



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: 0a25a824-05e6-4803-b912-b9e1ed89edbc

Range: Scans 001 - 018

Downloaded on: 2022-05-23 22:21:08

II.

P A P E R S

RELATING TO

THE WEST INDIES:

VIZ.

Correspondence between the Earl of LIVERPOOL and
Governor ELLIOT;—in reference to the Trial and
Execution of *Arthur Hodge*, for the Murder of a
Negro Slave.

1.

Copy of a LETTER from Governor ELLIOT to the
Earl of LIVERPOOL; dated Antigua, 1st April 1811 :—
With Eight Enclosures.

MY LORD,

Antigua, April 1st 1811.

I Intended to profit of the short residence I expected to make at Antigua, to prepare an account of the state in which I have found the Islands of *St. Christopher's* and *Nexis*, and more particularly to have laid before your Lordship the result of my enquiries at *Nexis*, concerning the business of *Mr. Huggins*. Great, indeed, is my mortification in being prevented from accomplishing this object, by an incident more black and atrocious, according to the representations of it made to me, than any previous example of oppression, tyranny, and cruelty, which has hitherto polluted the annals of British history.

Upon the 23d ultimo, I received a letter of the 16th March, of which the enclosed, marked (A.) is a copy; from *Mr. Thomason*, President of the Council of the Virgin Islands, together with a joint letter, of which the enclosed, marked (B.) is a copy, dated Antigua 23d March, from *George Richardson Porter*, esq. member of the Council of the Virgin Islands, and *Henry Maurice Lisle*, esq. member of the Assembly. This letter was accompanied by the depositions herewith enclosed, marked, (C, D. E. and F.)

After having conversed with *Mr. Porter* and *Mr. Lisle* upon the subject of their mission, relative to the charges against *Arthur Hodge*, esquire, member of the Council of the Virgin Islands, accusing him of the murder of several of his slaves, I lost no time in communicating with the attorney-general, and in requesting him to prepare the requisite indictments. On the 24th March I wrote a letter to *Messrs. Porter* and *Lisle*, of which the enclosed, marked, (G.) is a copy. From your Lordship will be pleased to observe, that as the state of the attorney-general's health, does not admit of his proceeding to *Tortola*, I have applied to *Mr. Horsford*, the solicitor-general, to repair to that Island, to support the indictments drawn up by *Mr. Burke*.

In the conferences between the attorney-general and the deputies from the Council and Assembly of the Virgin Islands, it was ascertained that the Court of Sessions was to close upon the 3d April, that no other Court would be held till the month of September next, and that it would not be possible to bring *Mr. Hodge* to trial during the

the present sessions. In order to obviate this difficulty, the attorney-general has prepared a commission of oyer and terminer, under the great seal, to be signed by me on the 4th April, as also a commission of gaol delivery of the same date; in virtue of which two instruments, the course of justice will not be impeded longer than will be necessary for the formation of a jury, and for the assembling of the counsel on both sides. I presume that the trial will take place in the last week of April, or the first week of May.

Mr. Arthur Hodge having been committed to prison upon various charges of murder, I have suspended him from his seat in Council, and recommended such other measures to be eventually taken by the President, as the exigency of the case may require, and which your Lordship will find expressed in my letter to Mr. Thomason, of the 28th March, marked (H.)

I have not hesitated to request the solicitor-general, Paul Horsford, esquire, to proceed to Tortola in support of the prosecution; and I trust I shall be fully justified in having held out to him the prospect of his being remunerated by the Crown, for the losses he must sustain by his absence from the seat of government, and for the exertion of his professional abilities in a cause of such importance to the British interests in the West Indies, and to the honour of the British name.

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

I have the honour to be, &c.
(Signed) H. ELLIOT.

—(A.)—

Sir,

Tortola, 16th March 1811.

I BEG leave in my official capacity, as President of the Virgin Islands, to introduce to you the honourable George Richardson Porter, esquire, one of His Majesty's Council, and Henry Maurice Lisle, esquire, a member of the Assembly, and one of His Majesty's counsel at law, who, by selection from both branches of the legislature repair to windward, in order to consult the attorney-general on business of the utmost importance to this Colony.

I am, &c. &c.

To his Excellency
Hugh Elliot, Esq.
Captain General, &c. &c. Antigua.

(Signed) Tho^r Thomason.

—(B.)—

Sir,

Antigua, 23^d March, 1811.

Deputed by the Council and Assembly of the Virgin Islands, we beg leave to wait upon your Excellency, in order to state the subject matter of our mission, relative to charges against the honourable Arthur Hodge, of the Island of Tortola, esquire, accusing him of the murder of several of his slaves; and to request that your Excellency will desire one of the law council for the Crown to prepare indictments on the depositions herewith transmitted, and direct him to repair to Tortola in order to support them.

We have the honour to be, &c.

To his Excellency,
Hugh Elliot, Esq.
Captain General, &c. &c. Antigua.

(Signed)

Geo. R. Porter,
Henry M. Lisle.

—(C.)—

Copy DEPOSITION of Preen Georges v^t Arthur Hodge.

Virgin Islands, }
Tortola. } ss. Before the honourable George Martin, esquire, one of His Majesty's Assistant Justices of the Court of Common Pleas for said Islands, Daniel Ross, William Gumbs Challowell, Henry Maurice Lisle, and William Rogers Isaacs, esquires, all of them His Majesty's Justices assigned to keep the peace, &c. &c. within and for the Virgin Islands aforesaid.

