's once, and Tobin's once.

*Joseph Lawrence* sworn; deposes, he has seen negroes flogged as severely as these; some were severely punished, and some were not. Will not say all the lashes fell upon the negroes, though he was at Dr. Crosse's.

Cross-examined—Says, the negroes upon an estate at St. Vincent, where he resided for some time, were disorderly, and the punishment on that occasion was inflicted by the managers; saw a woman there receive 300 lashes for refusing to obey the orders of the managers.

*Will<sup>m</sup> Pemberton* sworn; says, he attended as a magistrate to inspect the negroes; saw them the eighth day all but the driver, whom he saw the sixth; some of them were severely flogged, particularly Quathy, Ned, William Coker, Nellys Juba, Madges Juba, Catherine, Castile, and Range. Says, they were all well taken care of. Thinks the punishment too severe for any private individual to inflict; thinks it ought to have been inflicted by the magistrates. Admits the negroes on many estates had gone away in bodies. Says, an alarm was fired on Ward's negroes going away the second time.

*Henry Barnes* sworn; saw the punishment inflicted, his house nearer than Doctor Crosse's; thought the flogging severe; never saw the negroes afterwards. The punishment took up a considerable time, for after giving the first negro a few licks, a question was asked, and his answer appeared to be taken down in writing; the greatest number of lashes was given to one woman, who received 281 lashes.

*Doctor Cassin* sworn; deposes, he was present at the flogging, he thought the punishment severe, but at that time he did not know the magnitude of their crime; he thought one of the negroes looked ill, but he did not know the man's crime when he interfered. Heard the negroes say on the estate, they were trying their new master; they always did so.

Witness observed a freedom of conduct among these negroes, not observable upon any other estate; thought he even observed a rebellious disposition among them.

Witness says, no dangerous symptom from the punishment appeared in any  
of

of the negroes; David was ill afterwards, but his indisposition did not arise from his flogging. Saw them the second or third day after the flogging, as soon as he thought his assistance was requisite.

Gave his directions to bleed in case of fever, and give salts.

On the seventh or eighth day after the punishment, Messrs. Wilkes, Liburd, and Pemberton, with witness, as magistrates, went and examined them particularly, as strange reports were in agitation. Mr. Wilkes paid great attention; three had fevers, very often the case after the punishment, from their constitutions; one man who had been reported dead had no fever, he was said to have been severely punished, but his complaint was a pleurisy. Three or four of them were detained from work for about seven days more; none were ever in danger of dying from the whipping. One only, who was slightly punished, was in danger from other causes; viz. pain in the stomach. Says, that Defendant always feeds and clothes his slaves as well as any planter, and better than a great number; that no expense is spared for them when sick. Witness was astonished to find how little impression the punishment had made. There were two drivers; one made a great noise, without much effect; the other, without much noise, made a stronger effect.

Thought Mr. Huggins must have observed how little effect was produced by one of the drivers, and that he connived at it, supposing him to wish to appear to punish more severely than he actually did punish. Says, he bled some a second time, because they had not enough blood taken from them at first.

Cross-examined; says, They were severely flogged, but thinks they deserved it; one side was more cut than the other, and believes Defendant overlooked it from policy and humane motives.

*Andrew Moore Crosse*, sworn; says, The negroes were severely flogged, but he did not know their crime when the punishment was inflicting. Believes Mr. Burke's account to be correct.

*Samuel Bennett*, sworn; says, He never saw such correction in all his life; they were flogged very severely; two or three were very unruly; Tom, the first driver, very unruly. Says, the whips had wire lashes at the end of them. Being asked, how he alone came to find out that the whips had wire lashes; says, he was told so; and he believes it, for they did not crack. Upon being asked, who told him so? says, one of his own negroes, and that several others told him so; says, that one of the negroes must have had from 5 to 700 lashes.

*Thomas Atherton*, sworn; Questioned whether he had any conversation with the defendant on the subject of the punishment of his negroes previous to the infliction of the punishments; says, that he never had any conversation whatever with the defendant on the subject. Being asked, whether the Defendant had not, in conversation with him, declared his intention of severely whipping his negroes in the public market in Charlestown, denies that any such conversation ever passed.

#### Evidence produced on the part of the Defendant:

*Peter Thomas Huggins*, sworn; says, That before he went to live on the estate purchased by his father (the defendant) from Mr. Pinney, witness understood the negroes to be a very troublesome and refractory gang, worse than any other in the Island.

That Mr. John Henry Clarke, the last liver upon the property, could not bring them into any proper state of subjection.

Witness conceived it highly necessary to bring them into a regular system of obedience, and conceived that moderate measures steadily pursued were most likely to conduce to that end. Witness says, it soon appeared the negroes were determined to try their new master, as they called it; they early commenced a system of opposition; from opposition they proceeded to actual disobedience; from disobedience they proceeded to riot, and from riot to rebellion.

Being interrogated as to what acts of riot and rebellion they were guilty of? says, that frequently six or eight would run away together, and the hunters sent after them seldom or ever brought them back; witness knows the hunters had frequent interviews

No. 7.  
In Gov. Elliot's  
of 25 Nov. 1816.

No. 7.  
In Gov. Elliot's,  
of 25 Nov. 1810.

interviews with the runaways; witness has only threatened to punish the hunters for this misconduct, which generally caused them to run away also. Says, that from 20 to 30 have come at once into the sick house, without the Doctor being able to discover any indisposition in any of them; the Doctor told one of them he was not sick, who answered he knew that, but they were doing so to try their master. Witness says, that being at first without any overseer, he was obliged to attend to every thing himself; says, he ordered them to throw grass into the pens at night, a regular practice upon his father's other properties, and usual with all other estates; this these negroes had not been accustomed to, and they were much displeas'd at witness for ordering it.

Witness says, that one night, in the second week after the negroes had thrown their grass, not one of them quitted the yard; he was willing to suppose they might be tired, and he took no notice to them of this unusual conduct.

