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1.

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,*

*30 April 1818.*

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Colonial Department, }  
April 30th, 1818. }

HENRY GOULBURN.

## P A P E R S

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

—A.—

COPY of a LETTER from Governor Probyn to Earl Bathurst.

My Lord,

Nevis, 8th July 1817.

HAVING received information when at St. Christopher, a short time ago, that Mr. Huggins, a proprietor in this Island, had been brought before the magistrates for ill-treating five Negro Slaves, I thought it proper to desire the President of the Council of Nevis to cause the matter to be brought to a public investigation.

Mr. Huggins was therefore indicted for cruelly punishing the slaves in question, and brought to trial, and acquitted. And as it may be desirable to Your Lordship to receive the most authentic information of the particulars of the case, I have enclosed a Report of the Evidence taken on the occasion by the counsel employed for the Crown.

I have the honour to be, with great consideration and respect,

My Lord,

Your Lordship's most obedient humble Servant,

(Signed) *Tho<sup>s</sup> Probyn.*

To the Right Honourable the Earl Bathurst,  
&c. &c. &c.

(Enclosure.)

The KING *against* HUGGINS.Examination of *Francis Newton*.

Question : You were the manager of Mr. Cottle's estate on the 28th day of March?—Answer : I was.

Relate to the Court all you know of what passed on the estate that day?—On the 28th of March Mr. Huggins came to the estate, and after a little conversation with me, he went up to Mr. Cottle's house, where he remained some time. I then sent him a note, informing him that one of the negroes, named William Nolan, had been complained against for robbing a black woman in town of some calico, and two or three pair of stockings; and that I had the preceding day traced a pair in the possession of Richard. I told Richard, if he would bring me the stockings, I would pay him what he had given for them, which was four bits. I desired him to bring them at noon, which he promised to do, but did not. I again asked him in the afternoon for them; his reply was, "I have got them, Sir;" a second time I received a similar answer. I then told him, if they were not brought in the morning I would flog him. I stated to Mr. Huggins by note, that, as he was present, it was my wish he should have the matter investigated, and punished; his answer was, he would see me directly. When he came down, the negroes were coming into the yard for their allowance, and the boy Richard at the same time came in with the cart. Mr. Huggins asked him about the stockings, and directly called the driver to flog him. Richard then pulled out the stockings from his pocket, and said, addressing himself to me, "that he would have brought them in the morning,

but

but that I had company." He was laid down and flogged with the cart-whip. I reckoned 90 lashes whilst I was there. I then left the place, and went up stairs, where I live. During that time the flogging continued; and after I had gone up stairs (which are a considerable flight of steps) and gone to a window, three lashes were given. To the best of my knowledge, he received altogether 100 lashes. The boy, William Nolan, was then called; and he said, a negro named David had bought a pair; that David acknowledged he had bought them; and that the third pair was sold to one of Mr. Bourin's negroes. David was then laid down and flogged. During the punishment of David I was up stairs; he received 80 lashes with the cart whip, from the same driver. William Nolan (the thief) was then laid down, and received from 25 to 30 lashes. He had been flogged the preceding day by me, and had received about the same number of lashes. He denied having stolen the stockings to me; but as soon as he was called by Mr. Huggins, he confessed it. Mr. Huggins then called out, "Bring out the ladies that were crying;" he then pointed out a woman, named Thisbe. She was laid down, and received 22 or 23 lashes. I did not hear any conversation or explanation used before she was flogged; if there was, I must have heard it, having heard all other words that were spoken. Mr. Huggins then said, "There are some more;" and the driver pointed out another woman, named Cressy. She was laid down, and received about 20 lashes, after which Mr. Huggins said, "Cry now;" Thisbe said, "I did not cry, Sir." William Nolan, Richard and David, were at that time in the field; but that Richard waited on Mr. Cottle when he was here, and David on him (the witness). When Mr. Cottle went to England, they were both put in the field, and another boy given him in David's stead. Thisbe had the care of Mr. Cottle's house, and was his house-servant, and occasionally attended the sick. Cressy was constantly employed carrying guinea-grass, out of crop and tops, during crop, on a jack ass, for the stock. That during the punishment of the negroes, he observed the driver relax in his exertions, when Mr. Huggins said, "You damned rascal, did I not order you to flog him?" that this threat was once or twice repeated by Mr. Huggins; that the driver appeared alarmed, and at one time put his hand to his hat, and said, "Do Sir, do Mr. Huggins, that is enough;" that he supposes every lash did not take effect, or they would have been more severely cut, from the number of lashes; that it was with great difficulty Richard was held down; that he required all the negro men to hold him.

Question: Were these five negroes the only ones that were that day flogged?  
—Answer: Yes.

Question: At the time this punishment took place, was there any disposition amongst the gang to riot or disturbance?—Answer: Not any, or I should have stepped forward.

Question: Do you know any cause why there should be so much feeling shown by the women that cried?—Answer: Because I always understood they were brothers to Thisbe and related to Cressy.

Question: After the punishment what became of the negroes?—Answer: I observed them that day laying on their bellies on a plank in the cooper's shop, with their breeches off, and their shirts bloody.

Question: Did they go to the sick house?—Answer: I did not see them the following day, as I was the whole of that day employed in the rum cellar filling rum; but the sick nurse told me, they had gone there, and that Richard had the fever; I saw David leaning with both hands upon a stick, coming round as if from the sick house.

Question: How long have you lived on the estate?—Answer: About two years and five months.

Question: During that time, what was the general mode of punishment on the estate?—(This was over-ruled by the Court.)

#### *Cross Examination.*

Question: You have lived on Mr. Cottle's estate about two years and five months?—Yes. Do you live there now?—No. Who dismissed you?—Myself. Had you any other place in view?—No. Where do you live?—With a friend. Why did you dismiss yourself?—Because I wrote Mr. Huggins a letter, which he did not answer, but in the mean time offered my situation to another gentleman,

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gentleman, and as soon as I heard it, I resigned. Did you assign that as a reason?—I wrote to Mr. Huggins, stating, “that I had been labouring under suspense for some time, and that I had no inclination to be made a tool of.” Was that the purport of your note?—Yes. Did you write amicably or with anger?—I have no ill-will towards Mr. Huggins, but I could not be pleased. Did you inform Mr. Huggins of the theft that had been committed by William Nolan?—I did. Was that the first intimation he had of it?—I believe it was; I know no other. What character does William Nolan bear?—He is a bad negro, and constantly locked up. Did Richard know that William Nolan did not come fairly by these stockings?—He must have known it. How would you have punished them?—I should have flogged them well, but would not have exceeded 39 lashes. Was the punishment more than the crime merited?—It was, in numbers. Was the effect of the punishment great?—It could not have been very great, as they went to work on Monday morning without being desired to do so, although they appeared very lame. Did you examine the state of the men?—Not till the day they were brought before the magistrates. Was you the manager at that time?—I was for two or three days; I heard no complaint but from the sick nurse, and as I was busy, I gave her a bolus for Richard, and at noon sent them some soup; I do not know if Doctor Stather was on the estate on Saturday; I may have seen him drive through; I did not think it necessary to send for him; had I thought it necessary I would have sent for the Doctor; David was more severely cut than Richard; I have seen a negro laid up longer with 39 lashes; I observed to Doctor Stather, that the effects of 25 or 30 lashes might be greater; I believe the driver was concerned in the matter of receiving the stolen goods; I did not see Thisbe or Cressy the next day in the sick house; I believe Thisbe did beg Mr. Huggins to forgive Richard; she was sitting down with her apron over her face; her crying was natural; she did not scream; she is of a high temper; there were others crying that were not related to the boys; I did not hear Mr. Huggins say, he had not flogged Thisbe on a former occasion when she deserved it.

## —B.—

COPY of a LETTER from James Colquhoun, Esq. Colonial Agent for Nevis,  
to Earl Bathurst.

My Lord,

St. James's Place, 18th September 1817.

UNDERSTANDING that your Lordship required certain Details on the subject of the late Investigation and Trial which took place in the Island of Nevis, in the case of Mr. Huggins; and a complete Series of Documents having been forwarded to me, duly authenticated, as well from the Council and Assembly as from other quarters, I have thought it might be interesting to your Lordship to possess them, and under this impression I have done myself the honour to enclose them.

In transmitting these papers, I avail myself of the occasion to enclose some resolutions of the Council and Assembly, intimating their determination “to pass such additional Bills as shall assure to the Slaves a mild and indulgent government; shall satisfy His Majesty's Government and the popular feeling on the subject; and finally to accomplish a code of laws which shall anticipate the wishes, and gain for them the approbation of their friends.”

