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SLAVES IN THE COLONIES.

A COPY OF ANY INFORMATION

Which may have been received by His Majesty's Government, respecting the case of a Person residing in the Island of *Antigua*, named *Grace James*, claiming to be free, but whose Claim has been disputed.

Colonial Department, }
Downing-Street, }
1 May 1826. }

R. J. WILMOT HORTON.

Ordered, by The House of Commons, to be Printed,
2 May 1826.

SCHEDULE.

- N^o 1.—Copy of a Dispatch from Mr. President Athill to Earl Bathurst, dated Antigua,
2 September 1825: (with eleven Enclosures) - - - - p. 3.
- N^o 2.—D^o - - - D^o - - - dated 3 September 1825 - - - - p. 9.
- N^o 3.—D^o - - - D^o - - - dated 3 - D^o - (with one Enclosure) - p. 10.
- N^o 4.—Petition of Grace James, a free Woman of Colour, dated Antigua,
31 August 1825 - - - - - - - - - - p. 12.
- N^o 5.—Copy of a Letter from Mr. R^d Musgrave, Solicitor and Procurator-
General, to Earl Bathurst, dated Antigua, 31 August: (with twelve
Enclosures) - - - - - - - - - - p. 13.
- N^o 6.—D^o - - - D^o - - - dated 3 September 1825: (with one Enclosure) p. 36.
- N^o 7.—Copy of a Letter from Mr. Wyke, Collector of Customs, to Mr. Wilmot
Horton, dated Antigua, 30 August 1825 - - - - - p. 39.
- N^o 8.—Copy of a Dispatch from Earl Bathurst to the Officer administering
the Government of Antigua, dated Downing-street, 21 January 1826 p. 40.

No. 1.

Copy of a Dispatch from Mr. President Athill to Earl Bathurst,
(with Eleven Enclosures.)

N^o 56.

Government House, Antigua, September 2d, 1825.

My Lord,

I HAVE the honour to bring under your Lordship's serious consideration, a circumstance connected with the seizure of certain Slaves, recently made by the Officers of the Customs in this island; as these seizures appeared to me of a novel nature, and more than likely to involve to a great extent the interest and rights of many individuals, not only in this, but in all the other British West India islands, as regards their legal property in slaves, I considered it my duty, on application being made to me for that purpose, to convene my Privy Council, and lay before them the respective Petitions submitted to me by the owners of the slaves in question, and after mature deliberation and reflection, it was unanimously resolved, and strenuously urged, that I should, as a temporary measure, direct the Solicitor-General (the only Crown-lawyer in the government) to stay proceedings in the Court of Vice-Admiralty with these slaves, as well as any others that might occur of a similar or like nature, which I have accordingly directed to be done, until the pleasure of His Majesty's government shall be duly signified thereon.

With 11 Enclosures,
marked from N^o 1
to 10, and (A.)

It further becomes my duty to make known to your Lordship, in addition to what the accompanying Enclosures marked from N^o 1 to N^o 10 will afford, that if such a measure, now for the first time agitated, be permitted, or allowed to be proceeded in, it is impossible to calculate or foresee the evil and mischievous consequences that must and will result, by the adoption of a principle, pernicious in the extreme, to every colonist similarly circumstanced. It must, I humbly presume, be evident to your Lordship, that no proprietor resident in the West Indies, when either public or private business called him to England, would have run the risk of taking with him one or more of his slaves as domestic servants, could he have foreseen or contemplated that, in doing so, he would have forfeited all right and title in them upon their return. The ground of seizure in the present cases cannot be alleged to come under the operation of the provisions of the Slave Consolidation Act; nor can it be fairly inferred that the construction of the Abolition Act can operate prejudicially to the interests of the claimants in the present instance. One of these Slaves, named "Robert," returned from England to this island in the year 1818, the other, "Grace," in 1823; the latter came a passenger with Mr. Wyke the collector in the same vessel, on his return from leave of absence, and after an elapse of two years, this same woman presents herself at the Custom House, and after detailing her story, she is ordered to be seized, and carried into court by and with the advice of the Solicitor-General, who, I cannot omit observing here, is the same gentleman who so strenuously opposed his brother, the late Attorney-General, in opinion, respecting the illegality of bringing the nine French negroes to trial, who had absconded from Guadaloupe, as the Reports which I transmitted to your Lordship in that business will more clearly show.