Witness called a boatman, and gave him his directions for next morning, which orders he was also to make known to his brother. Witness then mounted his horse, and the boatman called for his brother, upon which the whole gang surrounded him, and tumultuously demanded what witness had been saying; the boatman answered, "nothing about you, I want to speak to my brother;" that all the negroes then fell upon the boatman with their sticks; and witness thinks might have killed him, if he had not been timely rescued out of their hands.

Says, That the boatman was rescued from the negroes by John Smith, witness's brother's groom, who brought the boatman to witness, and informed witness the negroes were all in the lower yard armed with sticks; witness immediately rode to the lower yard, but only found six or seven men there; two of whom witness secured, the rest of the six or seven ran away.

In the night a heavy rain fell, and witness, early next morning, sent to the drivers to have the pens cleared out, but not one of the gang made their appearance for two or three hours; when they appeared and were collected, witness punished the ringleaders of the disturbance the preceding evening, and also the drivers for having suffered it. Witness apprehends the negroes must have meditated something serious the preceding night, having found out the next day that they had employed the watchman on the bay to cut sticks for them.

Witness says, They remained after this for some time tolerably quiet, though frequently disobeying witness's orders, and neglecting to do what they were told.

Witness says, That having no white person on the estate who could stake the land properly, and to his satisfaction, he undertook it himself for the instruction of the driver; witness staked one side of a piece, and took pains to shew the driver how he did it, that he might be able to stake the other side, who assured witness he could do it very well; but to prevent the possibility of his going wrong witness also staked the first row of this side of the piece himself, and directed the driver to follow it. Witness then went to town, and on his return to the field found the stakes he had placed taken up and altered, and that the driver was staking the land his own way. Witness then demanded of the driver, if this side was staked like the other; he answered, it was done right: Witness again demanded, if the driver had followed witness's stakes, and if it was staked as witness had lain it out; he again answered and persisted that it was done right, with great impertinence in his manner.

Witness alighted from his horse to convince him the more easily of his error; the driver thereupon attempted to run away, but witness caught him, and struck him with his horsewhip; immediately the whole gang threw down their hods and advanced towards witness, who, not knowing their intention, declared to them, that the first that got over the wall he would put to death; this threat appeared to alarm and stop them for a moment.

Witness then ordered an old driver, named Wilthire, to call out four of the men, which he did three times distinctly by name, but all in vain; they also refused to come out upon being called by witness; witness then knocked one of the men down, and seized another, when they approached towards the driver, who had been staking the land, but they would not touch him for a considerable time, till witness threatened them with punishment. Witness then caused the driver to be whipped, and also the four men for their disobedience. Witness says, that after this he could get nothing done when he was out of the field. Says, that to punish the negroes for not working in the day in his absence, he ordered them

of Negroes.]

## THE WEST INDIES.

31

to carry dung out of the pens for an hour every night; he directed them to begin Saturday the 13th January, being moonlight; but they refused, and all of them went to their houses.

No. 7.  
In Gov. Elliot's,  
of 23 Nov. 1810.

Witness then directed the driver, Wiltshire, to go to every negro-house, and acquaint them they should be exchanged for defendant's Gingerland negroes if they did not come to their work on Monday morning. Says, they came to work on Monday, and he then informed them that he would forgive their disobedience in not carrying out the dung on Saturday, observing, that perhaps they had erred through bad advice; witness, however, gave them to understand his orders on that subject must be obeyed that night; but at night they all ran away, except a few old families.

Says, none of the negroes came to their work on Tuesday morning. Witness went over to his father, the defendant, to ask his advice; soon after his return saw Mr. Tobin (the attorney of the former owner) bringing home about sixty of the negroes; witness desired them to go into the field to their work; some of the women did so immediately, some not until the day was far advanced, and several not until the following morning; only one man came into the field till Saturday following, when about three more made their appearance.

On Saturday night and Sunday, being the 20th and 21st of January, most of the men came home; some of their own accord, and some brought in by hunters.

Witness says, that on Thursday the 18th January, he repeated his order to carry dung, but the negroes seemed determined still to resist witness's orders; and all of them went away a third time. An old watchman met a party, who told him they were going away again; who advised them, as witness had not punished them for going away before, to return and do their work quietly; but they told him to hold his tongue, and that he was crazy.

On Friday witness gave out, that he would send for his father's (defendant's) hunters, and borrow others from his friends; and that when the runaways should be caught, they should be publicly punished and exchanged for the Gingerland negroes. They however came in this day.

On the 21st, witness again directed dung to be carried out; some still disobeyed. Witness stopped a party who were going to their houses, and made them carry it for some time.

On the following Monday, witness observed the same disorderly disposition amongst the negroes, who, not having been punished for their last week's misconduct, made witness consider it had now become absolutely necessary to have them publicly chastised, not only as due to their particular and continued misconduct, but as an example to deter other slaves from similar misconduct; as witness says, some of the slaves of the neighbouring estates had shewn a disposition to revolt.

Witness admits the defendant caused the negroes mentioned in the indictment, to be punished in the public market-place in Charles Town. Denies that they were punished inhumanly. Considers their punishment to have been mild, compared with the offences they had been guilty of.

Witness says, he has seen negroes from 25 lashes, with fever; and from 39 lashes he has seen negroes affected as severely as those who were more punished.

Says, that no man in the Island feeds or clothes his slaves better than defendant, and many not near so well. Says, that the negroes, during their misconduct, wantonly killed 2 mules belonging to the estate; and one man threatened to put another man to death with a bayonet.

Says, that the slave Aberdeen was punished on being detected cutting the canes on which he was placed as a watchman, and carrying them to Webb's negro houses to feed pigs with.

*John Dasent Smith*, sworn; deposes, That he lives near Pinney's estate; has known the gang of negroes belonging to that estate a long time; always knew them to be a most unruly set; has been frequently obliged to send up at night to desire them to desist from drumming, quarrelling, fighting and rioting.