I have the honour to be, &c.

(Signed)

*J. Colquhoun,*

Colonial Agent for Nevis.

To the Earl Bathurst, K. G.  
&c. &c. &c.

(Enclosure 1.)

Extract from a Letter from the President of the Council and the Chairman of the Assembly of Nevis, dated May 13th 1817, to the Colonial Agent.

“Our immediate object is to answer (agreeably to the Resolutions of the Council and Assembly of this Island) your important letter of the 4th April last. We have to assure you, that the friendly remarks therein contained have been received  
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received by the two branches of the Legislature in a manner highly creditable to these bodies.

“Although fully persuaded that no effort on the part of the different Legislatures in these colonies can satisfy the real and declared views of the managers of the African Institution, yet we nevertheless feel, that it is highly important to evince a sincere disposition to conciliate the good opinion of our brethren in England, and to shield His Majesty’s Ministers as much as possible from those clamorous attacks, which a noncompliance with the popular feeling would otherwise expose them to.

“Under these impressions the Council and Assembly are sincerely desirous of emulating the example of Jamaica, by passing additional Acts to assure to the Slaves a mild and indulgent government, and to check, by every possible means, arbitrary punishments; and we shall not fail to pay due attention to the several clauses which you have pointed out as worthy of imitation, in their Amendment Act, passed on the 19th December last.

“We beg leave to subjoin, in proof of these our assertions, the Resolutions which have been recently passed on this interesting subject; and we perfectly agree with you, that a prompt and voluntary offer to satisfy the public feeling at home, and to conciliate His Majesty’s Government, will redound more to our credit than awaiting to do what is right on the occasion by any official intimation.

“We appreciate as we ought to do your kind and friendly endeavours to direct our exertions in the proper course, and we trust, that with a continuance of your assistance, and the disposition which manifests itself in this community, we shall, by attending to the wholesome suggestions and reasonable desires of the mother country, accomplish a code of laws in due time, which shall silence the calumny of our enemies, and acquire for us the approbation of our friends.

“We have now to call your attention to a circumstance which has lately occurred here, by a gentleman whipping some Slaves over whom he acted as attorney; the punishment was inflicted for a robbery on the part of one of the Slaves, but principally on two others for receiving and detaining the articles, and refusing to deliver them, knowing them to be stolen; representations having been made, that the punishment on this occasion exceeded the limits of moderation, and what the nature of the crime merited, the magistrates thought it their duty to cause an investigation to take place, and having examined many respectable witnesses, besides the material one of the manager, who was present; they decided, that so far as regarded the sufferings of the negroes on the charge of cruelty, they were happy to say, that by the evidence before them it was entirely done away; but as they apprehend that an opinion generally prevailed that punishments should be restricted to thirty-nine lashes, and as that had been exceeded in this instance, the magistrates were of opinion, that the accused should be bound over to make his appearance at the next Court of King’s Bench, himself in £.1,000 currency, and two sureties in £.500 each.

“In consequence of these proceedings, the eldest resident King’s Council thought proper to prefer a bill of indictment, in order to bring the matter before a jury, and intimating by letter to the President, that he was desirous of having the assistance of His Majesty’s Attorney General, to prosecute the offence with all the effect which his station and talents were calculated to afford, it caused the enclosed messages (No. 3.) to pass between the Council and Assembly, which we trust will show to our enemies the disposition which actuated the two branches of the Legislature, and which we deposit in your hands, in case any misrepresentations should get abroad, that the antidote may be immediately applied to the evil; as the trial is now over, and the accused is acquitted, we also enclose copies of the examinations taken before the magistrates in the first instance, also the evidence on the trial, and the deposition of witnesses, intended to be pursued for the defendant, had his council thought it necessary; so that you may be in possession of all the facts. The public we trust will see, that a West India community is not altogether indifferent, even to a supposed deviation from the rule of mercy; but it becomes necessary to state to you, that the principle on which the limitation of lashes was rejected by the General Council and

## TREATMENT OF SLAVES IN THE COLONIES

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and Assembly, when passing the Amelioration Act in 1798, was precisely this; *that cruelty should be punished, even if the master did not exceed the Mosaic law.* As however, the Legislature of Jamaica has deemed it necessary to prescribe numerical limits, and it has received the approbation of Government, we shall lose no time in setting this question at rest for the future; in the present instance, we trust it will appear, that the Legislature was ready to do its duty, and that the interdictory letter alone of his Excellency the Captain General (a copy of which we also enclose, No. 2.) put a stop to any further proceedings.”

(Enclosure 2.)

Minute of Examinations on a Charge against Edward Huggins, Esquire, of Cruelty, in severely punishing Negroes belonging to the Estate of Mr. Cottle; taken before William Slater and John Robert Small, Esquires, Justices, on Thursday the 3d day of April 1817.

Captain *John Canty*, sworn.—Says that he is acquainted with the circumstances which have led to the present examination. That on Friday last he was on Mr. Cottle's estate, where he was informed by the negroes, that two negro men had been flogged; that one had received eighty lashes, and the other one hundred, and that two women were also flogged; he then went up to Mr. Newton, the manager, in the house, who gave him the particulars, which corroborated with what the negroes had told him. He saw two negroes in the sick house, which he understood were those that had been punished, but he did not hear their names; he made a minute that day of the circumstances he has now related. He at no time saw the state of body of the negro men flogged; was not in the sick house; only saw the two men as he passed the door. On being asked, whether he had not given his opinion as to the negroes having been severely punished; he stated, having expressed that he thought it very unfeeling to punish two women for crying, and formed that opinion from Mr. Newton's information, which was, that they had been told they were flogged for crying. Had no object whatever in making a minute of the transaction, nor never stated, that he intended to communicate the circumstance to the African Institution. Was informed by a woman, who he supposes to have been the sick nurse, that the two negro men punished, had a high fever on the following morning. Does not know it of his own knowledge. Knows no other circumstances that can throw any light on the subject.

*Francis Newton*, sworn.—Says that he is the manager on Mr. Cottle's estate. That on Friday last a punishment took place, by the direction of Mr. Edward Huggins, who is the attorney. That two negro men, named Richard and David, were flogged for having in their possession stolen goods. That the punishment was inflicted at the instigation of witness, who had previously informed Mr. Huggins, by note, of their crime, and requested him, as he was on the estate, to do what he thought necessary. Witness would himself have flogged the man Richard, if Mr. Huggins had not been on the estate. David was flogged in consequence of a boy's (called William Nolan) testimony against him, after Richard had been punished. Witness was present when both the negroes were flogged; Richard, he thinks, received from ninety to a hundred lashes, and David received eighty. He counted the last punishment, but was not so particular with the first. Counted ninety lashes, and then went up stairs into the house; during which time the flogging continued, and then he saw from the window three more lashes given. The punishment inflicted on Richard was not, from the effect it has had, more severe than the crime merited; he has seen a negro as much injured by thirty lashes. Had he inflicted the punishment, he should not have given Richard more than thirty-nine lashes, as he conceived he was not authorized to exceed that number, but which should have been well laid on. All the negroes were assembled, as it was the time of giving allowance. When the punishment of Richard and David was over, a boy named William Nolan was flogged; he received about twenty lashes. Two women, named Thisbe and Cressy, were then flogged; heard Mr. Huggins say, he flogged them for crying. Richard and David were brothers to Thisbe, and David cousin to Cressy; they both cried while Richard and David were flogging. Witness supposes from motives of feeling. To the best of witness's recollection, he heard Thisbe implore forgiveness for Richard; did not see any improper interference on the part of these women. Thisbe received twenty odd and  
Cressy