It would be vain in me to deduce, by my own interpretation of the law, the supposition that slaves circumstanced as those in question are, were never contemplated by the statute; suffice to say, that I trust your Lordship will view the case as of a peculiar complexion, and worthy of mature attention.

It only now remains for me to pray your Lordship's most serious interposition and support in a matter of such vital importance as that which I now submit, and at the same time to hope, that your Lordship will be pleased to approve and sanction the measures I have adopted on this occasion, in having stayed the trial of these slaves, until I shall be honoured with your Lordship's commands, in a matter which has not a little roused the feelings of the inhabitants of this island.

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Since I directed the proceedings in the Vice-Admiralty Court to be stayed in the case of the two seizures adverted to, another, not dissimilar, has occurred, of two more slaves, belonging to a trust estate in Antigua, who have been seized upon the alleged plea of having arrived in this island from Barbados in the year 1819, without being accompanied by certain papers; this case appearing to me, by the statement contained in the Enclosure marked (A,) as one of great hardship too, I have accordingly instructed the Solicitor-General to consider it as one coming under the resolution of the Privy Council as contained in Enclosure N^o 3. I have been induced to take this latter step, in order to afford the parties claiming interest in the two slaves, sufficient opportunity to adduce proof that they were not so imported. The trustee, Mr. Kerby, who had the direction of these people at the time they arrived here, is since dead; and another material evidence (Major Watts) with whom the people were then living, is now in Barbados, and who has been written to by his mother-in-law, Mrs. Haverkam, to produce the necessary affidavits in refutation of the alleged grounds of seizure. In postponing the trial of these two negroes also, I am to hope your Lordship will likewise approve of the measure under the circumstances stated.

I have, &c.

(signed) Samuel Athill.

To the Right Honourable
The Earl Bathurst, K. G.
&c. &c. &c.

Enclosures
in N^o 1.
—
Enclosure
N^o 1.

To His Honour Samuel Athill, Esq. Commander-in-Chief for the time being, in and over His Majesty's Islands of Antigua, Montserrat, and Barbuda, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c. &c.

The humble Petition of William Burnthorn, of the said Island, Esq.

Showeth,

THAT your Petitioner quitted the island, with his family, in the year 1815, for England, and carried with him a certain slave, belonging to himself (your petitioner), named Robert:

That your petitioner sent the said slave back to this island in the year 1818, in a British merchant vessel, and that he has continued in Antigua ever since; that in the year 1821 the said slave Robert was duly registered by your petitioner in the office of the Registrar of Slaves of this island, by permission of his Excellency Major General Sir Benjamin D'Urban, the then Captain General and Governor-in-Chief of the same; that the said slave has from that period, and until the 12th day of this present month of August, remained with your petitioner in the capacity of house servant:

That about three weeks since, the said slave Robert called upon George Wyke, esq., the Collector of His Majesty's Customs, and represented to him that he was illegally held in slavery; when the Collector, as your petitioner is informed, after inquiring into the circumstances alleged by the said slave Robert, told him he had nothing to do with him, and referred him to the Solicitor-General:

That the said slave Robert subsequently called upon Charles Chipchase, esq. a waiter of His Majesty's Customs, and again set up the plea of being illegally held in slavery; but that Mr. Chipchase, after hearing his story, recommended him to return to your petitioner:

That a day or two since, Mr. Chipchase having business with the Honourable Richard Musgrave, His Majesty's Procurator-General, was informed by him that the said slave Robert was liable to seizure. In consequence of which he has been detained by Mr. Chipchase, to the great injury of your petitioner:

That as the said slave Robert is *bonâ fide* the property of your petitioner, and as your petitioner did not clandestinely carry him to, or send him from England, and as he has not contravened any of the laws regarding the removal of slaves (which took effect subsequent to the arrival in this island of the said slave Robert), he

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he humbly conceives himself fairly entitled to have the said slave returned to him.

Your petitioner therefore humbly prays that your Honour will take the circumstances of his case into consideration, and grant him such relief as to your Honour may seem just and proper.

And your petitioner, as in duty bound, will ever pray, &c.