Witness says, that Frank Fisher, one of the turbulent negroes of the estate, once asked witness what he was to do, if he was always working for his master.

Says,



No. 7.  
In Gov. Elliot's,  
of 25 Nov. 1810.

Says, that defendant is well known for feeding and clothing his slaves abundantly. Says that Mr. Clarke, the former liver upon the estate, has been obliged to punish Frank Fisher for insolence.

Says, that Mr. Clarke frequently complained they stole his stock, and behaved so disorderly, that he was quite dissatisfied with them.

Witness says, that these negroes stole his sheep also; he could keep nothing for them. Says, that since Mr. Huggins's possession, they have done very little work upon the estate. He does not think they have cultivated as much land, or done as much work upon it, as the witness's gang, though a considerably less numerous one, have done upon his estate.

Honourable *Wm Worthington Wilkes*, sworn; he, with other magistrates, viewed the negroes after their punishment; seven or eight were severely punished, but nothing likely to endanger life or limb, and not more than three of them in such a manner, as would induce a man to enquire for what they had been punished; two or three only had fever, and very little. Witness conceives they may have committed many other offences of less magnitude, for which the punishment inflicted would not have been too much. Says, that he himself would not have flogged so many of them for that offence, but he would have flogged some of them as severely as any of those had been. Thinks the punishment mild, when the offence is considered.

Defendant always fed and clothed his slaves very well.

*Henry Rawlins*, sworn; says, he saw the negroes after they were punished; considered the punishment not too severe for the offence; thought it rather mild, considering the crime.

Has seen 50 lashes as effectual, and as hurtful, as the whole number given to any of the negroes in the indictment.

Says, that Lord Romney's negroes, at St. Kitt's, were punished some years ago for disobedience, with all the severity they were capable of bearing.

Says, he believes their punishment was inflicted by a sentence of the magistrates of that Island.

John Woodley,  
George Tyson,  
Sam<sup>l</sup> Long,  
Sam<sup>l</sup> Pemberton, } Counsel for the Defendants.

No. 8.  
In Gov. Elliot's,  
of 25 Nov. 1810.

Sir,

Nevis, November 21<sup>st</sup> 1810.

In my reply to the request of the President Cottle, on the subject of his application to me for my notes on the trial of Mr. Huggins, I declined, for the reasons which I had there given, to forward what I conceived would be an ex-parte statement, and such as was not in the contemplation of your Excellency, when you sent to him Lord Liverpool's dispatch. I have since had no reason to alter the sentiments which induced that letter, so as to join with the defendant's advocates in making what is called an arranged statement of the evidence; because I consider that upon such a subject, and where the passions and interests of partizans have been so strongly roused, it would be unbecoming in me, as the King's Officer, to compromise any statement in which the number of advocates on one side might, upon mere recollection, outweigh my observations on material points. It was my opinion therefore, that if notes were forwarded, they had better be as taken by the advocates; and as your Excellency's second dispatch of the 16th instant, the contents of which the President has done me the honour to communicate to me, removes any doubt on my mind respecting the propriety of forwarding my notes, I have now the honour to send them herewith; and I shall request your Excellency's leave to make the letter the vehicle of those sentiments which occurred to me on the day of trial, as Advocate for the Crown, and which, in addition to the notes of the evidence, I am to understand to be your Excellency's desire to be made acquainted with.

In my address to the jury on that occasion, and in reply to the evidence of justification on the part of Mr. Huggins, I founded my claim to a verdict of Guilty, upon the principle, that, although the laws of the Leeward Islands did not

of Negroes.]

## THE WEST INDIES.

33

did not exactly prescribe the extent of punishment by a master on a slave as to the number of lashes, yet, like many other regulated principles of moral actions, custom had prescribed it.

That not in the history of the colony, even in early times, when the avarice of first settlers rendered the condition of slaves more wretched than now, could I learn of an instance of such a punishment for such an offence. That there was not any modern instance to be compared to it, and that when the ameliorated condition of the negroes, and happily the almost general sentiment of humanity which prevailed throughout the British Colonies, were considered, it was impossible to judge this punishment otherwise than excessive and cruel.

That in point of policy, the power of the master over his slave should not be exercised for a crime, which, if it justified such a punishment, might, by parity of reasoning, also justify the infliction of death, without the sanction or interference of the magistracy; and that if it was admitted, as I believed it would be by all, that the death of one of these slaves would have subjected Mr. Huggins to the consequences of murder, it surely would not be denied that having incurred such a risk by excessive severity, he must be considered as guilty of a high misdemeanor. That I thought the justification set up by the defendant's evidence, failed in proving any thing like a rebellion on the estate, and that a less violent conduct towards the negroes, who, it was generally supposed had conceived a violent prejudice against their new master, would have had the effect of bringing them to a sense of their duty, which, it is evident from Mr. Huggins's evidence, the severity of the punishment had not. To these observations, I shall beg leave only to add, that the sentiments delivered as an Advocate are strongly impressed on my mind at this moment. On the subject which relates to the conduct of the magistrates, it will be necessary for me to state to your Excellency, that every disposition was shewn to follow the presentments of the Grand Jury by indictments, but that it was considered by the Court, and acquiesced in by me, that such proceeding should wait the trial of Mr. Huggins, and that his acquittal made it improbable that a jury would declare them guilty. I have to apologise to your Excellency for presuming to address this letter to you; but as it arises from a desire that any hesitation on my part to forward the account of my proceedings in this business should not be misconstrued, and as I shall make the President acquainted with its contents, I shall flatter myself with the hope that your Excellency will excuse me. The President's desire and anxiety to forward to your Excellency a full and impartial account of the proceedings, deserve my acknowledgments, and I only regret that my sentiments on the subject have induced this additional trouble to your Excellency.

I have the honour to be, &c. &c.

