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2.

FURTHER  
P A P E R S  
RELATING TO THE TREATMENT OF  
SLAVES IN THE COLONIES.

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

*1 May 1818.*

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Colonial Department, }  
 May 1st, 1818. }

HENRY GOULBURN.

## FURTHER PAPERS

### Relating to the Treatment of Slaves in the Colonies.

— A. —

EXTRACT FROM A DISPATCH from Governor Maxwell to Earl Bathurst,  
dated Dominica, the 5th March 1817: With Two Inclosures.

I HAVE the honour to make known to your Lordship, that three very flagrant cases of arbitrary and cruel treatment of Slaves, were brought before the Grand Jury on the 4th ultimo; which notwithstanding most strong and positive proof was adduced in support of them, were thrown out, and animadverted upon in a most extraordinary manner. As this proceeding appears to me to be novel and unprecedented, I beg to lay a copy of the cases and documents before your Lordship, and I can safely pledge myself to the accuracy of the statement; the conduct of the Grand Jurors will prevent me ordering any future case of the kind to be laid before them, but I shall direct the Attorney General to file informations *ex officio* in the Court of Common Pleas.

[N. B.—The Inclosures above referred to, were presented to the House of Commons, and ordered to be printed, on the 11th July 1817:—  
Two other Inclosures of the same letter are herewith presented.]

(Enclosure 1.)

Extract of a Letter from Governor Maxwell to the Honourable W. Bremner,  
dated Government House, Dominica, 14th February 1817.

“As I cannot reconcile to myself, that the Grand Jurors of the 4th instant, have been guided by facts in their presentment, in which they assert that the cases of cruelty which were laid before them, were unsupported by any evidence whatsoever; I beg to ask, if your statement of Jeanton’s case, could warrant such an assertion.”

ANSWER.

Dear Governor,

Dominica, 14th Feb. 1817.

In reply to your Excellency’s letter of this morning, I beg to state, that I described as well as I could to the Grand Jury, the marks of violence and ill treatment, I perceived upon Mr. Le Guay’s negress, and I mentioned also that the *woman said* she had been so used by *her master*, because her husband had run away. But I could not, *on my oath*, declare that I had any *personal knowledge* of her master being *bona fide* the individual who had so treated her; and I have reason to think that Dr. Browne, though he gave full testimony to the ill treatment the woman had received, was equally ignorant (unless from the reports of others) by *whom* the violence was inflicted. I believe no other witness appeared; and as neither Dr. Browne nor myself *could swear* that *Mr. Leguay* was the person who had done the act, I presume the Grand Jury were of opinion that mere evidence of violence having been committed by some one, was not sufficient, without further proof, to bring home the charge to a particular individual.

I have the honour to be, with regard,

Dear Governor,

Your Excellency’s  
faithful humble Servant,

(Signed)

W. Bremner.

His Excellency  
Governor Maxwell,  
&c. &c. &c.

## FURTHER PAPERS RELATING TO THE

(Enclosure 2.)

Copy of a Letter from the Honourable A. C. Johnstone, to Governor Maxwell, dated Dominica, 10 October 1816.

Sir,

Dominica, 10th October 1816.

AS I am informed that Your Excellency is justly anxious to protect the negroes of this Colony from the oppression of any cruel or vindictive master, and that the laws made in their favour should be strictly enforced, I therefore feel confident that you will consider, that in transmitting to Your Excellency the enclosed statement of facts, relative to the conduct of Dr. Birmingham, that I only discharge my duty to you.

For the accuracy of the principal part of the facts contained in it, I beg leave to refer Your Excellency to the Chief Judge Mr. Gloster, the Reverend Mr. Newman, and the Honourable Mr. Hobson.

Although it is known the Chief Judge stated from the Bench, that the conduct of Dr. Birmingham ought to be taken notice of by the Government of this Colony, such has been the apathy and indifference of Your Excellency's predecessors, that nothing has been done on the subject.

I have the honour to remain with respect,  
Your Excellency's most obedient humble servant,  
(Signed) *A. Cochrane Johnstone.*

His Excellency  
Governor Maxwell,  
&c. &c. &c.

(Copy.)