PERSONALLY appeared Preen Georges, of the said Island of Tortola, a free woman of colour, who being duly cautioned to speak the truth, and who having declared she fully understood the nature of an oath, and being sensible of the pains and penalties inflicted for perjury, made oath upon the Holy Evangelists of Almighty God, and deposeth as follows:—That from about five years ago, and until about a week after the death of the late Mrs. Ann Hodge, the last wife of the honourable Arthur Hodge, of the said island of Tortola, esquire, she resided off and on, but generally on the estate called Belle Vieu, belonging to the said Hodge; that during the said period of time, the said Arthur Hodge was guilty of repeated and excessive acts of cruelty towards his slaves on said estate; amongst which, falling under her immediate view, she notices the following:—viz. That a slave called Tom Boiler, between three and four years ago, was by order of the said Hodge laid down and cart-whipped, without intermission, for at least an hour: That the said Arthur Hodge stood by and saw it done, and she this deponent was also present; that when the said Negro slave, Tom Boiler, after the infliction of said punishment, attempted to rise, he could not stand, but was taken up and carried to the sick-house, from whence he never came out, but *died* in about a week after said cart-whipping, and as this deponent believes in consequence thereof, that immediately before said cart-whipping, said slave was stout, hale, and hearty, and capable of doing his work; and that to her knowledge no doctor was called in to said slave: And further this deponent saith, that soon after the death of said Tom Boiler, another slave belonging to said Hodge, was, by his order and in his presence, and, in the presence of her this deponent, laid down, and for more than an hour was cart-whipped without stopping, (or intermission); that the name of the said last mentioned slave was Prosper; that after said cart-whipping he was taken up by order of said Hodge, with his hands tied behind his back, lashed to a tree, and said Hodge then ordered said driver to use close quarters, meaning thereby, according to his usual expression, which she understood to shorten the whip; that in this situation the said Prosper, in presence of said Hodge, was beaten until he fainted, his head hanging down backwards, and no longer able to bawl, when this deponent no longer able to bear such a sight, left the window where she had been standing; that this cruelty took place at the works; that the said Prosper was carried to the sick-house on the hill, where within a fortnight he *died*, as this deponent believes, in consequence of said cruelty: And further this deponent saith, that about three years ago, to the best of her remembrance, a young slave named Cuffy, was by order of said Hodge, and in the presence of this deponent, laid down, and constantly cart-whipped for more than one hour without stopping, receiving at least to her belief two hundred lashes; that he was cut to pieces, and had no black skin upon him remaining from his hips to his hands; that this cruelty was inflicted at the works; that he was carried from thence to the sick-house on the hill, where he died within a week; that to her knowledge no doctor was called to him, and that he was in health doing his work, and strong before the flogging: That this deponent has known the said Hodge to order, at different times, kettles of boiling water, prepared for the purpose of pouring said water down the throats of the Negroes who had offended him; that Margaret the cook, and Else a washer, were served so; that said Hodge said, they were going to poison Mrs. Hodge and the children, and he would put an end to them; that this deponent did not see the boiling water poured down their throats, because she had not the heart to be present, but heard the screams of Margaret, and saw both Margaret and Else running afterwards with scalded mouths, &c.; that they lived some time after in a miserable condition, always complaining of their stomachs until their deaths; that they never got better but *died*: That the day Margaret died, this deponent went into the kitchen

Tom Boiler.

Prosper.

Cuffy.

A strong chain of circumstantial evidence.

where

4

II.—PAPERS RELATING TO

[Treatment

where Margaret was, and observing she was stupid, told her she was so, and asked her what was the matter: That Margaret then pulled an handkerchief off her head, and shewed deponent two very severe wounds in her head, which she told deponent said Hodge had given her, one of which wounds was in the fore part and the other the hind part of the head; that in the former she could have laid her three fingers: upon which this deponent desired said Margaret to leave off her work, and deponent would do it, and advised her to eat some rice, which deponent offered her. That said Margaret was unable to do so, but soon after fell on her face: she was carried into the sick-house, and died that evening. And some time before the death of Margaret, that this deponent, in passing the sick-house, saw a child about ten years of age, named Tamson, with the skin all off; that she enquired of the sick nurse what was the matter with the said child, in the name of God; that the sick nurse shook her hand at her, and told her to go away; that she did not wish her master to know that the child had been seen.—That this deponent made enquiry concerning the said child, and learnt by general report on the estate from the Negroes, that said child had been, by order of said Hodge, dipped into a copper of boiling liquor.

Tamson.

Sworn to this 4th day of March, in the fifty-first year } her
of His Majesty's reign. } Preen. x. Georges.
Before us, } Mark.

G^o Martin, A. J. Henry M. Lisle.
D. Ross. W^m Rogers Isaacs.
W. G. Chalwell.

—(D.)—

Copy AFFIDAVIT of W. C. Robertson.

Virgin Islands, }
Tortola. } Before the honourable George Richardson Porter, the
honourable Abraham C. Hill, the honourable Maurice Lisle, the honourable George Martin, Daniel Ross, Francis Harragin Stout, William Gumbs Chalwill, Henry Maurice Lisle, and William Rogers Isaacs, esquires.

PERSONALLY appeared William Cox Robertson, of said Island of Tortola, esquire, who being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith, That he hath probable cause to suspect, and doth suspect, that the honourable Arthur Hodge, of said Island of Tortola, esquire, hath wilfully, feloniously and of his malice aforethought, murdered the following Negro slaves, late his property; to wit, Tom Boiler, Prosper, Cuffy, Margaret, and Else, by beating, wounding and evil treating them in so violent, shocking, and cruel a manner, that they each and every of them the said Negro slaves died in consequence thereof.

Sworn to this fifth, day of March 1811.

W^m Cox Robertson.

Before,

George R. Porter. Francis H. Stout.
Abraham C. Hill. W. G. Chalwill.
Maurice Lisle. Henry M. Lisle.
George Martin. W^m Rogers Isaacs.
D. Ross.

—(E.)—

Copy DEPOSITION of Stephen M^cKeough v^s Arthur Hodge.

Virgin Islands, }
Tortola. } ss. Before the honourable George Richardson Porter,
 } esquire, the honourable Abraham Chalwell Hill,
 } esquire, the honourable George Martin, esquire, Daniel
 } Ross, esquire, Francis Harragin Stout, esquire, William
 } Gumbs Chalwill, esquire, Henry Maurice Lisle, esquire, and
 } William Rogers Isaacs, esquire, each and every of them His
 } Majesty's Justices of the Peace within and for The Virgin
 } Islands aforesaid.