James Weekes.

To his Excellency  
The Captain General.

*Nevis.*—At the Court House, on Tuesday the 1<sup>st</sup> day of May 1810.

The King v. Edw<sup>d</sup> Huggins,

For Cruelty, in excessively whipping divers Slaves on the 23<sup>d</sup> day of January 1810.

The indictment contained two counts:—The first count, the names of the negroes whipped belonging to the estate late Pinneys.—The second count, generally, for whipping divers slaves, to the number of 30.

The witnesses on the part of the prosecution were, first,

*John Burke, jun.* who stated,

That he was present on the 23<sup>d</sup> of January:—That he did not count the first lashes, but he counted the next and the following; and he then stated the number of the negroes punished, and the number of lashes given to each, as follows: Men, 115, 65, 47, 165, 242, 212, 181, 59, and 187; and women, 110, 58, 97, 212, 291, 32, 49, 68, 89, and 56.

Upon his cross-examination:

That he had heard they had deserted their work. He did not consider the offence

No. 8:  
In Gov. Elliot's  
of 25 Nov. 1810.

No. 9.  
In Gov. Elliot's  
of 25 Nov. 1810.

No. 9.  
In Gov. Elliot's,  
of 25 Nov. 1810.

offence required such a severe punishment. That he saw the lashes take place; that he was near enough to see them. That he never saw a soldier or sailor punished.

Second witness, *William Keepe*; who stated,

That he was present on the 23<sup>d</sup> of January:—That the flogging of the first negro took up nearly three quarters of an hour, including the time that Mr. Huggins took to ask him, who told him to go away:—That he believed this negro received 300 lashes:—That the second negro appeared to have been flogged before, as his posteriors were lacerated.

That the third negro received about 200:—That he never saw a punishment so severe.

Upon his cross-examination:

That he had seen a negro on an estate lashed with 70 or 80 lashes:—That if the lashes which some of the negroes received had been laid on by some drivers, he thought it would have occasioned death.

Third witness, *Joseph Nicholson*; who stated,

That he had lived on estates in which he had seen a disposition to disobey, but he never knew negroes so severely punished:—That he never heard of such a punishment:—That he lived on Ward's estate during the time that the negroes went away, and they were taken by hunters; they were punished in the public market-place by the authority of a magistrate.

Fourth witness, *Joseph Lawrence*; who stated,

That the negroes were flogged \* but he has seen negroes as severely flogged:—That the number of lashes given to one woman was counted by Mr. Burke, he believed, 291:—That he has seen a flogging at St. Vincent's as severe.

\* There is an omission of a word in the note, but from the context I suppose, if any, the word "severely."

Fifth witness, *William Pemberton*; who stated,

That he saw the driver on the 9th day, and the other negroes on the 8th day after the flogging, and that 8 of the negroes appeared to have been severely flogged; some were in their own houses, and others in the sick house:—That the names of the 8 negroes were Quashey, Ned, William Coker, Nellys Juba, Madges Juba, Catharine, Castile, and Range:—That there was not any appearance of their being flogged, as if to be passed slightly.

Upon his cross-examination:

That he believed Mr. Ward's negroes behaved as badly as Mr. Huggins's gang: That he thought it was too severe for an individual to inflict:—That he never heard of such a punishment, even for similar offences.

Sixth witness, *Henry Barnes*; stated,

That he reckoned 280 lashes as to one negro, but he did not reckon any other number of lashes.

Seventh witness, *Dr. Cassin*:

This witness gave his evidence in the nature of a narrative, in which, as far as I recollect, he was allowed to enter into a detail of his reasons for being present at the punishment, and his opinion of the offence committed by the negroes; and as I found it impossible to follow him with my notes, I did not enter any.

The principal purport of his evidence, as applicable to the cause, was, as far as I recollect, respecting his attendance as a medical man on the negroes that were punished, and his description of the symptoms of fever, and time of its continuance on those who were most severely flogged.

On the part of the Defendant:

*Peter Thomas Huggins*, was examined; who stated:

That he had been given to understand that the negroes were refractory.

That shortly after he went to the estate (the first or second week) after he had caused them to throw grass in the pens, he observed them waiting in the yard; he then took no notice:—That he afterwards gave an order to one of the boatmen, who

of Negroes.]

## THE WEST INDIES.

35

who was set upon by the rest of the gang, and he would have been beaten had it not been for the groom:—That on the following morning, the gang came into the yard late, and reluctantly, and he flogged the drivers and ringleaders, and they behaved pretty well afterwards.

That some time afterwards, witness took upon himself to hole \* the land, and the driver altered the line; that he offered to punish him and he escaped; that the gang then left their work, and that he, the witness, threatened to shoot the first that did not obey his orders:—That in consequence of this conduct, he resolved to make them carry dung every night, commencing from that Monday night; and the negroes again left their work:—That they were brought home by Mr. Tobin to the number of 60, and that the witness afterwards repeated the order to carry dung:—That he found greater difficulty to manage the negroes than before:—That he had a mule killed by a fellow, who broke its thigh with a stone:—That another mule was killed in the mountain:—That some of the negroes that were flogged have since run away.

No. 9.  
In Gov. Elliot's  
of 25 Nov. 1810.

\* Meaning that he holed the land for holiug.

Upon his cross-examination :

That he persisted in making them carry dung.

That there was a negro punished in the market-place, who was not one of Pinneys gang; he belonged to his father's estate, his name was Aberdeen.

Second witness, *John Dasent Smith*; stated,

That he knew they were a riotous gang:—That he had frequently been obliged to apply to Mr. Clarke, the former occupier of the estate.

Third witness, *William W. Wilkes* (one of the Judges) :

That he went with Mr. Pemberton to see the negroes after they were punished; there were eight or nine who appeared to have received a severe whipping, but not so as to endanger life:—That he has known a scratch give a fever.