MEMORANDUM relative to the Negroes of Everton Hall Estate, conducted under a Military Guard from Prince Rupert's Bay, upon the application of Dr. Birmingham, in order that they might be tried by a Special Court of Sessions at Roseau, for alleged misconduct.

IN consequence of some disturbance upon the above estate, Dr. Birmingham applied for a military force to apprehend several of the negroes; and accordingly the following were taken up, and conducted to Roseau by a party of soldiers :

- |            |               |               |
|------------|---------------|---------------|
| 1. Pompey, | 5. Anthony,   | 9. Gracey,    |
| 2. Billy,  | 6. Boatswain, | 10. Nannette, |
| 3. Simon,  | 7. Clapham,   | 11. Fronkey;  |
| 4. Jack,   | 8. Thornton,  |               |

being 8 men and 3 women. Upon the road Thornton absconded, and went to Mr. Cochrane Johnstone, upon the Hope Estate, to request he would intercede with Dr. Birmingham in his behalf. He accordingly wrote to Dr. Birmingham, informing him of the arrival of Thornton upon his estate, and of his having desired him immediately to surrender himself; that he highly disapproved of the conduct of the negroes, but that he could assure him that Thornton had always been a well-disposed negro, and that he *never had been punished.*

Thornton immediately went to town, and, as Dr. Birmingham was not there, he gave himself up to the Deputy of the Marshal, who immediately put him in gaol, after telling him that he ought to be hanged.

Thornton and all the other negroes remained in gaol for four or five days, until the arrival of Dr. Birmingham, who immediately ordered the whole of the above negroes to be constantly worked in the galley gang; which was accordingly done. About three weeks afterwards, the negro Thornton (who, although he was not the principal, or particularly connected with the supposed disturbance upon the estate, was selected by Dr. Birmingham to *be tried for his life*; and accordingly a court of special sessions was held for the purpose, in July or August last year. About half an hour before the court was to assemble, Mr. Johnstone was walking in the streets of Roseau with Mr. Bertrand, when they were accosted by Mr. Sutherland, the Deputy of the Marshal, who requested Mr. Bertrand immediately to go to the court house, to act as one of the justices for the trial of Thornton of the Everton Hall estate. Upon hearing this statement from Mr. Sutherland, which was the first information Mr. Johnstone had received of the intended trial, (as he could not conceive it possible that any negro

## TREATMENT OF SLAVES IN THE COLONIES. 5

negro would *be tried for his life*, after they had been already punished by working in the galley gang) he requested Mr. Sutherland to prevail upon the court to put off the trial *for one hour*, until he could obtain the professional aid of the honourable Mr. Hobson to assist the unfortunate negro who was *to be tried for his life*: and Mr. Johnstone also wrote to Mr. Anderson the Preses of the special sessions, to the same effect. No attention was, however, paid to Mr. Johnstone's application on behalf of the poor negro; and the court had actually proceeded with the trial, when, fortunately, Mr. Hobson, feelingly alive to the entreaty of Mr. Johnstone, rose from his bed with the utmost alacrity, and made his appearance in the court. He immediately demanded, on the part of the negro, a sight of the indictment. Here it must be stated, that the poor negro had never been *served with a copy of the indictment, nor did he know for what he was to be tried, until he heard the indictment read to him in the court*. The moment that Mr. Hobson read it, he saw directly that it was *faulty*, and that it wanted every necessary form, which justice and humanity, independent of the law, prescribed. This he stated to the Court; and the reply made by the acting Attorney General was, *that all the indictments of the persons who had been tried and convicted for years past, had been drawn in the same form*.

The trial proceeded, and after the minute examination of all the witnesses against the unfortunate negro, it was clearly and satisfactorily proved, that he, who had been selected as a ringleader, *to be tried for his life*, was not a ringleader, or particularly concerned in the supposed disturbance; and he was accordingly *acquitted by the jury*.