(signed) *Wm. Burnthorn.*

August 15, 1825.

A true Copy.

(signed) *C. Taylor, P. Secy.*

To His Honour Samuel Athill, Commander-in-Chief for the time being, in and over His Majesty's Islands of Antigua, Montserrat, and Barbuda, Chancellor Vice-Admiral, and Ordinary of the same, &c. &c. &c.

Enclosure
N° 2.

The humble Petition of Ann Allan of said Island,

Showeth,

THAT your Petitioner some time in the year of 1822, went to England for the benefit of her health, and that she carried with her a certain slave, called Grace, belonging to herself; that she returned to this island early in the year 1823, and that she brought the said slave Grace back with her; that she has continued about her in the capacity of waiting-maid ever since, until the 9th day of this present month, when she quitted the petitioner's service, and that on the day following your petitioner received a letter from the Collector of His Majesty's Customs, expressing his regret at the unpleasant circumstance, but at the same time informing your petitioner that "one of his officers, Mr. Chipchase, had seized the said Grace for a violation of one of the clauses of the Consolidated Slave Act, inasmuch as the said slave was not brought to the Custom-House on her arrival in this island from England, and that it was his duty to carry the seizure into court." That your petitioner, before she can put in a claim for the said slave, Grace, must deposit the sum of 60*l.* sterling, and in the event of condemnation, the greatest part will be forfeited to pay the expense of the court; that your petitioner is likewise informed that if she does not claim the said slave, she will be condemned as a matter of course, for want of claim; that the said slave still remains away from the service of your petitioner, and refuses to return to it again. Your petitioner therefore prays that your Honour will take the premises into your serious consideration, and grant such relief as in your wisdom you shall think fit.

And your petitioner, as in duty bound, will ever pray,

Saint John's, }
12th August, 1825. }

(signed) *Ann Allan.*

A true Copy.

(signed) *C. Taylor, P. Secy.*

At a Meeting of his Honour the Commander-in-Chief with the Members of his Privy Council, held by special Summons at Government House, on the 15th August 1825.

Enclosure
N° 3.

Present:— His Honour Samuel Athill, Commander-in-Chief; the Hon. Samuel Warner; The Hon. Meade H. Daniel; the Hon. William Byam; the Hon. and Rev. S. W. Harman; The Hon. Kean B. Osborn; The Hon. Samuel Harman.

THE Council having taken into its serious consideration the alarming consequences of the allegations contained in two petitions presented to it from William Burnthorn, esq. and Mrs. Ann Allan, complaining of the oppressive, and

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and *ex post facto* application of the law, denominated the "Slave Consolidated Act," the operations of which only commenced in the year 1824, whereas the alleged violation and pretext of seizure are acknowledged to have occurred long antecedent thereto; and the Council viewing the vital importance and injurious tendency of doctrines so dangerous, instigated by the worst and most impolitic motives, involving the sacred right of private property and the constitutional existence of the Colony, resolve, unanimously, That his Honour the Commander-in-Chief be earnestly solicited and strenuously recommended to interpose his legitimate authority in arresting the proceedings of the Court of Admiralty in the two cases alluded to, and now on the eve of trial, and in preventing a recurrence of measures so likely to endanger, if not totally, in their progress, to alienate the inheritance of all His Majesty's subjects possessing slaves in this part of His dominions, until His royal pleasure shall be sought and obtained on a grievance, now for the first time agitated to the injustice of this unfortunate country.

By command,

(signed) *R. N. Dunbar*, D^y Secretary.

A true Copy.

(signed) *C. Taylor*, P. Sec^y.

Enclosure
N^o 4.

Sir,

Government House, August 15th, 1825.

I HAVE the honour to forward for your information a copy of the proceedings of a Privy Council, convened this day, to take into consideration the petitions of Mrs. Ann Allan, and William Burnthorn, esq. in consequence of the seizure and proposed trial in the court of Vice-Admiralty, of two persons, their property, named "Grace" and "Robert."

I am to express to you that the Council having seriously deliberated on the circumstances of the cases, and having prayed my interference to stay proceedings against the parties, I accordingly require you not to take any further steps in the business until I shall direct it.

I propose, without delay, to submit the particulars of the case to His Majesty's Minister for the Colonial Department.