Cressy about eighteen lashes. The usual occupation of Richard was that of house boy to Mr. Cottle; when he went away he was put into the field by Mr. Cottle's direction. David waited upon witness until the same period, when he also was put into the field. Thisbe was a house servant when Mr. Cottle was here, and took care of the children, and since she has been taking care of the house. Cressy is constantly employed in carrying tops and grass. After the punishment, witness saw Richard and David lying on a plank on their faces in the cooper's shop; spoke to them, but they made no answer. Did not examine into their condition, to ascertain whether they required any care; he thought if they had they would have sent to him, or the sick nurse would have informed him; they went however from the cooper's shop into the sick house. Saw David on the following day, but was very busily employed in the still-house. Heard there was to be a masquerade dance at the negro-house on Mr. Jeffery's estate on Saturday; from an observation made by one of the other negroes, understood that Richard and David were to have been two of the principal characters, and that they would be baulked. Heard on Sunday morning that Richard and David had both been there; but afterwards heard it contradicted. About two months ago, witness heard Thisbe very insolent to Mr. Edward Huggins, junior, in the presence of his father; she was not punished on that occasion. Did not understand that her present punishment had any reference to former insolence. Thisbe has always been considered a high tempered woman, and has been on one occasion insolent to witness. Has been manager of the estate about two years and a half. Never saw any punishment to the same extent of lashes inflicted on any of the negroes. Witness nor Mr. Cottle gave on that estate beyond thirty-nine lashes. On witness being once asked, by Mr. Huggins, why he did not punish Thisbe, he replied, that he wished to have nothing to do with the house-servants. Never complained to Mr. Huggins of her insolence, but mentioned it in a casual way. On the day of the punishment, witness wrote to Mr. Huggins from the works, stating, that a complaint had been lodged against Richard, for having bought some stolen stockings; that Richard had confessed to witness having one pair, which he bought from William Nolan; desired Richard to bring them, and he would pay him what he had given for them; which he promised to do. Witness also stated, in his note, that he intended to punish Richard; but as Mr. Huggins was on the spot, he left it to him. Supposes Richard knew the stockings were stolen, as the boy he purchased them of is a notorious fellow. Witness asked Richard twice for the stockings, and they were not produced; told him he would give him the money for them, but should not ask him again. When Richard was put down to be flogged, he took the stockings out of his pocket, and observed to Mr. Huggins, that he should have given them to witness in the morning, but that he had company. Witness had no company, but Captain Canty, who was sitting at the door.

*Josiah W. Maynard*, Esq. sworn.—He has seen the two negro men, stated to have been severely flogged on Mr. Cottle's estate; is of opinion that the flogging was rather severe, but by no means amounting to any thing like cruelty; that he imagines twenty-five or thirty lashes given to a soldier or sailor would have had twice the effect; has seen soldiers punished. Witness asked Mr. Newton, on the stairs of the court-house, how all this happened, not having previously seen him, or heard of the circumstance. Mr. Newton observed, that one day last week, does not know whether Friday or Saturday, Mr. Huggins came to the estate, and behaved in rather an unhandsome manner towards him, on account of his having lent Captain Canty a horse; that he, Newton, thought it a hardship not to have the privilege of lending a horse, which Mr. Huggins said he had no right to do, as the horse did not belong to him. Witness further asked Mr. Newton, if he thought this matter had been brought before the public from motives of humanity or resentment; Mr. Newton said, Captain Canty had expressed himself warmly against Mr. Huggins; this was after the punishment had been inflicted, and when the negroes in the yard were in an uproar.

*Mr. James Laurence*, sworn.—Has seen the two negroes, Richard and David; does not think the punishment severe, or by any means cruel; thinks the punishment an ordinary one; on Sunday afternoon saw three or four negroes passing from the negro houses, and was informed they belonged to Mr. Cottle; that  
yesterday,

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yesterday, on hearing that Mr. Cottle's negroes had been flogged, he inquired of the woman who made the dance, if the flogged negroes had been there; she told him they were both there; one danced all night, the other not so much. Had he not seen the state of the negroes, Richard and David, since their punishment, the number of lashes stated to have been given, would have led witness to suppose they were cruelly treated.

Mr. *Newton* again called.—Says, that one of his domestics, named Betsy, who was at the dance, told him that the two negroes, Richard and David, were not there; that the man Siah, belonging to Mr. Cottle, who made the dance, told him so also; does not know himself if they were at the dance or not; they were at their work on Monday, and have continued at it ever since.

*John Henry Clarke*, sworn.—Is the proprietor of an estate; has seen the two negroes, Richard and David; as far as he can judge, from their present appearance, he should not suppose they had received one-third of the punishment stated to have been given, and that there are no marks of severity or cruelty whatever; he does not inflict any punishment on his estate beyond thirty-nine lashes.

Doctor *Archibald*, sworn.—He has examined the two men who have been flogged, Richard and David; one appears to have received more lashes than the other, but neither of them bear any marks of cruelty whatever.

Doctor *Stather*, sworn.—Says, he attends Mr. Cottle's estate in his medical capacity; was never called to examine the condition of any negroes that had been punished; saw a sick man on Saturday last at the sick house door, which man is since dead; has seen the two negroes, Richard and David, since; should not call the punishment they have received severe; has seen a negro more severely punished with twenty lashes; was at the sick house door for some minutes on Saturday, but heard nothing of the punished negroes.

*James Purvis*, Esq. sworn.—Says he has been on board a man of war, and seen punishments inflicted there, but more frequently on board Indiamen; he has seen the two negroes, Richard and David, and from the knowledge he has of the effect of corporal punishment, he does not conceive that they have been severely punished; he has seen a man infinitely more lacerated from receiving two dozen, the boatswain's cat only, on a different part of the body.

[Adjourned to Saturday next, at ten o'clock.]

At the Court House, April 5th, 1817; Examination continued.

*Anthony Wharton*, sworn.—Says he has seen the two negroes, Richard and David, and is of opinion they have been well flogged, but has seen twenty-five lashes, well laid on, produce a worse effect; witness has been manager on several estates in this island; says he has exceeded thirty-nine lashes in a case of a very heinous nature, and where the negro has shown great resistance; but in general, when he thought it necessary to inflict a severe punishment, he has consulted the proprietor or the attorney.

Mr. Peter Huggins produced a note, signed Francis Newton, and dated 28th March, in a different hand-writing, but not addressed to any person. Mr. William Kupe proved the hand-writing, and it was read as follows:—

Dear Sir,

A woman from town yesterday complained on William Nolan, for breaking her house, and stealing 3 pair of new stockings and 8 yards of calico. I have found that Richard has one pair; I told him to deliver them, and I would refund him; I gave him till this morning, as he was disposed to be insolent; they are not forthcoming yet. It was my determination to flog him, but as you are here, I leave him to you; if he has not the rest, he knows who has.

Yours,

Friday, 28th March.

(Signed) *F. Newton.*

The hand-writing proved before us, by Mr. William Kupe,  
this 5th April 1817.

(Signed) { *Will<sup>m</sup> Slater.*  
*John R. Small.*

## PAPERS RELATING TO THE

*Frank Herbert*, sworn.—Knows nothing of the negroes Richard and David, whether they were at the masquerade or not.

*Walter Bucke*, sworn.—Says, on Sunday evening last he went from town, and called on his way at Mr. Griffin's, and Miss Griffin informed him she met the two negroes, Richard and David, at the Castle, on their way to the masquerade; they had on their masquerade dresses; she observed to witness, they could not have been so severely flogged as she had heard they were.

Mr. George Hobson and Joseph Laurence summoned to appear, did not attend.

Examination closed.

(A true copy.)

*Will<sup>m</sup> Slater.*  
*John R. Small.*

(Enclosure 3.)

Letter from Governor Probyn to the President of the Council.

Sir,

St. Christopher's, 16th April 1817.

As I understand that the subject upon which I addressed you on the 10th instant, is to be brought before the Assembly, I beg leave to acquaint you, that when I requested you to cause a strict investigation to be made into the matter, I by no means intended that investigation should be taken out of the regular course of justice, but that Mr. Huggins should take his trial at the period he is bound over to appear for that purpose—the May Court.

I am also to request, that the whole of the proceedings may be then reported to me.

I have the honour to be, Sir,

Your most obedient humble Servant,

To the Hon<sup>ble</sup> Walter Maynard, Esq.

(Signed)

*Tho<sup>s</sup> Probyn.*

President of the Council,

Capt. Gen<sup>l</sup>.

&c. &c. &c.

N.B.—This letter was written by His Excellency, in consequence of his being informed, that the Council and Assembly had determined to investigate the affair alluded to.

(Enclosure 4.)

Communications to and from the Governor and Council.

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

Gentlemen,

This Board is of opinion, that as a bill of indictment has been found by the Grand Jury against Mr. Edward Huggins, a joint letter should be addressed by their Honours the President and Speaker, to His Excellency the Governor, to require the attendance of His Majesty's Attorney or Solicitor General, or both, to conduct the prosecution, in order that the trial may be carried on with equal justice to the Crown and the Defendant.

By command,

Council Chamber, }  
May 13th 1817. }

*John R. Small,*  
Cl<sup>k</sup> Sec<sup>y</sup>.