Fourth witness, *Henry Rawlins*,

That he thought it impossible, that a negro having received a number of lashes, could not \* have survived:—That Lord Romney's negroes were flogged by the magistrates at different times.

\* I give this not as I find it in my book, it is evidently inaccurate.

Nevis, November 21, 1810.

\* Except the observations on Dr. Cassin's evidence.

The above notes copied from my note-book \* as entered on the day of trial.

James Weekes.

Sir,

As His Majesty's government at home has required information of the circumstances attending the punishments, which I considered myself as under the necessity of inflicting on several of my slaves, I hope that I may be permitted, through you, to make known some matters which, I imagine, will not appear by the documents required to be transmitted by you to his Excellency the Captain General; and I trust, when the whole is fairly considered, I shall be thought by the world, what I feel myself to be, an injured man. In regard to the Resolutions of the Assembly, I shall not dwell upon the extreme severity of publishing a man to the world as guilty of cruelty and barbarity on partial testimony, and without affording him an opportunity of being heard in his defence, against the charges ascribed to him; nor shall I observe either on the proceeding of the Assembly in respect to an imputed offence, over which the courts of justice have ample jurisdiction, and were fully competent to the punishment of, or on the extreme precipitation with which the Resolutions were hurried through the House; but surely it will excite some surprize, that no notice should be taken in the Minutes of the Assembly, of a petition which, through a member of the House, I presented to be heard in my defence, though a division actually took place upon it. I therefore beg leave to furnish you with an authentic copy of this petition, and, if there were no impropriety in it, could wish it to be transmitted.

My application to be heard having been rejected by the Assembly, I trusted to a trial by a Jury of my country, for rescuing my character from the imputations which had been attempted to be fixed upon me; and though attempts were made by publications in the newspapers still further to prejudice the public mind

No. 10.  
In Gov. Elliot's  
of 25 Nov. 1810.

No. 10.  
In Gov. Elliot's  
of 25 Nov. 1810.

mind against me, the result of that trial was, an acquittal of the charges preferred against me. Here I trusted the business would end; and this I did hope would have satisfied the world, that I was not guilty of wanton cruelty, but was urged by absolute and imperious necessity, to punish with some degree of severity. The laws of the country have entrusted to the master the power of correcting his slave; accordingly, if the Jury had considered the punishment exceeded the offence, they would not have pronounced a verdict of Not guilty; but my persecutors, disappointed in their hopes of obtaining a judgment agreeable to their wishes, have thought fit in a newspaper, to accuse the officer whose duty it was to call the Jury, of partiality in the execution of his office, and of having been base enough to pack a Jury for the purpose of acquitting me. I shall not enlarge upon the extreme injustice of an accusation so made without a shadow of proof, and which, if ever so false, is calculated irremediably to injure the person accused, but shall content myself with stating, it rests merely upon assertion, and if well founded, was a most imperious call for a prosecution against the officer alluded to. My enemies have thought fit to go further; they have sent home, it seems, such representations as they have been pleased to give, of the transactions that have taken place here; one of these persons, the late Mr. Richard Brodbelt, is well known from his own declarations on the subject, and this man has, probably with plausible and specious pretences to humanity, but from far different motives, given the most aggravated misrepresentation of facts and circumstances; for humanity, we can hardly suppose, could reside in the breast of him, who was notoriously guilty of a criminal connection with his own sister, and who, though acquitted of the charge, was arraigned for murder in destroying the fruit of that connection. Another of the persons is only suspected, and if report errs not, he has rendered himself amenable to the law by his connections some years ago with certain societies inimical to Government.

I hope I shall be excused the mention of the known or reputed crimes of these men; as I conceive it in justice due to myself, for the purpose of lessening or destroying the credit which might otherwise be given to such parts of their statement as rest only on their own assertions. My motives for the public chastisements which I inflicted, will appear by the evidence transmitted; to which I beg leave to add, that the punishment of slaves in the market-place, by the order and under the authority of the master, is by no means a novel practice in this, or I believe in the neighbouring Islands, and therefore could not with any propriety be charged as a peculiar aggravation of the offence imputed to me. Upon the whole I venture to hope, that I shall be acquitted by the candid and impartial, and that false colouring and misrepresentation will at length cease.

I have the honour to be, &c. &c.

Edward Huggins.

To the Honourable J. Cottre, Esq.  
&c. &c. &c.

No. 11.  
In Gov. Elliot's,  
of 25 Nov. 1810.

*Nevis.*—To the Honourable Members of the Assembly of the said Island:

The humble Petition of Edward Huggins, of the said Island, esq.

Sheweth,

That your petitioner having been under the necessity of chastising, with some severity, several negroes belonging to one of his plantations, for disobedience, desertion, and insubordination, of the most alarming nature and example, an accusation of cruelty and inhumanity in the punishment inflicted was preferred against him at the last meeting of this honourable House.

That this honourable House entered into several Resolutions on the occasion injurious to your Petitioner's character, and most painful to his feelings; and ordered those Resolutions to be printed, and extensively published.

Your Petitioner submits, that he had no notice of the charge, nor was any opportunity afforded him of being heard in his defence: He is satisfied that he can adduce sufficient evidence to shew, that the punishment complained of was by no means greater than the nature of the crime of the delinquents rendered absolutely and imperiously necessary. He is satisfied, too, that this honourable House will require but slight reflection to see the unreasonableness of condemning and punishing, in a manner the most acute and irremediable, any member

of Negroes.]

## THE WEST INDIES.

37

member of this community, without allowing him an opportunity of being heard in his defence; and that it will instantly feel the inconsistency, as well as hardship, of publishing a man guilty of an offence, which, by the very Resolutions of the House, remains in course of investigation:

No. 11.  
In Gov. Elliot's,  
of 25 Nov. 1810.