PERSONALLY appeared Stephen M^cKeough, formerly of the Island of Tortola, late of the Island of St. Croix, and at present resident in the Island of Tortola aforesaid, planter; who, being sworn on the Holy Evangelists of Almighty God, deposeth and saith, That in the month of September in the year of our Lord 1805, he resided at Paraqueto Bay in the East end division of the said Island of Tortola, bordering upon the estate of the honourable Arthur Hodge, of the aforesaid Island of Tortola, esquire, and though not in his immediate employ, was engaged by him to *inspect* his estate; that the crop in that year, about the first of the January following having began, Welcome, a slave, about twenty-five years of age, being a hunter belonging to said Hodge, was sent by him in search of some runaway Negroes; and exhibited his pass for such service to this deponent; that after said slave Welcome had hunted for four or five days, he returned home unsuccessful in his pursuit, and in consequence thereof was laid down by said Hodge's order, and had a severe cartwhipping inflicted upon him: that he the said slave, Welcome, was then *immediately* sent out hunting a second time, and in a few days again returned home as formerly, unsuccessful, when, with his old wounds from the before-mentioned cartwhipping uncured, he was a second time, by order of said Hodge, laid down and severely cartwhipped upon the former wounds: that said Welcome was then immediately, by said Hodge, sent out hunting a *third* time, in the state he then of course was, and again, as formerly, returned unsuccessful in a few days, and was then again severely cartwhipped by order of said Hodge, and put in very heavy irons with a pudding on each leg, and a crook round his neck; and some nights was by deponent seen in this condition, put for the night in the bilboes (or stocks); that he was allowed little or no diet, and consequently became so weak he could scarcely walk: that about this time said Hodge asked him this deponent to buy said slave Welcome, and offered to sell him for five joes (that is forty dollars): that previous to said cruelty inflicted on said slave Welcome, this deponent believes that he was worth more than forty joes, but that at the time said Hodge offered to sell him to deponent, he, this deponent, would not have given two joes for him, as he was certain said slave could not live in consequence of said ill treatment; that this deponent therefore refused to buy said slave Welcome, but told said Hodge he had no objection to taking him to Paraqueto Bay and keeping him for him a day or two: that he this deponent left said Hodge's house, and told said slave Welcome to come on; that said slave Welcome proceeded as well as he could in the state he was in, and reached about half way down the hill, when he declared himself unable to proceed any further: that in consequence of his wounds from said cartwhippings, being unable to set down, he laid down in the road on his belly: that this deponent had seen the flesh from said wounds sticking to the seat of his the said slave's breeches, from the sores formed on his posteriors, in consequence of said cartwhippings repeatedly inflicted as aforesaid: that deponent proceeded home, and left said slave unable to proceed, and in the condition aforesaid; that he was informed that said Hodge, learning that said slave Welcome did not proceed with deponent to Paraqueto Bay, had him that night brought home, and in the state he was then in, cartwhipped immediately: that he this deponent went the next morning to said Hodge, who said he knew nothing of said slave, and had not seen him: that he this deponent, when he last saw said slave Welcome, was convinced he could not live; that he never after saw the said Welcome, and is sure he died in consequence of the cruelties aforesaid.

That at different periods of time he this deponent has lived as a manager in the employ of said Hodge on his estate in said island of Tortola, called Belle Vieu: that

Margaret and Else mentioned also by the free woman Preen.

Malice prepense here proved.

during his residence on said estate, the said Hodge was in the practice of committing dreadful and excessive acts of cruelty towards his slaves; that in the year of our Lord 1807, after the 27th day of March in that year, that being the day on which said deponent went to reside on said estate, two negro slaves, Margaret and Else, were sent by said Hodge to this deponent, naked as they were born, very severely cut by the cartwhip, and chained together, with orders to put them in the field: that he this deponent had previously heard the said Hodge say, that the said Margaret and Else should not live long, but that he would put an end to them for striving to take the lives of his innocent babes: that when said slaves last named were so sent to this deponent, he understood that said Hodge had had boiling water poured down the throat of said Margaret, and that he this deponent saw that her mouth and under lip were scaled: that both Margaret and Else aforesaid soon after died, and, as he adds, very shortly as he believes in consequence of said treatment; and that they were previously and immediately before said treatment in good health.

Jupiter.

And further this deponent saith, that another negro slave, about nineteen years of age, was by order of the said Hodge severely cartwhipped, and put in heavy irons, crook puddings, &c. and allowed little or nothing to eat; that he was burnt in the mouth with an hot iron, and that he this deponent saw him in consequence thereof, with his mouth all raw, and that he shortly after died, and as this deponent believes, in consequence of said treatment; that the name of said slave last mentioned was Jupiter; that deponent did not see him burnt, but heard it was done by order of said Hodge, but saw his mouth as above described; that this took place about three months after Mr. Hodge's duel with lawyer Simpson.

Tom, Tommy, or Thomas.

✱

That, as before said, this deponent went to live on the said estate of said Hodge on the 27th day of March, in the year of our Lord 1807; for the second time he saw a new negro slave, the property of said Hodge, whose name he is not certain of, but believes it to be Tom, Tommy, or Thomas, cartwhipped in a most cruel manner in the presence of said Hodge, that he only lived two or three days after; that he this deponent saw said slave when dead, taken out of the sick-house all raw, and carried away on a board to be buried, and is sure that he *died* in consequence of said treatment, and not in consequence of any thing else. That deponent was seldom present when the severe cartwhippings were given to the Negroes, but has seen them much mutilated after the beatings, and known several, nay many, to die in consequence thereof; that on deponent's coming into the yard of said Hodge, when he was present inflicting such cruelties, in the last-mentioned and other instances, the whip has stopped until his departure, after which he has heard it going on until he has reached the works, and sometimes for an hour after; that particularly in the instance of the said new negro Tom, Tommy, or Thomas, he heard the whipping going on when about half way from the works, up to said Hodge's dwelling-house, called Belle Vieu; that immediately on his appearance in the yard, when said Hodge was seeing said negro beaten, the whip stopped, but as soon as this deponent left said yard, the whipping recommenced and continued without intermission (though deponent stopped listening to it about one quarter of an hour upon the road) until he had reached the works, and some time after, being one hour or more; that said cartwhipping of said last-mentioned slave was not three weeks from said 27th day of said March, when this deponent moved to said estate. And further this deponent saith, that another slave belonging to said Hodge, called Little Simon, has been in presence of said Hodge, and in the presence of this deponent cartwhipped at what said Hodge called short quarters, for an half hour at least at one time repeatedly; that the lips of said Simon were burnt, as this deponent perceived by their rawness, but never heard said Hodge enquire how they became so, or enquire or complain respecting other Negroes who bore similar marks of cruelty.