On motion made and seconded, Resolved, That this House do accord in opinion with the Board of Council, that for the purpose of fulfilling the ends of justice, both to the Crown and to the Defendant, alluded to in the above message, that their Honours, the President and Speaker, should be requested to address a joint letter to His Excellency the Captain General, requesting him to direct His Majesty's Attorney General to attend on Tuesday next, the 20th instant, to prosecute, on the part of the Crown, the bill of indictment found against Edward Huggins sen. Esquire; and that this House do pledge themselves to make a proper remuneration to the said Attorney General.

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

This House accords in opinion with your Board, that as a bill of indictment has been found by the Grand Jury, against Mr. Edward Huggins senior, a  
joint

## TREATMENT OF SLAVES IN THE COLONIES. 11

joint letter should be addressed to His Excellency the Governor, by their Honours, the President and Speaker, requesting him to desire the attendance of His Majesty's Attorney General, to conduct the prosecution, on Tuesday the 20th instant; to whom this House pledge themselves to make a proper remuneration.

Assembly Room,  
May 13th 1817.

*Magnus Morton,*  
Speaker.

I do certify the above to be a true copy, taken from the Minutes or Journals of the Assembly.

*John Huggins,*  
Clerk of the Assembly.

Sir,

Nevis, May 13th, 1817.

Agreeable to the Resolutions of the Council and Assembly passed this day, we have to request that your Excellency would be pleased to direct His Majesty's Attorney General to attend at the adjourned Court of King's Bench, on Tuesday next the 20th instant, to prosecute a bill of indictment found against Mr. Edward Huggins senior. We think it proper to add, that the two branches of the Legislature have pledged themselves to make a suitable remuneration to the Attorney General, for his services on this occasion.

We are, Sir, with great respect,  
Your Excellency's most obedient humble Servants,

(Signed) *Walter Maynard,* President of Council.  
(Signed) *Magnus Morton,* Speaker of Assembly.

To His Excellency Tho' Probyn, Esq.  
Capt. Gen', &c. &c. &c.

Sir,

Saint Christopher's, 16th May 1817.

I have had the honour to receive your letter of the 13th instant, this day, stating, that agreeably to the Resolutions of the Council and Assembly, you had to request I would direct His Majesty's Attorney General to attend at the adjourned Court of King's Bench, on Tuesday next the 20th instant, to prosecute a bill of indictment found against Mr. Edward Huggins senior; and I am to acquaint you, that I have directed the Attorney General to attend accordingly.

I have the honour to be, Sirs,  
Your most obedient humble Servant,

To the Hon. Walter Maynard, Esq.  
Pres' of the Council; and  
The Hon. Magnus Morton, Esq.  
Speaker of the Assembly, Nevis.

(Signed) *Tho' Probyn,*  
Capt. Gen'.

(A true copy.)

*John Huggins,*  
Clerk of the Assembly.

(Enclosure 5.)

## REPORT of the Trial of EDWARD HUGGINS, Esquire.

Tuesday, 6th May 1817.

The Grand Jury of Nevis found a bill against Mr. Huggins, for cruelty; he was arraigned, and pleaded, Not Guilty. His counsel said, they were ready to go to trial, and pressed the Court to direct the trial to go on; the King's Counsel said, he was not ready, and that he wished to have the assistance of the Attorney General. The Court postponed the trial to Tuesday the 20th instant.

Tuesday, 20th May 1817.

A special jury was moved for, and the names called:—

Struck out for the Crown.	_____	Struck out for Defendant.
	Anthony Warton.	
	Walter L. Bucke.	
	Horatio Iles.	
	William Nicholson - - - -	- 1
1.	William Keenan.	
	William M'Phail - - - -	- 2
	Samuel Rogers.	
	Robert Mulhall.	
	Peter Butler - - - -	- 3
2.	John Pitman.	
3.	Edw <sup>d</sup> T. Wolfe.	
4.	Edw <sup>d</sup> L. Howe.	
	Nicholas Liburd - - - -	- 4
	Joseph Lawrence.	
	James Salter - - - -	- 5
	George B. Frost.	
	James Laurence.	
	John Smith.	
	William Bowrin.	
	Thomas B. Crosse.	
	Tho <sup>d</sup> Mariner, junior.	
	John Stuard - - - -	- 6
5.	George Bucke.	
6.	Daniel Warre.	

The KING *v*' EDWARD HUGGINS the elder.

The Clerk of the Crown stated, that this was an indictment against the defendant, for cruelty, under the Melioration Act, passed the 21st day of April 1798. The first count of the indictment stated, that Edward Huggins, being a person of a cruel and inhuman disposition, with whips and cords cruelly and excessively did whip, maltreat and beat, four slaves, called Richard, David, Thisbe and Cressy, the property of Mr. Cottle, under the direction of the defendant; second count was, for causing ten other slaves, &c. to be cruelly beat, whipt and maltreated.

Mr. Weekes, the senior King's Counsel in Nevis, after having shortly opened the indictment, called Francis Newton, the late manager of Mr. Cottle's estate.

*Francis Newton, sworn.*

Witness was manager on the 28th of March last, which was Friday; Mr. Huggins came that day to Mr. Cottle's estate; after some conversation with witness, he went up to the great house. Witness sent him a note, informing him, that a complaint had been made against William Nolan, a boy belonging to Mr. Cottle, for "robbing a black woman in town, of two or three pair of stockings, and some calico, &c.;" that witness had found out the preceding day that Richard had one pair of the stockings; told Richard, that if he would bring the stockings to him, he would pay him the money he had given for them, which was four bits; he had desired Richard to bring him the stockings in the morning, and told him to bring them at noon; he did not bring them; witness asked for them again in the evening, Richard said he had got them; witness asked for them again, and received a similar reply; witness said he should not ask for them again, but if he did not bring them he should punish him; witness stated, in his note to Mr. Huggins, that he had intended to punish Richard, but as he was on the estate, he requested him to investigate the business himself. When Mr. Huggins came down to the works, the Negroes were just coming in for allowance; Richard came in that moment with the cart; Mr. Huggins asked him about the stockings, and called the driver to flog him; Richard immediately pulled the stockings out of his pocket, and said he should have given them to witness in the morning, but that witness had company. The witness had no company; Richard was then put down and flogged; witness reckoned ninety lashes, with a cart whip; was at some little distance, but cannot tell whether the lashes took

took effect or not; cannot say he saw them take effect; the man was very restless; witness then went up stairs into the room where he lived, the flogging was still going on, till witness got to the window, where he saw Richard receive three more strokes; whilst he was going up stairs, supposes about six or eight lashes might have been given; supposes in the whole, about or pretty near one hundred. William Nolan, the thief, was then examined; he then told upon the other man named David, that he had a pair of the stockings; David acknowledged that he had bought them of Nolan; witness had heard, that one pair was sold to one of Mr. Bowrin's negroes, and one pair to one of Mr. Cottle's negroes, but he denied it. David was then put down and flogged; David received eighty lashes with a cart whip, with the same whip, he imagines, that had been used on Richard; it was the same driver who flogged; Nolan was then flogged, he received twenty-five or thirty. Witness had punished him the day before; Nolan then would not tell any thing respecting the stockings, but he immediately confessed to Mr. Huggins, as soon as he called him. Mr. Huggins then said, bring out the ladies that cried; Mr. Huggins pointed out Thisbe; did not hear him say any thing, nor ask any questions, or hear what she said; she said something, did not hear what, she got twenty odd lashes, perhaps twenty-two or twenty-three; thinks, from the place where he was, he must have heard if Mr. Huggins had said any thing, thinks Mr. Huggins said to Thisbe when flogging her, "Now cry." After this punishment, Mr. Huggins said, there are some more of them; the driver then said, here is one, and pointed out Cressy; she was then flogged; received about twenty lashes; when they were putting down Cressy, she said, "I was not crying." No other negroes were punished. David and Richard were both in the field; formerly they were house servants, Richard with Mr. Cottle, David with witness; Thisbe had the care of the dwelling-house, and occasionally attended the sick; Cressy led a jack-ass all the year round, carrying grass and tops, which is considered as field work. Witness did not see any appearance of riot or disturbance among the negroes. Thisbe was sister to David and Richard, by different fathers, but the same mother, as he has heard. Witness did see a relaxation in the driver, in inflicting the punishment. Mr. Huggins threatened to cart whip the driver. He appeared to be alarmed. Mr. Huggins said once or twice, "You damned rascal, did I not tell you to whip that fellow." Witness does not suppose all the licks could have taken effect, otherwise, from the number of licks he must have been severely punished, more severely cut than he was. Witness afterwards saw David and Richard in the cooper's shop, laying on their bellies; did not see them in them in the sick house, but saw David on Saturday walking, as from the sick house; he limped a little; witness said on Friday, when they were in the cooper's shop, "Well cocks, how do you come on?" they made him no answer, their shirts over their posteriors were bloody; did not see in what state they were from the licks, their shirts covering them. Witness lived about two years and five months with Mr. Cottle.