Your Petitioner therefore prays, That an opportunity may be allowed him, for being heard before this honourable House, by his counsel, in his defence, against the charge imputed to him; or that the House, actuated by the strong consideration of justice and right, which he hath urged in his behalf, will abstain from the publication of Resolutions framed against him in his absence on partial testimony, without opportunity of contradiction, and in prejudice of that unbiassed trial which is the right of the Accused. And your Petitioner will ever pray, &c.

Edward Huggins.

*Nevis.*—Peter Thomas Huggins, of the Island of Nevis, esq. being duly sworn on the holy Evangelists of Almighty God, deposeth and saith, That on the 31<sup>st</sup> day of Jan<sup>r</sup> last past, certain Resolutions were entered into by the House of Assembly of the said Island of Nevis, affecting this deponent's father, Edward Huggins, sen. esq.

And this deponent saith, That at the next meeting he presented a Petition to the said House of Assembly from this deponent's said father, a true copy whereof precedes this deposition; and this deponent being then a member of the said House of Assembly, moved in his place that the said Petition be granted; which Motion was seconded by William Worthington Wilkes, esq. then and now also a member of the said House; and the Question being put upon the said Motion, the same was negatived.

And this deponent further saith, That he hath since searched the Minutes of the said House of Assembly, with a view to obtain a copy of the said Petition, and the Motion made by this deponent as aforesaid; but deponent saith, that neither the said Petition, or the Motion made on the presentation thereof as aforesaid, or any proceedings relative thereto, appear to have been entered upon the Minutes of the said Assembly.

P. T. Huggins.

Sworn before me this 22<sup>d</sup> day }  
of November 1810. }  
W<sup>m</sup> Huggins.

*Nevis*—An Inquisition indented, taken at the parish of St. Thomas, in the Island of Nevis aforesaid, the 23<sup>d</sup> day of June, in the fiftieth year of our Sovereign Lord the King, before me William Burke, esquire, Coroner of our Lord the King in the Island aforesaid, upon the view of the body of a negro woman, named Fanny, then and there lying dead, upon the oaths of John D. Creese, George Bucke, and Andrew Jolliffe, good and lawful men of the said Island, who being sworn, and charged to inquire on the part of our said Sovereign Lord the King, when, where, how, and after what manner the said negro woman, named Fanny, came to her death, do say upon their oaths, That the said negro woman named Fanny, on the 22<sup>d</sup> day of June inst. in the year aforesaid, at the parish aforesaid, in the Island aforesaid, came to her death; that she had no marks of violence appearing on her body, and died by the visitation of God in a natural way, and not otherwise. In witness whereof, as well the aforesaid Coroner as the Jurors aforesaid, have to this Inquisition put their seals on the day and year first aforesaid, at the parish and Island aforesaid.

No. 12.  
In Gov. Elliot's,  
of 25 Nov. 1810.

William Burke, (L. s.)  
Coroner.

J. D. Creese, (L. s.)  
George Bucke, (L. s.)  
Andrew Jolliffe, (L. s.)

*Nevis* - - - Secretary's Office.

November 22<sup>d</sup> 1810.—I do hereby certify, That the foregoing is a true copy of the original Inquisition remaining in this office.

Jn<sup>o</sup> Burke, jun.  
Dep<sup>t</sup> Secretary.

(Private.)

Nevis, 22<sup>d</sup> November 1810.

No. 13.  
(A.)  
In Gov. Elliot's,  
of 25 Nov. 1810.

Sir,

I beg your Excellency to accept my warmest expressions of gratitude and thankfulness, for the humane feeling with which you have done me the honour to lighten the load with which the expressions in Lord Liverpool's letter oppressed my mind.

I have taken the utmost pains, I have been indefatigable to obtain the fullest information on every point detailed in his Lordship's letter, and I hope they may prove satisfactory. I have also added thereto a letter from Mr. Huggins to me, explanatory of his motives for his conduct, which, taken with the evidence of his son on the trial; will explain why the negroes were flogged in the public market-place. If you turn to any copy of the Acts of this Island, you will find in those expressly passed for the good government of slaves, the market-place appointed for all public punishments; in addition to this I can assure your Excellency, it has been usual, when a master or mistress intended to punish a very refractory slave, to send them to be disgraced by a public punishment in the market-place, hoping that a fear of this disgraceful exposition would operate an amendment of conduct. This practice was more usual formerly than at present; you will see by the Minutes, that a member in the Assembly, at one and the same sitting, produced his charges, called in his witnesses, and had them sworn to substantiate those charges; upon which, Resolutions were immediately entered into to publish the testimony of the witnesses, and to prosecute Mr. Huggins for the offence, without ever calling on him to inquire his motives for such conduct, or to defend himself against such weighty charges. And what may appear still more extraordinary, or rather what more strongly marks the intemperate manner in which the Assembly have proceeded; at their next sitting, Mr. Huggins petitioned the House to be heard by counsel, which was negatived, saying, that he should have made his application before the Resolutions were passed, (to the best of my recollection) for none of the proceedings on this Petition appear on the Minutes of the House. Between the first and second sitting, Mr. Huggins had notified to the printer of the St. Kitt's paper, by his counsel, that he would be prosecuted for a libel, if he published the Resolutions and Depositions; he did publish them, was prosecuted, and the first jury separated; by the second jury he was found guilty, and slightly fined by the Court.