I have, &c.

(signed) *Samuel Athill*.

To the Honourable Richard Musgrave,
Solicitor-General,
&c. &c. &c.

A true Copy.

(signed) *C. Taylor*, P. Sec^y.

Enclosure
N^o 5.

Sir,

St. John's, 16th August, 1825.

I HAVE to acknowledge the receipt of your Honour's communication of this morning's date, accompanying a resolution of the Board of Council, passed at its sitting yesterday.

I have, &c.

(signed) *Richard Musgrave*,
Solicitor General.

To his Honour the Commander-in-Chief,
&c. &c. &c.

A true Copy.

(signed) *C. Taylor*, P. Sec^y.

Enclosure
N^o 6.

Sir,

Private Secretary's Office, August 16th, 1825.

IN reference to the communication, and its enclosure, from the Commander-in-Chief, of yesterday's date, forwarded to you this morning, I am directed by his Honour to acquaint you that he has just perceived he has confined his request to

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to stay proceedings in the two cases only, as therein alluded to, whereas the resolution of the Privy Council went to *include all similar cases that should occur*; his Honour will therefore beg you to excuse his making this omission, and that you will have the goodness to act accordingly.

I have, &c.

(signed) C. Taylor, P. Sec^y.

To the Honourable R. Musgrave,
Solicitor-General.

A true Copy.

(signed) C. Taylor, P. Sec^y.

Sir,

St. John's 17th August 1825.

Enclosure
N^o 7.

I RECEIVED last night the communication of your Private Secretary, explanatory of your Honour's letter of the preceding day on the subject of the petitions of Mrs. Allan and Mr. Burnthorn, and requiring me "to consider such letter as including *all similar cases which may occur in this island.*" As your Honour has not been pleased to furnish me with copies of the documents in question, and I am consequently wholly unacquainted with the particular circumstances by which the Privy Council may have been influenced in framing its resolution, and as the two persons claimed as slaves by the petitioners were undoubtedly seized by the officers of the Customs, and would have been prosecuted by me in the Vice-Admiralty Court (had not the proceedings been thus arrested) for *several* and *distinct* causes of forfeitures, I must request the favour of your Honour more accurately to define, for my information and guidance, to what extent it is really your intention, as Commander-in-Chief, to control the future proceedings of the Custom-house, and to preclude me as the law officer appointed by His Majesty's Government from carrying into operation in Antigua the provisions of the British Acts of Parliament relating to the Slave Trade, when infringed by *British subjects*, in order that I may be enabled (as I feel myself bound to do in my official capacity) by the ensuing packet, clearly to lay the whole of this very serious matter before Earl Bathurst, for his Lordship's consideration and decision.

I have, &c.

(signed) Richard Musgrave,
Solicitor General.

His Honour the Commander-in-Chief,
&c. &c. &c.

A true Copy.

(signed) C. Taylor, P. Sec^y.

Sir,

Government House, August 17th, 1825.

Enclosure
N^o 8.

I AM favoured with your communication of this date. I was sorry to find that in the letter I wrote to you accompanying the resolution of the Privy Council, I had confined my restriction on proceeding, to the two cases of Grace and Robert, while the desire of the Board was extended to a wish that I should prevent a recurrence of any *similar measures until the royal pleasure was known.* I supplied you with the proceedings of the Privy Council at large; I have no other document except the petitions; if you wish for copies of those, and you will apply to the Private Secretary, they shall be delivered. I can have no objection to your communicating the whole of this matter to Earl Bathurst, and have already informed, that I intend to do so.

I have, &c.

(signed) Samuel Athill.

To the honourable Richard Musgrave,
Solicitor-General.

A true Copy.

(signed) C. Taylor, P. Sec^y.

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Sir,

Saint John's, 17th August 1825.

Enclosure
N° 9.

I REGRET exceedingly to give your Honour so much trouble, but as the reply to my letter of this morning, with which you have just favoured me, does not afford the information which I was anxious to obtain, I am again reluctantly compelled to intrude myself on your attention, and inquire whether, by the general terms in which you have expressed yourself, I am to understand it to be your order, that I shall, as the law officer of the Crown, suspend *all proceedings whatever in the Vice-Admiralty Court under the Slave Act, until the royal pleasure shall be known*; or whether I am to be held interdicted only in *special cases, and under what circumstances*? I am the more particularly induced to make this inquiry, as there is a prosecution now actually depending of a mulatto girl, seized for an illegal importation into this island from the foreign colony of Saint Martin's, which probably your Honour may not be disposed to comprehend within the terms of the general restriction which your instructions would at present appear to impose.