*Cross-examined.*

Witness was not discharged from the management of Mr. Cottle's estate, he dismissed himself, he had no other place in view, had no management in view; lives at present with a friend. Witness wrote a letter shortly after the punishment of Richard, &c. to Mr. Huggins, which he did not answer, but offered his place to another by letter; he saw the letter; as soon as witness heard that, he resigned his situation, did not give that as a reason, said he had been kept in suspense some time, and did not like to be made a tool of; certainly he could not be well pleased at such treatment, did at that time feel resentment towards Mr. Huggins, has at present no ill will towards him; believes Mr. Huggins had the first intelligence of Wm. Nolan's theft from witness, he informed Mr. Huggins that it was his intention to have flogged Richard; it had not then come to the knowledge of witness, that David was implicated. Witness is certain, that David must have known that Nolan could not have come honestly by the goods. Nolan's character was very bad, he was a notorious fellow. Witness was obliged to lock him up to keep him out of harm's way. Richard acknowledged he had the stockings when witness charged him with it; believes the theft took place two or three days before; should not have given Richard more than 39 lashes, if he had punished him, but he should have given him a good flogging; says he thinks the punishment was in number of lashes more than adequate to the offence, but from their turning out on Monday, he does not think the

effect

effect of the punishment very great. They never made any complaint respecting it to the witness. They went voluntarily into the field on the Monday following. Witness never visited them himself, was very busy in the still-house. The sick nurse told him David had a slight fever; when she told him so, it was about the usual time of her coming to the witness; he sent some soup and a bolus to David; does not know whether the Doctor was or was not at the estate on Saturday, the day after the punishment. There was one person ill in the sick house. Witness saw the sick person; if he had thought it necessary he might have sent for the Doctor. Being asked, why he did not, says he had nothing to do with them after Mr. Huggins took up the business, but if he had thought it necessary he would have sent for the Doctor. He thinks he ought to have given up the work in the rum cellar, and sent for the Doctor, and visited them himself if necessary. Has seen negroes more laid up by 30 or 39 lashes, as they came of their own accord to their work on Monday. Has observed the effects of 25 lashes to lay up a negro for three or four days, and to hinder him from being able to dance. Witness would have given 39 lashes well laid on as to Richard, not to David, as he should have flogged Richard more for refusing to deliver up the stockings. For any thing witness knows to the contrary, 30 lashes might have been as severe in its effects. Witness did say to Doctor Stather, that the effect was not greater than might have been produced by 25 lashes, but this was before witness had inspected Richard and David, which he did not till the day they were carried before the magistrates. Was astonished at their turning out so soon. Believes the driver was one of the parties who had some of the stolen goods; that was most likely one of the reasons why he spared his accomplices, and was alarmed. He did at one time put his hand to his head, and say, "Mr. Huggins, that is enough." Witness did not see Cressy or Thisbe at the sick house on Saturday. Thinks Thisbe did cry for Richard, Cressy was crying, others were crying also. All the negroes about the yard were crying; never saw negroes cry so before; Thisbe is of a high temper. Witness heard Mr. Huggins say once, she was the only negro he had punished during Mr. Cottle's absence.

Here the evidence for the Crown closed.

Mr. Weekes now addressed the jury. He stated, that with respect to the two men named in the first count, it appeared that one had received about 100 lashes, the other 80; and that if it should not appear, that the effect of these lashes amounted to cruelty, yet that in his opinion, there was a custom which had ripened into law, that not above 39 lashes should ever be given. He pressed the jury to make the law so by their verdict, even if there should exist any doubt respecting the law, and urged the necessity of convicting Mr. Huggins, to save the country from the reproach and obloquy which would be cast upon it, if such an offender should escape.

Mr. Weekes was followed by

The Attorney General, who observed and commented upon the evidence, and called upon the jury to find a verdict against the defendant.

The counsel for the defendant called no witness.

They observed, That before the cause was brought into this Court, a legal investigation had taken place, the result of which, it might have been reasonably expected, would have prevented the farther progress of the business then before the jury: That under the directions of the 17th section of the Melioration Act, two of His Majesty's justices of the peace had met a few days after the punishments complained of had been inflicted, for the purpose of making an inquiry into all the circumstances attending them, as well into the nature and extent of the punishments, as into the causes for which they were given: That in the performance of the duties prescribed to them by that Act, these gentlemen caused Richard and David, the two men mentioned in the indictment, and the only two of the negroes who it was pretended had been punished with any degree of severity, to be brought before them: That the two men were inspected: That the manager of the estate, Mr. Newton, (the witness who had been before the Court,) and several respectable witnesses, were examined on their oaths: That these examinations were all attended by the prosecutor, the senior King's counsel in the Island, who had called the attention of the magistrates to the business before them, and to whom certainly it could not be imputed

imputed, that he had spared any pains to bring out every circumstance, which might be considered as of a tendency unfavourable to the defendant: That many of the persons who were present at those examinations might possibly have supposed, this learned counsel was influenced rather by the wish to establish a charge against the defendant, than by the desire to ascertain by fair and candid, or even by the strictest inquiry, whether there were any grounds for proceeding against him: That notwithstanding, after a full investigation, and an attentive consideration of all the circumstances of the case, the magistrates did expressly and most explicitly acquit the now defendant of all charge of cruelty or severity, though they thought proper, notwithstanding, to bind him over to make his appearance in this Court, to answer for having exceeded the number of stripes allowed by an imaginary law or custom\*.

The defendant's counsel further observed, That this was a trial under the Melioration Act, passed by the General Council and Assembly of the Leeward Islands, at St. Christopher's, in 1798: That it was then particularly debated, whether the punishment of negroes should be confined to thirty-nine lashes: That it was observed, it would be better not to interfere with that discretionary power which it was necessary the master should possess, and without which he could not carry on the business of an estate; but that if he punished with cruelty, even if he gave much less than 39 lashes, he ought to be amenable to law; and in that spirit the 15th clause of the Act was framed. If, therefore, Mr. Huggins did not punish with cruelty, he could not be convicted under that indictment: That he was not even charged therein with having given more than 39 lashes, contrary to law; and if he had been, there was not, as was admitted by the Attorney General, any such law: That the jury had no power, even if they wished it, to make such a law: That the cruelty or severity of a punishment was to be determined by its effects, and not by the number of stripes; and the only witness called for the Crown proved, that in its effects the punishment was not more than adequate to the offence, or even less than adequate, as the greater number of stripes never could have taken effect †; and that the crime for which Richard and David were thus punished, was one which in England might have subjected the person guilty of it to fourteen years transportation: That it could not therefore with any propriety be pretended, that in their case the master had exceeded the limits of that authority which the law had vested in him: That whatever might be said of slavery, it was a state which had existed in all ages of the world, and amongst almost all the nations of the earth; and that wherever it had prevailed, the law had necessarily intrusted the master with great power and authority over the slave; but that there never was a country in which slavery had subsisted, where an improper interference between the master and the slave was of a more alarming and dangerous tendency than in these colonies; and that it was greatly to be lamented that questions of this kind should ever be agitated without necessity: That with respect to Thisbe and Cressy, it was not within the bounds of credibility, that they should have been punished merely for crying, unless there was something of a clamour or disturbance in their cries, though perhaps not absolutely amounting to what the witness calls riot: That the master has a discretionary power of punishing within the bounds of moderation; and that there has not been the slightest allegation, that these women were flogged with any thing like severity ‡.

The Jury found the defendant, Not Guilty.

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\* It appears from the minutes of the evidence taken before the magistrates, that in the opinion of several respectable witnesses, who inspected Richard and David, the punishments bore no marks whatever of cruelty or severity. That twenty or twenty-four lashes as usually given to soldiers or sailors, would have produced much greater effects.

† If the defendant's counsel had thought it necessary to go into evidence, they could have proved by several witnesses, that Richard and David were at a masquerade dance, two miles distant from Mr. Cottle's estate, on the evening following the day of the infliction of their punishments, and that they both danced, and were in good spirits. In proof of this fact the defendant has several affidavits.