The spirit or temper that actuated the Assembly, shews itself again in their authorizing the Speaker to draw upon the treasury for money to fee counsel, though the Act for raising money, called the Levy Bill, expressly points out the Commander in Chief on the Island, with the advice of the Council and approbation of the Assembly, as the only legal organ for issuing warrants on the treasury. Mr. Huggins was tried here and acquitted, how fairly you will be perfectly able to judge by the record of the trial, the Report of the Marshal on the formation of the jury, and the evidence reported by the counsel for and against the prosecution. I took every pains imaginable to have this part of the proceedings unexceptional, as you will see by a copy of the correspondence herewith forwarded; they may not explain my endeavours, I will therefore detail them: I wished the counsel on each side, from the notes they took on the trial, to make out the best account of the evidence they could, then to compare and correct them, one by the other, and then to attend the Judges, (who I had written to, to meet for that purpose) lay them before them to be examined and corrected, and when approved, signed in testimony of their accuracy. Mr. Weekes could not be prevailed on to accede to this arrangement, and the Judges, when the defendant's counsel laid their statement before them, refused their signature. I wrote to know their reason; it was, because Mr. Weeke's neglecting to produce his statements, they could not certify that evidence to be complete, which was made out by the defendant's counsel only; this letter is only signed by three of the Judges, Mr. Wilkes, the other Judge, being disabled from attending by the dangerous illness of his sister. I have forwarded Mr. Huggins's letter, with the petition and affidavit annexed, and request your Excellency to forward them with the other papers, if you see no impropriety in so doing. Imagining that you have been misinformed respecting the negro who died, I send you the certified copy of the Coroner's inquest. Mr. Huggins was never tried upon this circumstance: All these papers are endorsed "not material, but explanatory of the delay." Upon Mr. Huggins's acquittal,

of Negroes.]

## THE WEST INDIES.

39

acquittal, and before the trial of the St. Kitt's printer, Mr. Huggins was at St. Kitt's: I was present when he authorized his counsel to call on the printer, acquaint him with the result of the trial, and tell him, his character being cleared by a verdict of his country, he had no ill will towards him, and he would drop the prosecution on his publishing any thing by way of apology, for having published the Resolutions of the Assembly, and the Depositions; he refused; stood his trial, and was fined £ 25.; for a subsequent libel he was again prosecuted, and on being cast, the Court adjudged him to a month's imprisonment, and to find security for three years. These trials took place at St. Kitt's.

I fear I shall have fatigued your Excellency with this tiresome detail, but I have been emboldened to intrude it on you, from the encouragement held out in your request to be fully informed of all the circumstances of this unfortunate occurrence.

Mr. Edward Huggins, junior, who was present all the time, and Doctor Cassin, who was present part of the time the correction took place, were both magistrates; Mr. Jones, the Rev. M. Green, Mr. Richardson, and Mr. William Burke, live near; Mr. Huggins, who is very infirm, lives at a distance from the market-place; they are all magistrates.

I have the honour to be,  
With grateful respect, &c. &c. &c.  
(Signed) T. J. Cottle.

Honourable James Weekes.

Dear Sir,

I have received a letter from the Governor, inclosing a dispatch from Lord Liverpool, and requesting, among other papers, for the satisfaction of His Majesty and the Government, the Minutes upon the trial of Mr. Huggins, for the punishment of his slaves. You were engaged in the prosecution on the part of the Crown (I believe solely) and as I wish to give as full an account of the proceedings on the trial as I can possibly obtain, I must request you to take the trouble of endeavouring, from your notes, &c. to recollect as fully and correctly as possible the arguments you used, and the evidence as delivered by the witnesses, both for and against the prosecution.

Charles Town,  
14<sup>th</sup> November 1810.

I have the honour to be,  
Dear Sir,  
Your very humble Servant.

A copy of the above letter, *mutatis mutandis*, was written to the defendant's counsel.

Morning Star, 16<sup>th</sup> November 1810.

Dear Sir,

I have the honour to acknowledge your note of the 14th, just received, upon the subject of Lord Liverpool's dispatch to the Captain General, relating to Mr. Huggins's trial for the punishment of his slaves, and requiring me, as counsel for the Crown on that occasion, to furnish "from my notes, &c. the arguments on the part of the Crown, and the evidence delivered by the witnesses, both for and against the prosecution;" and I take the earliest moment to reply to it, although I fear that I may not do so to the extent of your request.

Since you laid before the Board of Council the Captain General's communication of Lord Liverpool's dispatch, I have reflected a good deal on the mode by which the information required by His Majesty's Ministers could be most correctly conveyed; and I assume from the tenor of the dispatch, and the only acknowledged channel through which legal reports of recorded cases can be received, that his Lordship requires only such usual report, as in like cases is resorted to; but as it unfortunately happens, that the loose mode of administering justice in most of the superior Criminal and Common Law Courts in this country, for want of legal knowledge of the Bench, leaves this case where many others equally important have been left, barely upon the written pleadings recorded by the Secretary; which of course you will procure from him; and as I believe that the Gentleman whom I have lately had the honour to succeed, as Chief of the Court of this Island, did not take notes, which will probably prevent your obtaining any fuller information in that channel; I feel every desire to travel out of the

No. 13.  
(A.)  
In Gov. Elliot's,  
of 25 Nov. 1810.

No. 14.  
(B.)  
In Gov. Elliot's,  
of 25 Nov. 1810.



No. 14.  
(B.)  
In Gov. Elliot's,  
of 25 Nov. 1810.

the strict line of my duty as an *Advocate*, on that occasion, and to furnish you, as far as I am able, with the information you require. I am, however, restrained from doing so by the following reasons, which I respectfully hope will be deemed sufficient to excuse me for not now entering into these particulars. My notes of the evidence, from the nature of my situation on that day, opposed as I was to the joint exertions of the most eminent of the St. Kitt's bar, may not have been so full as the evidence delivered; and as this would, in some measure, appear like a partial representation of the case, and not a legal report, obvious objections would arise on the part of the defendant, unless he had the same mode of conveying to His Majesty the grounds of his defence, supported by the arguments of his counsel; and such a detail of the transaction does not appear to be contemplated by the dispatch.

In addition to these reasons, I do not wish to obtrude my own opinion on the case, unless I am specifically called upon for it; at the same time I think it emphatically my duty to state, that the evidence on the trial of Mr. Huggins unequivocally supported the indictment, and I shall be ready to maintain their opinion by a detail of the evidence, if I am directed by His Majesty to do so.

I have the honour to remain,

Dear Sir,

Your most obedient humble servant,  
(Signed) James Weekes.