Peter, a freeman.

That a free man, named Peter, was hired by said Hodge for his clothes, victuals, and, to the best of this deponent's remembrance (who signed the agreement as a witness) two joes per month, to work as a cooper on said Hodge's estate; and that he this deponent has seen said Hodge in his presence cartwhipping said Peter repeatedly at short quarters and every other way, and put chains upon him, and had him worked upon the estate with the field Negroes; that Peter *died*, as this deponent believes, in consequence of the ill treatment of said Hodge, and nothing else.

And this deponent saith, that the term "close quarters" used by said Hodge, means the most cruel and severe mode of cartwhipping, as the whip is shortened and goes all

of Negroes.]

THE WEST INDIES.

7

all round the body, cutting every part, particularly the stomach and belly; making no noise, which he believes to have been an inducement with said Hodge to practise it. That another negro slave, named Cuffy, the property of said Hodge, was, by order of said Hodge, very severely and repeatedly cartwhipped, chained, &c. and in such a miserable condition in consequence thereof when this deponent left the estate of said Hodge, that he thought it impossible said last-mentioned slave could ever recover, and that he died soon after, as this deponent believes, in consequence of said Hodge's cruelty aforesaid.

Cuffy, mentioned also more particularly by Perceen Georges.

That he this deponent has occasionally gone to the sick-house belonging to said Hodge, to put "prisoners" (as said Hodge called his Negroes who had offended him) in the bilboes or stocks, but that he was not able to stay inside of said house, owing to the offensive smell proceeding from the wounds occasioned by cartwhippings on Negroes therein confined; that he has often seen the sick nurse washing and dressing such wounds as he considered corrupted. And further this deponent saith, that he hath known the said Hodge to order, and in his presence, and in the presence of him this deponent, the little small Mulatto children on his estate about nine years of age, to be taken up by the heels and dipped into tubs of water holding from fourteen to twenty gallons, with their heads downwards, and with their heads under water, to be kept until they became fished, then taken out and suffered to recover and breathe, and then immediately to be treated in the same manner, and so repeatedly treated, until this deponent hath seen them stagger and fall, when said Hodge hath ordered them to be taken up and suspended to a tree by their hands tied together, and in such situation cartwhipped for some time at *close quarters*, as he calls it; but that said Hodge was not aware that he, this deponent, or any other free person, was seeing such cruelty.

On indictment for excessive cruelty, as it relates to these children. Names to the Jurors unknown.

That Bella, a small Mulatto child, reputed to be the natural child of said Hodge, by his female slave Peggy (then about eight years of age, as this deponent believes) was repeatedly cartwhipped by order of said Hodge; and this deponent further saith, he hath more than once seen the said Hodge strike said child with a stick upon her head, and break her head, and hath repeatedly seen him kick her so violently in the lower part of her belly, as to send her several feet on the ground, from whence he this deponent thought she never again would rise.

Bella.

That when he this deponent went to live with said Hodge, a slave named Cudjo was a smart active fellow, but being severely and repeatedly cartwhipped and otherwise ill treated by said Hodge's order, became so weak and emaciated, and unable to carry the irons put upon him, that he died, and without any doubt of this deponent in consequence of the cruelty of said Hodge. That when he this deponent went the first time to live on said Hodge's estate, there was upon it a fine gang of able Negroes, about one hundred or more in number; but that when the last wife of said Hodge died, that number was so reduced by cruelty, and absconding in consequence of cruelty, that Negroes enough were not to be found on the estate sufficient to dig her grave; and that therefore this deponent, with Daniel Ross, esquire, one of His Majesty's Justices, now present taking this deposition, assisted in digging the grave of the said Mistress Hodge.

Cudjo.

That from the length of time, this deponent cannot now remember all the names of the Negroes who have died in consequence of the cruelties of said Hodge, but knows the number to be great; and that sometimes three and four have thereby died in course of a day and night. That another slave, named Gift, belonging to said Hodge, was worked in the field in the forenoon, being a man boy, and in chains in the month of _____ in the year of our Lord 1807; that he had been immediately severely cartwhipped before, and at that time was scarcely able to hold an hoe, and his wounds unhealed, when he was laid down in presence of this deponent by the driver, who said he had orders from his master said Hodge so to do, and again most severely cartwhipped, and died that night, as this deponent is certain in consequence of said cruelty; that next morning he this deponent saw the Negroes carrying his dead body uncovered on a piece of board to be buried, and saw that the body was dreadfully cut up by the cartwhip. That this boy had been in good health until he was cartwhipped and put in chains, and until then had not complained of any indisposition. That on such occasions no doctor was called in, but from time to time, when Negroes in this manner became missing, said Hodge desired him this deponent to mark them on the list-board as runaway.

Gift punished in presence of deponent, who saw his body, after dead, dreadfully cut up by the whip.

That during deponent's residence with said Hodge, said Hodge sent down three mules