‡ The defendant could have called a witness to prove, that the negroes, and particularly Thisbe and Cressy, were very clamorous, and behaved in such a manner as, in his opinion, required correction. (See affidavit of M'Dougall to this effect.)



(Enclosure 6.)

Nevis.

Affidavit of *George M<sup>c</sup> Dougal*.

George M<sup>c</sup>Dougal, of the parish of Saint James, Windward, in the said Island, free coloured man, maketh oath on the Holy Evangelists of Almighty God, That he hath been in the service or employment of the honourable Thomas John Cottle, upwards of twenty years, and is now in his service, and lives upon his estate. That he was present on the twenty-eighth day of March last, when Richard and David, two young men belonging to the said Thomas John Cottle, were flogged by order of Edward Huggins, Esq. for having bought stolen goods from town, and which deponent says, they must have known to have been stolen, from the character of the person who sold them, he being a vile and notorious thief; and deponent saith, that the works being about, and it being allowance time, when the punishment was going on, all or almost all the negroes belonging to the estate were at the works, where the punishment was inflicted, and generally made a great noise and disturbance, and cried. That after the flogging was over, Mr. Huggins asked where were the negroes who had been crying about the works, upon which they fled generally, but Thisbe and Cressy being nearer to Mr. Huggins than any of the rest, and having made a great noise, were laid hold of and flogged; that Mr. Huggins would not suffer the others to be pursued; and deponent saith, that the noise and clamour upon the estate, while Richard and David were receiving their punishments, were such as he thinks required correction, and of such a nature, as he believes, would have induced almost any man, having the direction of negroes, to inflict punishment. He says, that the floggings were given by Matthey, the driver on the estate, whose office it is to bestow the punishments, ordered by the master or director of an estate.

Sworn before me,  
this 19th day of April 1817,  
*Will<sup>m</sup> Slater.*

*George M<sup>c</sup> Dougal.*

(Enclosure 7.)

Nevis.

Affidavit of *Elizabeth Powell*.

Elizabeth Powell, of the parish of Saint James, Windward, in the said Island of Nevis, single woman, maketh oath on the Holy Evangelists of Almighty God, That she was at a masquerade dance, at Mr. Jeffery's negro houses, on a Saturday evening, some time since; that she cannot with any certainty state the time, but says, that it was the day after, she understood, Richard and David, two young negro men belonging to Mr. Cottle, were flogged. That the said negro men and a mulatto woman, named Cressy, belonging also to Mr. Cottle, and who also deponent understood, had been flogged, were at the said masquerade dance, and all danced previous to the masking, and appeared in good spirits, and as if nothing ailed them; and deponent farther saith, that after the masking, she recognized Richard and Cressy in the dance, but cannot speak with certainty as to David.

Sworn before me,  
this 10th day of June 1817,  
*W<sup>m</sup> Lawrence*, Chief Justice of K. B. and C. P.

The mark of  
*Elizabeth × Powell.*

(Enclosure 8.)

Nevis.

Affidavit of *Josiah Blackmore*.

Josiah Blackmore, of the parish of Saint James, Windward, in the said Island of Nevis, maketh oath on the Holy Evangelists of Almighty God, That he was at a masquerade dance at Mr. Jeffery's negro houses, on a Saturday evening, about nine weeks since; that he cannot state the precise time; that he there saw Richard and David, two young negro men of Mr. Cottle's; that there was dancing previous to the masking, and that both Richard and David then danced as if nothing was the matter with them, and appeared in good spirits; that this was the day after deponent understood they had been flogged; that he cannot take upon himself to say, whether or not they danced after the masking; deponent saith that his employment or occupation at present is, to set fish-pots and burn lime.

Sworn before me,  
this 10th day of June, 1817.  
*William Lawrence*, Chief Justice of K. B. and C. P.

The mark of  
*Josiah ✕ Blackmore.*

## TREATMENT OF SLAVES IN THE COLONIES.

17

(Enclosure 9.)

Copy of Letter from Mr. *Cottle* to Mr. *Colquhoun*.

Sir,

Pavilion, Prior Park, Bath, 8th Aug. 1817.

Your favor of the 25th July did not reach me 'till the the 2d inst. I was then suffering under an attack of fever, from which I am now recovering, or I would have earlier thanked you for its very satisfactory contents.

The circumstantial detail you have received from Nevis, of the proceedings under the investigation and trial, will render it unnecessary for me to go at length into any other part of the subject than the punishment of the two women, as that appears to you to be the weak part of the case.

Thisbe is sister to Richard, and half-sister to David; Cressy (or Cristiana, a mulattress, who lives with Thisbe) is cousin to David; no relation whatever (by blood) to Richard or Thisbe.

Thisbe is a woman of a haughty violent temper, insolent and overbearing. She had been dry nurse by day to both my children, but they were hardly ever from their mother, whose attention to them by day and night was unremitted; Thisbe's insolence, and the refractoriness of her temper, became so intolerable, that I had dismissed her from the house, and employed her in the labour of the field, where she continued, 'till, by the persuasion of her friends, she was led to intreat to be re-admitted into the family; she was permitted to return, and conducted herself with tolerable propriety, 'till about the breaking out of the disturbances in Barbadoes, when she again began to behave very unpleasantly. Such was the violence of her temper towards her own daughter, and so cruelly harsh and severe was her treatment of her when quite a child, as to determine me, for the safety both of mother and child, to separate them, and to send the child to a distance, to be taught to work at her needle.

The accounts I have received, state distinctly, that there was not only complete insubordination among the negroes, but an attempt by violent clamour, to overawe Mr. Huggins, and intimidate him from inflicting the merited punishment on the delinquents. This clamour Mr. Huggins appears not to have heeded, 'till he had punished those against whom Mr. Newton had complained; and it appears he had considerable difficulty in doing it. He then felt it unnecessary to call those to account who had been most actively engaged in the attempt riotously to resist his authority; and it appears by Mr. Dougal's deposition, that "Thisbe and Cressy had made a great noise and were nearest" to him, the rest ran away, and he would not allow them to be pursued." Indeed, from my thorough knowledge of the woman, I can readily, and from the just character I have given you of her, you may fairly conclude, that she had been one of the most turbulent and noisy, and that Cressy had followed her example, and supported her, and that they were punished for crying out (vociferating,) and instigating others to do so too, (and not for merely weeping, as Mr. Newton would wish to make it appear,) and as an example to show the dangerous impropriety of such conduct, with the view of preventing it in future. I do not know what to say to Mr. Newton's evidence upon this part of the subject, unless it is fair to conjecture, that hurried on by resentment, he suffered himself to state what, in the cooler moments of reflection, he would have gladly softened down or retracted. His evidence strongly corroborates what I have said of the high temper and general insolence of Thisbe.

It is a highly necessary, though by no means a pleasant duty, to witness the infliction of punishment, to guard against the effects of partiality or prejudice; and that necessity appears to me very evident in this case, for I have no doubt, that the disproportion in the number of stripes given to the thief, and to the receivers of the stolen goods, arose from a twofold motive; the one a partial remission for the ready confession of the fact, and giving information in whose possession the goods were to be found; and the other, the difference of effect with which the stripes were given to William Nolan, and to the other two men, by the driver (or head negro, whose duty it is, upon every estate, to inflict punishment generally.) William Nolan, the thief, has no relation on the estate, and his evidence brought the son and step-son of this driver to shame and to punishment; it therefore is probable, that the resentment he felt against this man, might have induced him to flog him so severely, that when he had given him

him about 20, Mr. Huggins thought the punishment sufficient, and directed him to desist; but when he was punishing the others, the stripes had been so lightly laid on, that number was disregarded, and the flogging was continued 'till a proper degree of punishment had been inflicted. The masquerade the next night, which they both attended, as Buonaparte and the Duke of Wellington, and the reel they joined in dancing the night after, do away every thing attempted to be established of excessive severity. Richard and David were punished, not merely for buying the stolen goods, but for refusing with insolence to give up the stockings to the manager (Mr. Newton,) when he engaged to reimburse the money they had paid for them; and, indeed, to Mr. Huggins they were not offered 'till after Richard was laid down to be flogged, when he took them out of his pocket, saying, he should have given them to Mr. Newton in the morning, but that he had company with him. Mr. Newton appears to have shown considerable unwillingness to try his strength, in enforcing what he knew to be proper against these parties, who were related to the principal negroes upon the estate, and therefore to have turned this case over to Mr. Huggins.