I feel much obliged by your offer of furnishing me with copies of the petitions of Mrs. Allan, and Mr. Burnthorn, which I will pray the favour of your honour to direct your Secretary to prepare for me.

I have, &c.

(signed) *Richard Musgrave,*
Solicitor-General.To his Honour the Commander-in-Chief,
&c. &c. &c.

A true Copy.

(signed) *C. Taylor, P. Secy.*Enclosure
N° 10.

Sir,

Government House, August 17th, 1825.

I AM exceedingly sorry that I have so little power to explain my meaning to you. The proceedings of the Privy Council, and my consequent communication, attach to cases of a particular, peculiar, and novel nature, and by no means extend to a general interdiction of your conduct in the court of Vice-Admiralty, as the law officer of the Crown. I do not think any thing that has passed applies in the most distant manner to the prosecution in which you are engaged, of a mulatto girl for illegal importation from the foreign colony of St. Martin's.

I forward copies of the petitions.

I have, &c.

(signed) *Samuel Athill.*To the Honourable Richard Musgrave,
Solicitor-General.

A true Copy.

(signed) *C. Taylor, P. Secy.*Enclosure
(A.)

Sir,

Antigua, 25th August 1825.

Mr. Secretary Taylor having communicated to me your Honour's command, that I should state in writing all the particulars, within my knowledge, of the case of the two slaves, the property of Mrs. Haverkam, seized yesterday by one of the officers of H. M. Customs; I now beg leave to submit the following statement for your consideration in this extraordinary attempt to deprive that lady of so considerable a part of her property:—

In or about the year 1817, Major Watts (the son-in-law of that lady) having received orders to proceed on duty from hence to Gibraltar, embarked on board a vessel in His Majesty's service for that place, accompanied by Mrs. Watts, and attended by these two servants. After two years residence at that place, for reasons with which I am not acquainted, the Major was desirous of returning them to this country, which was accordingly done under, as I understand, an authority from the officer

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officer commanding in that garrison, by which they were consigned to the care of the governor of the island of Barbados, the female of the two slaves attending, during the passage from Gibraltar to the latter place, on an officer's lady who was a passenger on board the vessel; on their arrival at Barbados, information was given to the late Honourable Thomas N. Kerby, a trustee of Mrs. Haverkam's property, and he being the then Commander-in-Chief of this island, immediately transmitted directions for their conveyance to this place; and they arrived at English Harbour in one of His Majesty's vessels of war, in the year 1819, I believe, and returned to the service of their mistress. This statement, however, your Honour will perceive, is and can only be an outline of the case: unhappily Major Watts, who could, I am well assured, satisfactorily fill up the sketch, is not at present with us; he is, however, within reach, and not a moment shall be lost in acquainting him with the event; and I feel satisfied that he will hasten, should your Honour be pleased to suspend the proceedings, either personally, or by powerful affidavits, to remove every pretence for this improper interference with the rights of this lady.

I have, &c.

(signed) *Thomas Scotland.*His Honour Samuel Athill, Esquire,
&c. &c. &c.

A true Copy.

(signed) *C. Taylor, P. Secy.*

No. 2.

Copy of a Dispatch from Mr. President Athill to Earl Bathurst.

N^o 57.

My Lord,

Government House, Antigua, 3d September 1825.

REFERRING to my letter, N^o 56, on the subject of the seizures of slaves, and my interference (with the advice of the Privy Council,) to prevent their trial in the Court of Vice-Admiralty, I have further to add, that since writing the same, and preparing the different enclosures, the House of Assembly having demanded of the Solicitor-General a sight of the statement which he had made and delivered to the Collector, from understanding it was materially different from the one which he had thought proper to make to me, and it proved to be so, and having come to the knowledge of there being a second report to the Collector, which he was also required to produce, and it appearing that the second short report contained an accusation against me as the executive, with the assistance of the Privy Council, to interfere entirely in the proceedings under the consolidated law in the Court of Vice-Admiralty, and prevent the trial of persons illegally imported or held in slavery, and this being a gross falsehood and libel, as it has been voted, it becomes necessary on my part to make a further representation to your Lordship on this important and very affecting circumstance.