mules to Bangher's Bay, and took the tiles belonging to the heirs of Bezaliel Hodge, esquire, deceased. That when he this deponent saw the mules going down for said purpose, he brought the mule boys to an account as to where they were going, but they would not tell him, whereupon he, this deponent, as he had some days before been informed by one of Mistress George's Negroes, of said Hodge's intention relative to said tiles, not thinking it right, sent them back; in consequence of which, one of said mule boys went to said Hodge, and told him of their being sent back by deponent; that thereupon said Hodge came down and quarrelled with this deponent for so interfering with the mule boys, saying at the same time, that he was sending them to Mr. Hill's for tiles, in consequence of which the mule boys went and brought the old tiles from out of the old house belonging to said heirs of said Hodge on said Bangher's Bay, which this deponent saw them do, assisted by a watchman belonging to said heirs, named Mathew, by looking at them through a spy-glass from the mule pen on said Hodge's estate: that said tiles were brought up to said Hodge's estate, and that he saw them, by order and in the presence of said Hodge, put on the copper-hole shed belonging to said Hodge; that three mule loads of tiles were brought up that day, and enough afterwards to cover the whole of the said copper-hole shed, or the greater part thereof. And further this deponent saith, that said Hodge while he lived with him, would occasionally have the draft cattle belonging to the heirs of said Bezaliel Hodge taken out of the pen of said heirs at Bangher's Bay, before day, and would work them in carrying sugar from his works to said Bay, and has made this deponent go to said Bay and tie the watchman belonging to said heirs, who was charged with the care of said cattle, and bring him up the hill to him the said Arthur Hodge, when said Hodge, in this deponent's presence, threatened said watchman to cartwhip him if he heard he told of his, said Hodge, so taking and using said cattle; and upon said watchman promising said Hodge not to tell the same, that said Hodge in this deponent's presence has given said watchman corn, meal and herrings, to keep him secret.

Sworn before us His Majesty's Justices of the Peace for said Virgin Islands, this tenth day of March, in the fifty-first year of His Majesty's reign, the said Stephen M'Keough having first signed this and the preceding eight pages in our presence.

Geo. R. Porter.
Abraham C. Hill.
Geo. Martin.
D. Ross.

Francis H. Stout.
W. G. Chalwell.
Henry M. Lisle.
W^m Rogers Isaacs.

—(F.)—

Copy DEPOSITION of Stephen M'Keough v^t Arthur Hodge.

Virgin Islands, }
Tortola. } ss. Before the honourable Andrew Anderson, esquire,
the honourable George Martin, esquire, and William
Rogers Isaacs, esquire, His Majesty's Justices of the Peace
for the said Virgin Islands.

Violet. PERSONALLY appeared Stephen M'Keough, at present of Tortola, gentleman, who being duly sworn, declares, That about the year 1805 or 6, a negro woman named Violet, the property of the honourable Arthur Hodge, of Tortola, esquire, waited on her said master as a servant in the house, and, as deponent has heard from the said Arthur Hodge, that she was in the habit of stealing candles from her said master, in consequence of which he the said Arthur Hodge put her into confinement, and kept her thus confined for a considerable time, during which time he had her frequently severely flogged, and very much cut; and he this deponent is convinced she died in consequence of such flogging and confinement: deponent knows that the woman died, from having been told so by the said Arthur Hodge: Deponent also saith, that the said woman, Violet, was purchased of a man of the name of Riilon, from St. Thomas: deponent also saith, that a boy, whose name he does not recollect, son to the woman aforesaid, the property of said Arthur Hodge, was employed as a groom, run away once or twice through his master's flogging him, after he the said Hodge

of Negroes.]

THE WEST INDIES.

9

Hodge, got the boy home once or twice, he put him in chains, and severely flogged him, in consequence of which the boy *died*: deponent saw the boy a week before he died, and knew him, from his swelled and lacerated state, that he could not possibly recover: he this deponent missed the boy shortly after, and upon enquiring for him, was informed he was dead. Deponent further saith, that on his first living with said Hodge, he desired deponent frequently, when Negroes were missing, who he this deponent did not doubt were dead, to mark them on the list board as runaway: deponent also saith, that he knew a boy by the name of Dick, the property of the said Arthur Hodge, who was worked in the field. Mr. Hodge told deponent that the said boy had stolen one of his geese, in consequence of which the boy run away, and after some time he was brought home, when he was flogged very severely, and deponent knows he was flogged twice afterwards at noon; this took place two or three days after the first flogging: deponent also saw the boy's mouth and both lips much burned, and he was informed it was done with a hot iron: the boy remained in chains, and got close quarters (meaning that the whip was shortened) very frequently, in consequence of which he *died*: deponent believes that this last affair took place in the year 1807. Deponent lastly saith, that he knows that many other people *died* on the said estate, in consequence of the very severe punishment they had received, but he does not recollect the names of any of them: he has lived with Mr. Hodge, at different times, for about three years, during which time he is satisfied that the said Hodge lost sixty Negroes at least by the severity of his punishments: deponent believes that only one Negro died a natural death during that time; the name of this last-mentioned Negro was Tom Driver, who died of the venereal complaint.

Boy, son to Violet,
name to Jurors
unknown.

Sworn to this 15th day of March 1811.

Stephen M'Keough.

Before us—Andrew Anderson.

Geo. Martin.

W^m Rogers Isaacs.

—G.—

Gentlemen,

Government-House, 24th March 1811.

IN consequence of your letter of the 23^d instant, and the depositions transmitted with it, I have requested the attorney-general of the Leeward Islands to prepare the indictments. As the state of his health does not admit of his proceeding to Tortola, I have applied to Mr. Horsford, the solicitor-general, to repair to that Island to support the indictments.

I have the honour to be, &c.

The Honourable
George Richardson Porter, esq.
and Henry Maurice Lisle, esq.

(Signed) H. ELLIOT.

—H.—

Sir,

Antigua, 28th March 1811.

IT has been represented to me, that not only the gaol at Tortola is in a very insecure state, but also that there are neither regular troops nor embodied militia in the Virgin Islands, who might be called upon in any emergency to guard the prison, or to act in support of the civil power.

I must ascribe to the above circumstances the late elopement of two persons confined for murder, for whose trial I had signed a commission of oyer and terminer, and had transmitted it to you. In order to prevent the possibility of the recurrence of such a contingency in the case of Mr. Arthur Hodge, confined upon serious charges of having murdered several slaves, it is a duty incumbent on me to require that you shall take, without delay, with the advice of the Council, the most efficacious measures the law will admit of for the better securing his person.

I am not acquainted with the powers which may be vested in any of the Commanders of His Majesty's regular troops in the adjacent Islands, for furnishing a detachment of those troops to be employed upon any kind of service in the Virgin Islands; but should you, under the present circumstances, deem it expedient, with the advice of the Council, to make such an application for the better support of the civil power, you are hereby authorized to send a copy or extract of this letter, either to General Harcourt, or to General Mac Lean, in proof of your having applied to either of them with my approbation and concurrence.