I wish, Sir, it were in my power to place Mr. Huggins's general conduct before you in its true light; I do not possess the art of good writing, but of this you may be assured, that I shall never attempt to mislead you by incorrect or sophistical statements; it has been most grossly misrepresented by the unfair statements and deceptious colouring of the late Mr. Ja' Tobin, for he is the author from whom the Edinburgh Review, the Christian Observer, and the African Institution, have received their information respecting this scandalously traduced gentleman. Mr. Huggins has proved himself to be a good son, husband and father; he is also a good master and judicious planter, or he could not have prospered on a property that ruined those who held it before him. When I left the Island, he had the oldest negroes, horses and mules, of any proprietor there. This may appear trifling, but I state it to prove circumstantially, that there must be more care, and kindness and attention to the wants and comforts of every thing living under him, than would readily be credited, after the gross misrepresentations so widely disseminated by Mr. Tobin. It was from the father of Mr. Tobin (jointly with Mr. Pinney) that Mr. Huggins purchased the first estate he possessed, and who took exception at some expressions used by Mr. Huggins, in the letter in which he enclosed the payment of the last instalment for the estate, and which the son continued to resent by the most virulent persecution.

I cordially thank you for the handsome manner in which you give me permission to call on you; I shall most certainly avail myself of it when I come to London, which may not be 'till September. I would not hesitate to set off immediately, I am able, should any thing transpire respecting this business, and you should imagine a personal interview might be at all useful.

I have the honour to be, Sir,

With profound respect,

Your very humble Servant,

(Signed)

T. J. Cottle.

J. Colquhoun, Esq.  
S<sup>t</sup> James's Place, London.

(Enclosure 10.)

#### Minutes of Assembly and Council of Nevis.

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

We beg leave to present to your Board the following Resolutions, which we cannot doubt will accord with your own sentiments, and which we conceive to be particularly called for at this moment, to establish a proof of the disposition which prevails in the two branches of the Legislature of this Island to fulfil the wishes of His Majesty's Government, in the interesting subject of the laws appertaining to our Slave Population.

Resolved, That this House feels sincerely disposed to emulate the conduct of the Island of Jamaica, by passing such Acts as may tend to assure to our slaves a mild and regular government, and to check, by every possible means, their arbitrary punishment beyond a moderate and limited number of lashes.

Resolved, That this House, though fully persuaded that no effort on its part is likely to satisfy the undisguised views of the African Institution, yet it nevertheless

## TREATMENT OF SLAVES IN THE COLONIES. 19

nevertheless feels, that a proper regard is due not only to the public feeling, but even to the established prejudices of their brethren in England. This House therefore pledges itself to continue its exertions, until such a code of Slave Laws shall be accomplished, as shall secure to the negro population all the comforts and protection compatible with their situation, and effectually do away the misrepresentation so abundantly heaped on the character of the colonists in general.

Resolved, That their Honours the President and Speaker be requested to forward the above Resolutions to the Agents of this Island, accompanied with such remarks as the nature of their late communications may be deemed to require.

Assembly Room,  
May 29th, 1817.

*Magnus Morton,*  
Speaker.

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

This Board readily adopts the Resolutions of your House, as contained in your last message, as a proper measure of evincing the general disposition which prevails in this Island, to fulfil the wishes of His Majesty's Government, on the interesting subject of the laws appertaining to the Slave Population.

By command,

Council Chamber,  
May 29th, 1817.

*John R. Small,*  
Clerk and Secretary.

On motion made and seconded, Resolved, That a committee be appointed for the purpose of examining the laws in force at present relative to Slaves, and for suggesting to the House which of the same may require to be repealed or altered, and for bringing in a bill for the protection, subsisting and clothing of slaves, for limiting their punishment, and for their better order, regulation and government. Mr. Speaker accordingly appointed the following gentlemen, or any three of them, for the above purpose; William Laurence, George Clark Forbes, Ebenezer Stather, Finlay Nicholson, and Joseph Jones, Esquires.

Assembly Room,  
29th May 1817.

Mr. Forbes in his place gave notice, that he should on a future day bring in a bill for the purpose of extending the operation of certain British Acts of Parliament, relative to Criminal Acts, to this Island, and declaring the same to be in force therein.—Leave granted.

Assembly Room,  
29th May 1817.

I do certify the foregoing to be a true copy,

*John Huggins,*  
Clerk of the Assembly.

— C. —

COPY OF LETTER from James Colquhoun, Esq. Colonial Agent for Nevis,  
to Henry Goulburn, Esq.

(Seven Enclosures.)

Sir,

St. James's Place, 28 April 1818.

I HAVE the honour to transmit to you, as a Supplement to the Documents forwarded to Earl Bathurst, on the 18th September last, the affidavits, letters, and papers enclosed, relating to the case of Mr. Huggins; and I have to add, that I understand some additional ones on this subject, are shortly expected.

I have, &c.

Henry Goulburn, Esq.  
&c. &c. &c.

(Signed) *J. Colquhoun.*  
Colonial Agent for Nevis.

## PAPERS RELATING TO THE

(Enclosure 1.)

Nevis.

Affidavit of John Hanley.

John Hanley, of the parish of Saint George Gingerland, in the said Island, free coloured man, and house carpenter, maketh oath on the Holy Evangelists of Almighty God, That one Saturday, some few weeks since, being in Windward parish, and understanding that there was to be a masquerade that evening at Mr. Jeffery's negro houses, he stopt to go to it; and deponent saith, that previous to the masking, he saw dresses which were intended for different persons who were expected at the masquerade. That two persons appeared in the dresses, which he was told were allotted to Richard and David, two young negro men, belonging to the honourable Thomas John Cottle, Esquire; that both of them danced in their masks, one of them (whom he verily believes to have been Richard) as if nothing ailed him and the other (whom he verily believes to have been David) appeared to be a little lame; and deponent further saith, that the former of those persons appeared in the character of Buonaparte, with a sword by his side (made out of a stave;) and the latter of them, as aide-de-camp to the former, as deponent understood. He saith, that there was dancing on the following afternoon, at the same place of entertainment, when both Richard and David danced a reel unmasked. That he did not perceive that Richard was in any degree affected by the flogging, which deponent understood he had received; but he says, that David was a little lame, that both of them however appeared lively and in good spirits. Deponent cannot state exactly, how many weeks have past since the masquerade of which he has spoken, but says that it was the Saturday following the punishment received by Richard and David, who he believes were flogged either on the preceding day or the day before this latter.

Sworn before me,  
this 19th day of April 1817;

*W<sup>m</sup> Pemberton,*

Justice of the Peace for said Island.

*John Hanley.*

(Enclosure 2.)

Nevis.

Affidavit of Richard Roberts.

Richard Roberts, of the said Island of Nevis, planter, maketh oath on the Holy Evangelists of Almighty God, That he, this deponent, succeeded Mr. Francis Newton, as the manager of the honourable Thomas John Cottle's estate in the said Island, on the ninth day of April last; that the said Mr. Newton quitted the said estate on the day preceding, namely, the eighth day of the same month; that he, the deponent, continued to act as manager until the twenty-fourth day of May following; and deponent saith, that he has been a planter in the said Island of Nevis for upwards of five years, and in St. Kitt's for upwards of two years; and deponent further saith, that he found the negroes on Mr. Cottle's estate under very little control or subordination, and that during the whole time of his residence on the said estate, they continued to manifest a spirit of insubordination, and behaved themselves in a very indecorous, insolent and unruly manner; and that he, the deponent, never before witnessed so great a disposition to riot and disorder, as the gang in general exhibited on the said estate.

Sworn at Nevis aforesaid,  
this 19th day of November 1817, before me,  
*W<sup>m</sup> W. Wilkes,*  
Assistant Justice of the  
Court of King's Bench and Common Pleas.

*Richard Roberts.*

(Enclosure 3.)

Nevis.

Affidavit of Edward Huggins.

Before the Honourable William Worthington Wilkes, Esquire, Assistant Justice of His Majesty's Court of King's Bench and Common Pleas, of the said Island of Nevis.

Edward Huggins, of the said Island, Esquire, being duly sworn on the Holy Evangelists of Almighty God, solemnly maketh oath and saith, That when on the

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the twenty-eighth day of March last past, Richard, David, Thisbe, Cressy, and William Nolan, slaves, belonging the honourable Thomas John Cottle, Esquire, were flogged by the direction of this deponent, as the attorney of the said Thomas John Cottle; he, this deponent, was entirely ignorant that Richard and Thisbe were in any way whatever related by blood to Matty, the driver on the estate of the said Thomas John Cottle, or that David was related to him by any family connection. And deponent saith, That it was merely in the capacity of driver, whose office it is to inflict the punishments ordered on an estate by the proprietor, director or manager thereof, that Matty was called upon to whip the before named Richard, Thisbe, David, Cressy, and William Nolan.