To the honourable  
T. J. Cottle,  
&c. &c.

Wednesday, 21<sup>st</sup> Nov.

Dear Sir,

I shall be obliged by your informing me the latest hour at which you will forward your dispatches to the Capt. General to-day, and I will be prepared either to go myself, or to forward my Minutes to his Excellency. I have much to do at home this morning, and to write for the packet, or I would be in town early.

I am, dear Sir,

Your's truly,  
(Signed) James Weekes.

21<sup>st</sup> November 1810.

Dear Sir,

It is impossible for me to say when the papers will be ready; I shall be anxious to forward them immediately after.

The Judges have agreed to meet at ten o'clock this morning at Mr. Laurence's store in town, and I hoped you would have paid that attention to the request in my letter of the 14<sup>th</sup> (prescribed by the Governor to me in his letter of the 12<sup>th</sup> in consequence of direct instructions from Lord Liverpool for that purpose, and again enforced in his letter of the 16<sup>th</sup> instant) that you would either have attended the meeting of the Judges and the Counsel on the part of the defendant this morning, and jointly agreed upon a clear account of the accusation, and as correct a statement from your joint notes of the evidence as could be made up on that (if you gave up your idea of going yourself to Antigua, which I thought, and still think, a very improper mode of procedure) you would have delivered to me your notes, or whatever papers you might think it your duty to send, that I might forward them with the rest, in compliance with the directions of the Governor.

I must candidly own to you, that your conduct argues so much suspicion and distrust, as is far from being flattering, &c. &c.

12 o'clock.

To the honourable  
James Weekes, esq.

Dear Sir,

I cannot for a moment suffer you to remain under such an impression as the conclusion of your note suggests; I have been only anxious to conduct myself with propriety, and you may be assured, that even if the principle of my conduct is grounded in error, the mode of asserting that principle would not be sullied by  
one

of Negroes.]

## THE WEST INDIES.

41

one act or word unbecoming to me as a man of honour, or to yourself, whom I consider above suspicion, and for whom I have ever felt the most sincere respect.

I shall follow this to town as soon as I have completed my notes.

I remain, dear Sir,

Your's truly,

Wednesday noon.

(Signed)

James Weekes.

No. 14.

(B.)

In Gov. Elliot's  
of 25 Nov. 1810.

Dear Sir,

The bearer has the dispatch for the Governor, enclosing my notes, &c. and I herewith send the transcript of the notes which I produced yesterday.

I remain, dear Sir,

Your's truly,

Thursday morning,  
22<sup>d</sup> Nov<sup>r</sup>.

(Signed)

James Weekes.

Wednesday, one o'clock.

Charles Town, 21<sup>st</sup> Nov. 1810.

Gentlemen,

Being this moment informed, by the counsel for the defendant, who laid before you at your Meeting this morning, by my request, for your examination, correction and assent, the statement of the evidence made out by them from their notes taken at the trial of Mr. Huggins, that you have objected to sanctioning the same by your signatures;

You will oblige me by informing me of the reasons for such objection, that I may forward the same to his Excellency with the papers.

I have the honour to be, &c. &c.

To Edw<sup>d</sup> Pemberton, W<sup>m</sup> Laurence, esq<sup>r</sup>,  
and the Rev<sup>d</sup> Edw<sup>d</sup> Brazier, Assistant  
Judges of the Court of King's Bench,  
Nevis.

Charles Town, 21<sup>st</sup> Nov. 1810.

Sir,

We have just been honoured with your letter, requesting to be informed of our reasons for not sanctioning the statement of evidence in the indictment against Edward Huggins, esq. made out from the minutes taken by the counsel concerned for the defendant. The reasons we have to offer are these: That not having made any minutes or notes of the evidence adduced at the trial, (and which we believe has not been usually done in former cases) nor having the aid or assistance of the notes or minutes made by the King's Counsel on the part of the prosecution; we cannot, consistently with our situations as Judges, certify that evidence to be complete, which has been made out by the counsel for the defendant on their own notes or minutes.

We have the honour to be,

&c. &c. &c.

(Signed)

Edw<sup>d</sup> Pemberton.

Edw<sup>d</sup> Brazier.

W<sup>m</sup> Laurence.

Nevis, 19<sup>th</sup> Nov<sup>r</sup> 1810.

Dear Sir,

After shewing you the letter from the Governor the other day, requiring the minutes of the Council and Assembly in any way connected with the conduct of Mr. Huggins, for punishing his slaves in Charles Town (there being no meeting of the Assembly on that day) I directed the Clerk to make out the minutes for the Governor. Upon recollection, I think the directions would come more regularly from you, as the Speaker of the House, and will thank you to give orders to have them made out and delivered to me, to be forwarded to the Governor.

I have the honour, &c.

No. 14.  
(B.)  
In Gov. Elliot's,  
of 25 Nov. 1810.

Honourable the Speaker.

Charles Town, 22<sup>nd</sup> November 1810.

Sir,

In compliance with your letter of the 14<sup>th</sup> inst. we have now the honour to transmit to you a detail of the evidence taken by us on the trial of the Indictment against Mr. Huggins, on the 1<sup>st</sup> of May last, on a charge of cruelty to his slaves. We did not make any Minute of any arguments or observations made by us on that occasion, so are quite unable to furnish you with any information of that nature.

We have the honour to remain,

Sir, &c. &c. &c.

(Signed)

John Woodley.  
George Tyson.  
Samuel Long.  
Samuel Pemberton.

To the Hon. Thomas J. Cottle, esq.  
&c. &c. &c.



P A P E R S

RELATING TO

THE WEST INDIES:

*viz.*

Correspondence relating to Punishments  
inflicted on certain Negro Slaves, in the  
Island of *Nevis*; and to Prosecutions in  
consequence.

---

*Ordered, by The House of Commons, to be printed,*

*31 May 1811.*

---