I have the honour to be, &c.

The Honourable
Thomas Thomason,
President of His Majesty's Council, &c. &c.
Tortola.

(Signed) H. ELLIOT.

2.

Copy of DISPATCH from Governor ELLIOT to the Earl of LIVERPOOL; dated St. Christopher's, 5th April 1811.

My Lord,

St. Christopher's, 5th April 1811.

I LEFT Antigua on the 2d instant in His Majesty's ship Cygnet, and I arrived here upon the 4th, when I expedited a commission of oyer and terminer; and also one for gaol delivery, under the great seal, to Tortola, for the trial of Arthur Hodge, esquire, for the murder of several of his slaves. Mr. Horsford, the solicitor-general, is to sail from Antigua on the 15th instant, and will proceed with me from hence to Tortola, to act as counsel for the prosecution, in a cause which must attract the attention and interest the feelings of all civilized nations in every part of the globe.

I have the honour to be, &c.

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

(Signed) H. ELLIOT.

3.

Copy of a LETTER from Governor ELLIOT to the Earl of LIVERPOOL; dated 16th April 1811:— With One Enclosure.

My Lord,

St. Christopher's, 16th April 1811.

On the 16th instant I received a letter, of which the enclosed is a copy, from Mr. William Musgrave, King's Counsel at Tortola, and who was to have acted as counsel for the defendant on the trial of Arthur Hodge, Esq. for the murder of several of his slaves.

I shall not attempt, by the present opportunity, to trouble your lordship with the detail of Mr. Musgrave's business, thinking it more advisable to defer it, until I have had the means of acquiring more correct information upon the spot, at Tortola. The circumstances of his having been committed to prison for two months by the opposite party, at the time he was to have acted as counsel for Mr. Hodge, upon a trial for life and death, has created a very disagreeable sensation upon the public mind.

of Negroes.]

THE WEST INDIES.

11

mind. In order to obviate this, I have sent a pardon to Mr. Musgrave for his supposed offences, and have suspended the payment of his fines or forfeitures, to which he was sentenced, until the King's pleasure shall be known. Before I took this step, I consulted with Mr. John Woodley, King's Counsel at St. Christopher's, and had the proper papers drawn up by him.

Mr. Musgrave considers the accusations against Arthur Hodge as the result of a foul conspiracy, and has communicated to the counsel proceeding from hence, affidavits in support of that assertion. My duty is to see justice done to all parties, and it is upon this principle I have released Mr. Musgrave from confinement, in order that he may have an opportunity of exerting his professional abilities in favour of his client.

With pain I transmit to your Lordship such successive proofs of the disgraceful state of discord and irregularity prevailing in the Virgin Islands.

I have the honour to be, &c.

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

(Signed) H. ELLIOT.

To His Excellency Hugh Elliot, esquire, Captain General and Governor in Chief in and over all His Majesty's Leeward Charibee Islands in America, Chancellor, Vice Admiral, and Ordinary of the same, &c. &c. &c.

Sir,

Tortola, April 2^d 1811.

THE House of Assembly of the Virgin Islands, some time since presented a memorial to your Excellency, preferring several charges against me, for every one of which I hope that I am sufficiently vindicated in the opinion of your Excellency, by the letter which I had the honour of addressing to you on the 30th January last.

The honourable George Martin of this Island, who had grossly and most publicly insulted me, was, as I have before mentioned to your Excellency, the cause of such memorial, in consequence of my having sent a challenge to him. That gentleman, not satisfied to await the measures which your Excellency might be pleased to adopt, and feeling confident that your Excellency would never sanction such arbitrary proceedings, has determined to endeavour to effect my ruin in this Island, where he has the most extensive influence. In pursuance of such determination he has prosecuted me in the Court of Sessions, which met in March last, for sending him the challenge, and publishing a libel concerning him (of which libel I have already forwarded a copy to your Excellency). I was tried about ten days since for the challenge (a direct breach of the peace) and fined £.50. and yesterday on the indictment for the libel; and although the jury considered it so malignant a prosecution and so barren of proof, as to remain out for the space of eighteen hours before they returned a verdict; and although a libel in the eye of the law has only a *tendency to a breach of the peace*, was ordered to be imprisoned for two months, to pay a fine of £.200. and at the expiration of my confinement to give security in £.2,000. to keep the peace for twelve months; and the Court further directed a prosecution to be immediately instituted against me, for the amount of the recognizance (£.2,000.) entered into in September last at the Court of Sessions, the proceedings of which your Excellency may remember, were formerly declared irregular by the opinion of Mr. Burke.

As Mr. Martin appears to be bent on my destruction, and as I have a mother, sister, and two brothers, entirely dependant upon my exertions in consequence of the death of an honoured father, I have determined to quit Tortola, and have to request that your Excellency, taking into consideration the very gross insult offered by Mr. Martin the prosecutor, the inefficacy of the law in cases of private injury, the feelings of a gentleman, and the situation of a mother and sister now with me, rendered wretched by my confinement, and destitute of that protection of which they stand so
much

much in need, will be pleased to extend your clemency so far as to enable me to bid adieu to this Island, in order to establish myself in some less inhospitable land, where integrity will meet with its merited reward. Added to the above considerations, and the injury which I shall in other respects sustain in point of interest, I have in behalf of the Navy, several Admiralty causes ready for trial, which must be delayed during my imprisonment; and I am also employed as counsel for Mr. Hodge in the prosecution about to be instituted against him. I feel it my duty here to observe (particularly as I have reason to apprehend that reports very prejudicial to me have been circulated at Antigua) that although Mr. Hodge stands committed under charges of the most atrocious murder, I was never applied to or consulted by the Legislature or Magistrates, nor were the circumstances and evidence upon which they proceeded disclosed to me; every measure, on the contrary, was sedulously concealed from my knowledge, and for what reason I cannot possibly conceive. Were I apprized of the nature of the testimony in support of the charge, and did I for a moment consider Mr. Hodge guilty of the abominable crimes of which he is accused, I trust that the general character which your Excellency may have learnt of me will induce you to persuade yourself, that far from attempting to vindicate, I should be among the first to bring to punishment the perpetrator of such execrable deeds. But when your Excellency is informed of the motives which actuated me on this occasion, I trust that my conduct will not be imputed to any desire to shelter offenders from justice.