*Edward Huggins.*

Sworn at Nevis aforesaid,  
this 19th day of Nov. 1817,  
*W<sup>m</sup> W. Wilkes,*  
Assistant Justice of the Court of  
King's Bench and Common Pleas.

(Enclosure 4.)

Minutes of Assembly, 14 April 1817.

At a Meeting of the Gentlemen of the Assembly, at the Town of Charles Town,  
on Monday the 14th day of April 1817.

Present, The Honourable Magnus Morton, Speaker,	
Ebenezer Stather, Esq.	William Lawrence, Esq.
George Clarke Forbes, Esq.	John Henry Clarke, Esq.
Joseph Jones, Esq.	William Maynard, Esq.
Edward Huggins, sen. Esq.	William Pemberton, Esq.
Edward Huggins, jun. Esq.	Finlay Nicholson, Esq.
Peter Thomas Huggins, Esq.	Thomas Leburd, Esq.

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

Gentlemen,

We herewith transmit to your House, a Communication from his Excellency the Governor, to his Honour the President.

By command,  
*John R. Small, Sec<sup>r</sup>.*

Council Chamber,  
April 14th, 1817.

Ordered, That the said Communication be read; and it was read accordingly, and is as follows:

Sir,

Saint Christopher, 10th April 1817.

I enclose a copy of a letter, dated the 6th instant, which I received yesterday, relative to the punishment of four slaves, by Mr. Edward Huggins, sen.

I observe, Mr. Huggins is bound over to appear at the May Court, himself in £.1,000, and two sureties in £.500 each; and I am to desire that you will cause an investigation the most strict and minute, to be made into this affair, and such as the nature of the case requires.

I have the honour to be, Sir,

Your obedient humble Servant,

(Signed) *Thomas Probyn.*  
Capt. Gen<sup>l</sup>.

To his Honour Mr. President Maynard,  
&c. &c. &c. Nevis.

(Copy.)

Sir,

Nevis, April 6th, 1817.

I HAVE the honour to communicate to your Excellency, that on Tuesday last, the magistrates received information of the following act of severity and cruelty, on the part of Mr. Huggins sen. towards four slaves, two men and two women, belonging to the estate of the honourable Thomas J. Cottle, Esquire, (viz.) That on the Friday preceding, Mr. Huggins had gone to the estate, and upon the trifling charge that the two men, named Richard and David, had been concerned

concerned in purchasing or receiving a pair of stolen stockings, he had inflicted on Richard one hundred lashes, and on David eighty lashes, with the cart whip, himself (instead of the manager) personally directing the punishment; and that on the two women, named Thisbe and Cressy, he had on one inflicted twenty lashes and upwards, and on the other, eighteen lashes, upon no other pretence than that during the punishment of the men (who were both of them brothers to Thisbe and cousins to Cressy) they had with tears implored Mr. Huggins's mercy. Mr. Huggins declaring that he whipt them because they cried, and the manager stating, that their tears were excited by their feelings at the punishment of their relations. That Richard was Mr. Cottle's house servant, David the manager's servant, and Thisbe the favourite house servant, who had nursed and reared Mr. Cottle's children; and perhaps, three poor creatures could not have been selected more likely to feel the full force of such severity, as Mr. Cottle is well known to have been a most humane and indulgent master.

Some of the persons who examined the state of the negro men, declared that the punishment, "from its effects," did not appear to have been cruelly inflicted; but a fact has transpired since the examination, which may account for this, although I lament to say, it adds a horrible feature to the transaction; for it appears, that the negro who used the instrument of punishment, was the father of the victims, and yet, in my judgment, even this has not saved them from the effects of this cruelty; for I can solemnly declare, that in eleven years experience, during which I have seen punishments for very serious offences, I never witnessed such marks of severity as these men exhibited on Thursday, six days after the punishment.

The magistrates, however, were disposed to acquit Mr. Huggins of the charge of cruelty, otherwise than his having exceeded the customary limitation of thirty-nine lashes, and they took recognizance for his appearance at the May Court, himself in £.1,000, and two sureties in £.500 each.

I have the honour to be, &c.

(Enclosure 5.)

Minutes of Assembly, 21 April 1817.

At a Meeting of the Gentlemen of the Assembly, at the Town of Charles Town, on Monday the 21st day of April 1817.

Present, The Honourable Magnus Morton, Speaker.	
Edward Huggins, sen. Esq.	Finlay Nicholson, Esq.
Edward Huggins, jun. Esq.	John Henry Clarke, Esq.
Peter Thomas Huggins, Esq.	George Clarke Forbes, Esq.
William Pemberton, Esq.	William Lawrence, Esq.
Ebenezer Stather, Esq.	Joseph Jones, Esq.
William Maynard, Esq.	

On motion made and seconded, Resolved, that the Address of Mr. Edward Huggins, sen. delivered in his place, in vindication of his character from certain Charges brought against him, should be inserted in the minutes of this House.

Mr. Speaker,

Feeling myself called upon by a letter which has been laid before this House, I beg leave, in my place as a member, to state to the House, that had it been disposed to enter into an investigation of the statements contained in that letter, I am prepared by evidence, to prove that the principal charges are false in point of fact, and the minor most grossly misrepresented.

That a false colouring, and an endeavour to mislead, run through the whole of the statement; in the most material point of which, in his solemn declaration, he appears happily to be contradicted by the united testimony of several highly respectable inhabitants of the Island, delivered on oath; and with respect to the charge of the chastisements having been inflicted by the father of some of the persons corrected, I solemnly declare to God, to the House, and to the World, that I was totally ignorant of any relationship between the people who were flogged, and the driver, (who was the person who inflicted the punishments, and whom the House knows to be the person usually employed on such occasions,)

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occasions,) and I hope I may be permitted to add my solemn declaration, that it was in consequence of a great noise and clamour made by Thisbe and Cressy, as well as several other negroes upon the estate, that these two were punished; though their punishments were of so slight a nature, as not to call forth the particular investigation of the magistrates; these people not having been ordered up for examination, and I cannot sit down without declaring, that I shall be happy if the matter be brought before a jury of my countrymen, who will be able to strip the charge from the false gloss with which it has been coloured by the King's counsel, to judge of the motives which induced me to order the correction of the negroes, and to determine on the rectitude of my conduct in this transaction.

(Enclosure 6.)

Copy of Letter from Governor Probyn to Edward Huggins, Esq.

Sir, Government House, St. Christopher's, 10th Oct. 1817.

In reply to your letter of the 6th of this month, in which you say you have reason to think a malicious account has been transmitted to England, from Nevis, in regard to your conduct in the punishment inflicted on some of Mr. Cottle's negroes under your charge, as attorney to that gentleman, I have to acquaint you, that I should hope your suspicions are unfounded, as during my stay at Nevis, in July and August last, I made every inquiry into the affair; the result of which satisfied me you were very properly acquitted of the charge in the Court of King's Bench; and every gentleman in the Island with whom I had an opportunity of conversing on the subject, was of the same opinion.

I am, Sir,

Your most obedient Servant,

To Edward Huggins, Esq.  
Nevis.

*Tho' Probyn.*  
Capt. Genl.

(Enclosure 7.)

Extract of Letter from Mrs. Anne Hutton, dated Edinburgh,  
16th December 1817, to T. J. Cottle, Esquire.

"The negroes came to me, and said, We want the old master; he will feed us well, and we do no ugly; we will work well for him; do not fear us; we will never bring you to shame." I bid them ask themselves. Mr. John Huggins came to me from his father, who said he did not wish to own a foot more of land; but to meet their wishes, he would lay down £.16,500. My negroes were elated to belong to old Mr. Huggins. I was rendered happy to see them so, and did not think of any sum. On the first of August, possession was given; it is true, I could have £.20,000 for my estate, but I would not take them from the place of their nativity, and glad was I to make them happy.

One hundred and fifty negroes, and upwards, not one of them diseased; ten of them Africans, who belonged to Mr. Hutton, have been upon the estate near forty years. One family (Placey's) children, grand children and great grand children, consist of thirty-two.



1.

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,*  
*30 April 1818.*

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