In the Solicitor-General's letter to me of the 17th ult^o, forwarded to your Lordship, he asks, curiously enough "*Whether he is to understand it to be my order, that as law officer of the Crown, all proceedings whatever in the Court of Vice-Admiralty are to be suspended until the royal pleasure shall be further made known, or whether he is to be held interdicted only in special cases, and under what circumstances?*" I now see the motive of this most extraordinary application. My answer of the same date was expressive of regret "that I had so little power to explain myself to him; that my interference could only be intended to attach to cases of a *particular, peculiar and novel* nature, and by no means extended to a general interdiction of his conduct in the Court of Vice-Admiralty as law officer of the Crown; that I had nothing to say against the continuance of the prosecution of the mulatto girl for illegal importation from the foreign colony of Saint Martin's." The fact is, that the only cases of interdiction or delay, until your pleasure is known, are those of "Grace" and "Robert," under the direction of the Privy Council, and "Rachael" and "John Smith", on the application of Mrs. Haverkam, who I considered coming under the instruction of the Privy Council, although

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although Mr. Solicitor-General did not, as it appears he had actually commenced proceeding against one of them. In these two last I only stayed proceeding until further evidence could be obtained; they were seized for illegal importation from Barbados in 1819, under circumstances of peculiar hardship to the old lady in possession of them. Mrs. Haverkam is in, I fear, bad circumstances: Mr. Scotland, her son-in-law, and her daughter, with several young children, reside with her, and this "Rachael" was the confidential market-woman, and went out daily to provide the small fare their means would permit, not returning until four o'clock, they became alarmed, and indeed had no sustenance but the small remains of the preceding day; at this time the Collector wrote to apprise Mrs. Haverkam of what had taken place: on my getting to my office the next morning, the circumstances were represented to me, and I ventured to stay proceedings until Major Watts, now at Barbados, could be informed, and produce such explanation as he might be enabled to do; and I further hope for your Lordship's approbation on the occasion. I am sorry to observe the Solicitor-General's conduct has been violent in the extreme, and marked with considerable duplicity, which has driven him to resign his seat in the assembly, where, as the only law officer of the Crown, he certainly ought to be.

I have, &c.

To the Right Honourable
The Earl Bathurst, K. G.
&c. &c. &c.

(Signed) *Samuel Athill.*

No. 3.

Copy of a Dispatch from Mr. President Athill to Earl Bathurst: (with one Enclosure.)

N^o 58.

My Lord, Government House, Antigua, September 3d, 1825.

With one
Enclosure.

THE legislature of Antigua having viewed the conduct and proceedings of Mr. Richard Musgrave, the Solicitor-General, in the recent seizures of the slaves, (as noticed in my despatches, N^{os} 56 and 57, to your Lordship,) as being of a shameful, false and disgraceful nature, tending to reflect discredit on the executive council, and the courts of justice in this island, which has been incontrovertibly proved at the bar of the House of Assembly, by the production of the documents themselves; and which have occupied the serious and deliberate attention of the two Houses for two days successively: and as it would seem that Mr. Musgrave intends to forward a copy of those said documents to your Lordship, by the present packet. I have received an address through the medium of the Speaker to crave your Lordship's indulgence to suspend your opinion and judgment in the *ex parte* statements therein contained, until a counter-statement shall be prepared by the legislature, and transmitted to your Lordship, which I humbly hope your Lordship will be pleased to accede to, in justice to all parties.

I inclose a copy of the Address, and of the Resolutions upon which it was grounded.

I have, &c.

To the Right Honourable
The Earl Bathurst, K. G.
&c. &c. &c.

(Signed) *Samuel Athill.*

Extract from the Minutes of the Board of Council, at their Sitting, on the 2d of September 1825.

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

Enclosure
in N^o 3.