I am in possession of some few facts and circumstances, which induce me strongly to suspect that the prosecution in question originates with persons who have not in view the administration of justice, or the welfare of the country, and who have come forward, not from motives of humanity, but the gratification of personal resentment. Anxious therefore to convince your Excellency that my conduct, however mistaken, has been guided by principle, I have taken the liberty of intrusting my brother, who will have the honour of delivering this letter to your Excellency, with some few documents which will enable you to form your own judgment on this subject. I beg leave further to state, in justification of my suspicions, that the witnesses upon whose testimony the accusations are founded have been sought out by Mr. Martin, and that one of these witnesses was expressly sent for by that gentleman, and one of his managers deputed to accompany him over from St. Croix, where he has been resident upwards of three years. I have also to observe to your Excellency, that Mr. William Cox Robertson, whose character I have already had occasion to depict to your Excellency, is the person upon whose affidavit the warrant issued for apprehending Mr. Hodge. The slaves whom Mr. H. is alledged to have murdered have been dead for years, and it certainly appears to me to be an extraordinary thing, that persons privy to these supposed murders, should not have revealed them at an earlier period. As to myself, I have not been very long resident in this Colony, and these acts were none of them committed since my arrival: if I have therefore had the misfortune to associate with a villain, it was not my fault, but the fault of those who knowingly and wilfully concealed Mr. Hodge's guilt, as I solemnly declare to your Excellency, on the sacred honour of a gentleman, that I never, previous to this prosecution being in agitation, heard, or had reason to believe, Mr. Hodge to be the character which he is now represented to be; his situation in the council, his connections at home, and the society in which I met him here, gave me every right to suppose that he was a gentleman. As a gentleman, therefore, I associated with him, and such I ever found him. Your Excellency, therefore, may readily conceive the astonishment which I must have felt at hearing such horrid deeds imputed to a man with whom I had been in habits of intimacy, and of whom I entertained a good opinion when I came to this Island. Mr. Hodge was, to all appearance, the bosom friend of Mr. Martin, and continued so until their late unhappy difference.

Independently of the sentences given on Mr. Martiu's two indictments against me, the Court of Sessions have assumed a power of enforcing the payment of the fines imposed in September last (the proceedings at which time Mr. Burke held *coram non judice*); under such circumstances, I trust that it will require no aid of argument to convince your Excellency that my utter ruin is meditated in the Colony. How I have offended I cannot conceive. I have acted with integrity in my profession: I never before in my life was arraigned in a court of justice for my conduct; nevertheless, it is too evident that my enemies wish to tear me from the bosom of my family. My character is not that of a murderer. The anxious exertions which I am making to supply the place of a lamented father, evince a different disposition in me.

Besides

of Negroes.]

THE WEST INDIES.

13

Besides my mother, sister and brother, who reside with me, I have a brother on the eve of going to Edinburgh from London to commence the study of physic, and whose expenses are very heavy. I am a very young man just rising in the world: if I have been indiscreet, my honour has not been impeached; and should your Excellency, as the representative of Majesty, refuse to interpose on my behalf, the ruin of myself and family is inevitable. It is not my wish any longer to reside in Tortola. I feel conscious of having acted my part with honour and fidelity as an individual, and as a public officer; at the same time, as the Legislature are unhappily prejudiced against me, it is impossible that I can continue to discharge my duty with any satisfaction to myself, or hope of real benefit to my constituents. I beg leave, therefore, to submit to your Excellency the propriety of my resigning my office of King's counsel, and hope and trust that when the attorney-general under which (if at all) I erred, in considering the proceedings of the Court of Sessions *coram non judice*, and the recognizance consequently void, and the many serious inconveniences which attend my imprisonment, as well as the great injury to my interest, are taken into consideration, your Excellency will be pleased to grant a pardon, and by such means enable me to accomplish my intention of removing myself and my family from a spot which promises no future happiness. With many apologies for this intrusion,

I have the honour to be,
with the highest consideration and respect,
Your Excellency's
very obedient and very humble servant,

(Signed) W^m Musgrave.

4.

Copy of a LETTER from Governor ELLIOT to The
Earl of LIVERPOOL; dated Tortola, 3^d May 1811:—
With One Enclosure.

My Lord,

Tortola, 3^d May 1811.

AFTER I had closed my dispatches down to N^o 36, by the Duke of Kent packet, Mr. Horsford, solicitor-general for the Leeward Islands, arrived at St. Christopher's in the Government schooner; and on the 20th ultimo, he embarked in His Majesty's ship *Cygnat*, for Tortola, for the purpose of supporting the indictments on the part of the Crown against Arthur Hodge, esq. The Speaker of St. Christopher's, Mr. George Tyson, and Mr. Long, both King's counsel, proceeded at the same time in the Government schooner, to act as counsel for the defendant. The *Cygnat* having subsequently returned to St. Christopher's, I was conveyed in that ship to Tortola, where I arrived on the 26th ultimo.

The trial took place upon the 29th, and lasted from 10 o'clock in the morning till half past 5 o'clock in the morning of the 30th. The Jury brought in their verdict, Guilty, about half past seven that morning, when sentence of death was pronounced from the Bench, and the execution fixed for Wednesday the eighth instant. The Chief Justice has since delivered to me the enclosed Record of the trial, from which your Lordship will be pleased to observe, that a majority of the Jury have recommended the prisoner to mercy, but without such recommendation having been seconded by any of the Judges.

The prisoner was found guilty upon an indictment for the murder of Prosper, a slave, late his property: more indictments were prepared, and ready to be brought forward, for the murder of several other of his slaves, and for various acts of cruelty and oppression, as stated in length in the Depositions marked C, D, E, and F, enclosed in my Dispatch, N^o 34, of the 1st April.

I have the honour to be, &c.