The moment the poor negro was taken out of the court, he was directly, by order of Dr. Birmingham, put in chains with the galley gang, then working close by the court; Thornton continued to be daily worked in chains, with all the other negroes belonging to Everton Hall, who had been brought to town for their trial, until the day of August 1815, when, as they were all working in chains at the new court house, they were called away by Mr. Jones, the clerk of the market, and conducted to the market place, *where they all received 39 lashes, inflicted in the most severe manner possible, without informing them for what reason they were so punished*; Thornton was the third person so punished, and he happened to have a cloth tied round his *middle*, which being perceived by Mr. Sutherland, the deputy marshal, who was looking on from a window of the then court house in the market, he ordered it to be taken away, that Thornton might receive his punishment, as he stated, "well inflicted." Mr. Johnstone was in Roseau at the time of the punishment, but did not know of it until it was finished; the moment he was informed of it, he addressed a letter to Mr. Anderson, the preses of the special court which tried Thornton, but he received no answer to it; the same day Mr. Johnstone went to Mr. Hobson to state the circumstances, and on his way he met Mr. Sutherland, to whom he complained of the shameful conduct of Dr. Birmingham, in having punished Thornton after he had been acquitted by a jury, and also for having punished the other negroes without bringing them to trial, for which purpose they were brought to town under a military guard; the only reply Mr. Johnstone got from Mr. Sutherland was, that *Dr. Birmingham had a perfect right to do so*; Mr. Johnstone did not find Mr. Hobson at home that day, but he called upon him the next day: on passing the new court house, he was accosted by the Everton Hall negroes, then working in chains; Thornton had nothing but his shirt on, and he pulled it up to show Mr. Johnstone the nature of the punishment he had received, which in the opinion of Mr. Johnstone, was the most severe he had ever seen; the posteriors were all in a mass of blood, and the marks of the cart whip were at least two inches broad; indeed even at this date, 15th October 1816, 14 months date from the punishment, he bears upon him, and will for life, the marks of this cruel and unexampled punishment; all the other negroes, seven in number, namely, Pompey, Billy, Simon, Jack, Anthony, Boatswain and Clapham, were also in a most shocking state, and were with Thornton compelled to work in chains, without being allowed any time to recover from the effects of the punishment.

About eight days after the above negroes received their punishment, they were all, except Thornton, sent back to the estate, and he was detained to work in chains with the galley gang.

Shortly after this Dr. Birmingham, not satisfied with the punishment he had inflicted upon Thornton, was desirous of separating him from his family, and had actually entered into a treaty with Mr. Rose, clerk of the commercial house of Messrs. Dumolard and Co. of Trinidad, to ship Thornton to that island; but as the negro was mortgaged, it was necessary to procure the consent of the mortgagees, which was easily obtained. Fortunately for the poor negro, Mr. Johnstone received information of the intended shipment, and had time to apply to the Court of Chancery, which directly granted an injunction against this most scandalous transaction.

Matters remained in this state until the meeting of the Court of General Sessions and Gaol Delivery, which was held at Roseau last February; on that day the Honourable Mr. Hobson called the attention of the Court to the atrocious circumstances attending the conduct of Dr. Birmingham towards the negro Thornton, who, independent of the severe punishment inflicted upon his body, (although he had been acquitted) had been, for *six months* past, compelled to work in chains with the galley gang. Dr. Birmingham was in Court, and attended by his counsel, Mr. Glanville, the acting attorney general. Mr. Hobson called upon the Court to protect the poor negro from the vindictive fury of the Doctor; Mr. Glanville interposed, and stated, that the Court had no authority or right to interfere in the transaction; and the Doctor personally stated, that he considered his life in danger if the negro Thornton was ever suffered to get out of gaol.

The Court called upon the Doctor to state if the negro had ever threatened or insulted him, and if he had, to make an affidavit to that effect, to which they would immediately attend. This the Doctor declined doing, aware that he had no grounds for doing so; in consequence of which the Honourable Mr. Gloster summed up the circumstances attending, as he stated, this shocking transaction of cruelty and oppression, and how necessary it was, for the honour and character of the colony, that the Court should interfere. His honour stated, that he had himself applied several times by letter to Dr. Birmingham, requesting that he would liberate the unfortunate negro, but that he had met with a refusal. The Court unanimously coincided with the Chief Judge in sentiments of abhorrence of the transaction, which they hoped would be taken notice of by the Government of the Colony; but that, in the mean time, it was their bounden duty, as a Court of Gaol Delivery, to liberate the poor negro, and to place him out of the reach of the fury of Dr. Birmingham; in consequence of which the Court made a particular decree, which is inserted in the proceedings of the Court.