THIS House having, in consequence of the report of their Managers at the free conference between the two houses, yesterday, thought fit to present a second address to his Honour the Commander-in-Chief, praying him to call on the Solicitor-General

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General for another and more voluminous report and statement of opinion relative to the recent seizure of certain slaves, and their intended prosecution in the Court of Vice-Admiralty, (which was the subject-matter of the said conference) besides that statement communicated to this House under their previous address, which the House was informed had been confided to the care and transmission of the Collector of His Majesty's Customs, the annexed reply was received from his Honour, and the report and statement referred to having been produced by Mr. Solicitor-General in his place in this House, as transcribed into his private letter-book, and the Solicitor-General having also voluntarily produced in his place the other letter of communication to the Collector of the Customs, which it is presumed your honourable Board have referred to, this House will cause the said two letters or reports of the Solicitor-General to be submitted hereafter to your Board, whenever they shall be furnished with copies of such communications by the Solicitor-General, who has pledged himself to lay copies thereof, hereafter, before our House.

And the House having had under discussion the several points connected with the subject-matter of the conference yesterday, beg to inform your Board that they have come to the following Resolutions:

Resolved, That the language contained in the last Letter and Report delivered by the Solicitor-General to the Collector of His Majesty's Customs is a gross libel on his Honour the Commander-in-Chief, and the Privy Council, who deserve the warm thanks and acknowledgements of the country, for interposing their authority in suspending the trial of the slaves lately seized.

Resolved, That a Committee be appointed to take into consideration with all speed the circumstances connected with the seizure of certain slaves lately made by the officers of the Customs, and the opinion of the Solicitor and Advocate-General on the subject of the said seizures, and his construction of the Slave Trade Abolition Acts, contained in such opinion, and to make to the government such counter statement, representation, or memorial, as the said Committee may deem advisable; and more particularly to solicit, through the government, proper legal opinions on the construction of the said acts with reference to the said seizures; and that as it is impracticable for the Committee to prepare such representation in time to be forwarded by the present packet, by which the opinion of the Solicitor-General is to be transmitted, that his Honour the Commander-in-Chief be applied to, through the medium of the Speaker, either to address Lord Bathurst, requesting that he would suspend any acts, or the formation of any opinion on the Solicitor-General's statement, until the counter-statement shall reach his Lordship; or if to his Honour it should seem the more advisable step, to request the Collector not to forward such statement or opinion immediately, but to detain the same until the sailing of the next packet.

And should your Board concur in the appointment of a Committee for the purpose stated in the foregoing Resolution, this House has nominated Thomas Coull, Hugh Edwards, John Shiell, Robert Horsford, and James Scotland, jun. esquires, to join such members as your Board may please to select on the occasion.

House of Assembly, }
Sept. 2d, 1825. }

(signed)

Nicholas Nugent,
Speaker.

A true Extract

(signed)

R. N. Dunbar,
Dy Secretary, &c.

INFORMATION RELATING TO

No. 4.

To the Right Honourable Henry Earl Bathurst, K. G., His Majesty's
Principal Secretary of State for the Colonies.

The humble Petition of Grace James, a free woman of
colour of the Island of Antigua.

Sheweth,

THAT your Petitioner accompanied her mistress, Mrs. John Allan, of this island, to London, as her slave, in the year 1822, and remained with her during her stay in England :

That when her mistress was about to return to this island, she was induced to accompany her as a servant, considering that by her residence in England she had acquired a right to freedom which had been vested in her, and relying upon the positive promise of her mistress that she should ever after be considered as free :

That they embarked in the ship Killingbeck of London, and landed in the island of Antigua in January 1823, without observing such forms as the Abolition Acts require in removing slaves from one British territory to another ; that she remained with her mistress as a free person until a short time since, when having the misfortune to offend her for a trifling cause, she was publicly flogged by her mistress's order, on the estate, and told that she was still a slave ; that soon after your petitioner applied to an officer of His Majesty's Customs in this island, and claimed his protection under the laws regulating the importation of slaves ; that her case was by him laid before the Honourable Richard Musgrave, the Procurator-General, who was of opinion that she was liable to forfeiture to the use of His Majesty, as having been illegally imported and dealt with as a slave ; that in consequence the officer made seizure of her, delivered her to the care of the Collector, and caused her to be libelled in the Vice-Admiralty Court under the consolidated slave law. That proceedings under the several clauses of the different acts of parliament were in the usual train, when her mistress, Mrs. Allan, set forth the case in a memorial to the Honourable Samuel Athill, the Commander-in-Chief, in the absence of the Governor, who by the advice of his council, gave directions to the Crown-officer to stay proceedings until the pleasure of His Majesty's Government should be known : that your petitioner is satisfied that there is no local law in usage by which she can be divested of that right to the enjoyment of her freedom which has been vested in her, and which she had acquired by the acts, and with the assent of her mistress, who now seeks to establish the slavery of your petitioner.