(Signed)

H. ELLIOT.

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

Virgin Islands, } ss. At a Special Court of Oyer and Terminer and Gaol
Tortola. } Delivery, held for the said Islands by adjournment, the
29th day of April 1811 ;

PRESENT,

The honourable Richard Hetherington, esq.	Abraham C. Hill.
Andrew Anderson.	The Chief Justice.
John F. J. Pickering.	Thomas Dougan.
George R. Porter.	William G. Chalvill.
G. D. Dix.	

The King, }
v. } Indictment for the murder of Prosper, a slave, late the pro-
Arthur Hodge, esq. } perty of the prisoner.

The Petit Jury having returned to consider of their verdict, returned to the Court finding the prisoner Guilty, but certifying to the Court that the majority of them recommended him to mercy.

Mr. solicitor-general having moved for judgment, the prisoner was asked, if he had any thing to say, why judgment of death should not be passed upon him. His counsel prayed time of the Court, to submit to His Majesty's representative the recommendation of the majority of the Jury for mercy on behalf of the prisoner. The Court then proceeded to pass the sentence of the law upon the prisoner, for the offence of which he was found guilty ; and awarded, That the prisoner be taken from the place from whence he came, there to remain until Wednesday the 8th day of May next, when he is, between sun-rise and sun-set, to be taken to the place of public execution, there to be suspended by the neck until the body shall be dead.

By the Court,

W^m Gordon,
Clerk of the Crown.

5.

Copy of DISPATCH from Governor ELLIOT to The
Earl of LIVERPOOL; dated Tortola, 9th May 1811:—
With One Enclosure.

My Lord,

Tortola, 9th May 1811.

THE sentence of death, passed upon Arthur Hodge on the 30th ult. for the murder of one of his slaves, was carried into execution yesterday, the 8th instant.

Since his condemnation, martial law has been put in force from sun-set to sun-rise every day ; and the militia having been embodied, after I had signed the requisite commissions, remained on permanent duty. As there were very few arms at their disposal, I requested Captain Russell, commanding His Majesty's ship *Cygnets*, to spare as many from that ship for their use as he could ; with which request he most obligingly complied. I also concerted with him for the eventual landing of a number of marines and armed seamen, in order to support the civil power.

Upon the morning of the 8th instant, I fixed head quarters at the Court-house, where I assembled the Council for the purpose of taking their advice the more readily, and of acting with promptitude in case of any emergency. It is with great satisfaction I am now to acquaint your Lordship, that, in consequence of these measures, all the proceedings upon this melancholy occasion were conducted with perfect regularity, and that no disturbance of any kind took place : neither was I necessitated to call for any assistance from His Majesty's ship *Cygnets*, in support of the civil power—a contingency I anxiously wished to avoid.

of Negroes.]

THE WEST INDIES.

15

When the execution was terminated, the militia were paraded by Colonel Gordon, the commander of that corps, who read to them my Thanks, as expressed in the enclosed paper. The alarm gun was then discharged, as a signal that martial law had ceased, and the militia returned to their respective homes.

The state of irritation, and I may almost say, of anarchy, in which I have found this Colony, rendered the above measures indispensable for the preservation of tranquillity, and for insuring the due execution of the fatal sentence of the law against the late Arthur Hodge. Indeed, it is but too probable that, without my presence here as Commander in Chief, in a conjuncture so replete with party animosity, unpleasant occurrences might have ensued.

I have the honour, &c.

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

(Signed) H. ELLIOT.

(General Orders.)

Tortola, 8th May 1811.

THE Captain General cannot dismiss the militia, without expressing his sincere thanks for the alacrity and perseverance with which the officers and privates have performed their duty, during the painful period at which it has been necessary to call for their services in the support of the laws of their country, and for the preservation of good order and tranquillity.

The Captain General relies with confidence upon their zeal and good conduct in any future emergency, when they may be required either to second the Civil Power, or to repel the attack of a Foreign enemy.

6.

Copy of DISPATCH from The Earl of LIVERPOOL to
Governor ELLIOT; dated Downing-street, 20th June
1811.

Sir,

Downing-street, 20th June 1811.

I RECEIVED your several dispatches, from N^o 34 to N^o 41 inclusive, and however deep the indignation which your former letters, in reference to the case of Mr. Huggins, have excited, and however strong my apprehension that the law, as at present administered, is inadequate to the prevention of similar excesses, I could still little have expected the additional detail of atrocities that is therein conveyed.

The individual by whom they were perpetrated has suffered the severest and most ignominious punishment the law can inflict; and it only now remains for me to express an earnest hope, that this rare example of just retribution may effect that change in the treatment of the unfortunate slaves, that it should require no other motives to produce than the common feeling of humanity towards a fellow-creature, or even the common regard to public decency.

I am commanded by His Royal Highness the Prince Regent, to convey to you the high satisfaction he has derived from your anxious endeavours, on this occasion, to secure impartial justice on the trial, and the solemn execution of the sentence; and his full approbation of your conduct, in not permitting the intercession of the individuals, who partly composed the jury by which Mr. Hodge was tried, to suspend the termination of that iniquitous career which he had but too long been suffered to pursue.

You are authorized to make every reasonable compensation to those individuals, who may have been inconvenienced by personal attendance on the part of the prosecution.

I have received the further command of His Royal Highness the Prince Regent, to desire that you will take an opportunity of publicly assuring the Council and Assembly of the Virgin Islands, that His Royal Highness has had the greatest pleasure in witnessing their anxiety to co-operate with you in the cause of humanity and justice; and you will acquaint them, on the part of His Royal Highness, that His Royal Highness cannot receive from them a more flattering assurance of their regard to the wishes of their Sovereign, and of the interest they feel in supporting the honour of the British name, than their anxious endeavours to ameliorate the condition of that class of beings whose bitter and dependant lot entitles them to every protection and support.

I have the honour to be, &c.

To Governor Elliot.

(Signed)

LIVERPOOL.

P A P E R S

RELATING TO

THE WEST INDIES:

VIZ.

CORRESPONDENCE

BETWEEN

The Earl of Liverpool and Governor Elliott;

In reference to the

Trial and Execution of *Arthur Hogg*, for the
Murder of a Negro Slave.

*Ordered, by The House of Commons, to be printed,
26 June 1811.*