It is here necessary to state, that Dr. Birmingham, although a member of the Honourable College of Physicians of the City of Edinburgh, is a *black man*, of the same colour as poor Thornton, who is the subject of this Statement; and that the cause of the disturbance on the estate was, their having expressed to the Doctor their regret at his having privately purchased them from Mr. Mathews without acquainting them; and that they did not wish to work for him, knowing him to be cruel in his treatment towards negroes. Thornton was a carpenter upon the estate, a negro of an excellent character, who had never been punished.

Dominica, 15th October 1816.

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—B.—

Extract from a Dispatch from Governor Maxwell to Earl Bathurst;  
dated Dominica, the 3d September 1817: With Two Enclosures.

“ IT is with considerable regret that I apprise your Lordship of a spirit of opposition on the part of the members of the Grand Jury of this island, owing to the measures I have followed, in obedience to the commands of His Royal Highness The Prince Regent, to endeavour to check all acts of undue and unlawful severity towards the Slaves. Many instances have come to my knowledge, and particularly some cases, in which iron collars and chains have been  
added

## TREATMENT OF SLAVES IN THE COLONIES. 7

added to their sufferings after severe whipping. The colonial law for the regulation of the slaves authorizes the corporal punishment; but as there exists no authority for the use of these iron torments, I have considered it my duty to check the use of them, in every instance which comes to my knowledge; and it was my intention to have ordered prosecutions against some individuals for this illegal mode of punishing, at the last sessions of peace, on the 26th ultimo, but I was induced to forego this determination, in consequence of an assurance from both branches of the legislature, of a speedy revision of the Slave Laws, in compliance with my message, urging the absolute necessity of the measure.

“ With reference to the presentment of the grand jury on the 26th ultimo, the Court refused to receive it, considering it indecorous, and out of the province of the grand jury. On this extraordinary proceeding of the grand jury, I shall not make any comment; but I take leave to assure your Lordship, that I have not heard of any “ agitation or discontent” among the negroes, except what has arisen on some properties from the tyrannical conduct of owners and managers, and on others from the deteriorated state of the land, and consequent poverty of the owners. The latter lamentable circumstance is becoming more evident every day.”

## (Enclosure 1.)

CASES of NEGROES, who were brought to Governor Maxwell in Chains; in which they were obliged to work, by their Owners or Managers, during the last three months.

1st.—A boy, about 15 years of age, a large iron chain round his neck fastened with a padlock, total weighing 22 lbs.

2d.—Two girls, of 12 years of age, much marked by the effects of the cart-whip; fastened together with iron chains round their necks, padlocked, weighing 18 lbs.

3d.—A full grown man after a severe flogging with the cart-whip; loaded with an iron collar and chains, weighing 21 lbs.

4th.—An old man, apparently 60 years of age, after having been severely beaten by his master, was placed in the stocks, with an iron collar round his neck, and chains, weighing 20 lbs.

5th.—A boy, about 12 years of age, loaded with an iron collar, chains, and log of wood, weighing 26 lbs.

Government House, }  
Dominica, 3d Sep<sup>r</sup> 1817. }

## (Enclosure 2.)

Copy of Presentment of Grand Jury of Dominica, dated 26 August 1817.

The Grand Jurors of Our Sovereign Lord the King do present,—

That at the particular request of the Bench they visited and inspected the Gaol, which they regret to find in the same state as in February last, notwithstanding the repeated presentments of former Grand Juries on the subject.

The Grand Jury lament that they are under the necessity of noticing an improper interference, on the part of the Executive, between master and slave, which has caused considerable agitation and discontent among the negroes, and if persevered in, is likely to lead to the most ruinous consequences.

(Signed)

*W<sup>m</sup> Robinson,*  
Foreman.

Grand Jury Room, }  
26th August, 1817. }



FURTHER

P A P E R S

RELATING TO THE TREATMENT OF

SLAVES IN THE COLONIES.

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

*1 May 1818.*