Your petitioner begs leave to remark that three other slaves, named Ellen Christian and her child Sam, and Richard Daniel, have been recently seized under similar circumstances by the Collector of His Majesty's Customs at this island, and condemned by the Judge of the Vice-Admiralty Court, thereby having their right of freedom judicially decided and solemnly determined ; and your petitioner being fearful if some measures are not taken to prevent it, that she may be returned to her mistress, whose angry feelings may lead her to acts of severity and violence, humbly presumes to pray that your Lordship will take the extreme hardship of her case into your consideration, and extend to your petitioner the same advantage that others, who, under similar circumstances, are now quietly enjoying, or grant her such relief as to your wisdom may seem fit : And, as in duty bound, your petitioner will every pray,

Antigua, }
August 31st, 1825. }

her
Grace ✕ James
mark.

The within named Grace James made her cross, or mark, in my presence.

(signed) Nathaniel Hill.

No. 5.

Copy of a Letter from Mr. R. Musgrave, Solicitor and Procurator-General,
to Earl Bathurst : (with fourteen Enclosures.)

My Lord,

Antigua, 31st August 1825.

FROM the accompanying copies of two official Reports made by me to the Collector and Comptroller of His Majesty's Customs, in this island, on the subject of certain seizures (recently made by the officers of that department, of "persons illegally held and detained in slavery," contrary to the provisions of the British Act of Parliament of the 5th of His present Majesty's reign, cap. 113, intituled, "An Act to amend and consolidate the Laws relating to the Slave Trade,") wherein the proceedings which I felt it my duty as the law officer of the Crown to institute in the Court of Vice-Admiralty have been peremptorily, and as I consider, very improperly suspended by the sole advice of the Privy Council, (under the directions of Mr. Athill, late President, and now acting in the temporary administration of the government), until the royal pleasure shall be communicated. Your Lordship will be put into complete possession of the particular circumstances and grounds of seizure in such cases, and of the reasons by which I have been influenced in sanctioning in my official capacity the respective prosecution by the officers of His Majesty's Customs; after a perusal of which, I venture to indulge the hope, that the line of conduct which I have pursued will not be found to incur your Lordship's serious disapprobation.

With fourteen
Enclosures.

It is with extreme regret that I now feel it essential to the due support of the office which I have the honour to fill under your Lordship's appointment, and by virtue of the royal mandamus, to state for your further information, that subsequently to the very intemperate resolution of the Privy Council, (a copy of which will be found annexed to my first report to the officers of the Customs), and which Resolution your Lordship will observe to have been passed (without the slightest previous communication with me on the subject, either by that Board, or by Mr. Athill), on the mere *ex parte* statement contained in the petitions of Mrs. Allan and Mr. Burnthorn, from which, as I submit, no circumstance of a "peculiar, novel, or extraordinary nature," threatening the total "subversion of the colony," could be fairly inferred: a similar distorted view of the question appears to have been taken by some of the members of the Colonial Assembly, in consequence of which, on a motion originating in that House, a joint committee of the legislature was appointed "to inquire into and report on the nature and grounds of the proceedings in the Vice-Admiralty Court, in certain cases of seizure of slaves recently made by the officers of His Majesty's Customs in this island," *although it was well known to both Houses that all such proceedings actually stood suspended until the royal pleasure should be communicated under the executive authority.*

Having received a letter from the chairman of such committee requiring my attendance before them for examination in furtherance of such inquiry, I considered it to be an act of propriety on my part (more particularly as I have been myself for several years, a member of the House of Assembly), to state in person the objections which appeared to me to exist to my furnishing (under the existing state of things) that information which they so irregularly, as I considered, sought to obtain. I accordingly waited upon the committee, and on being interrogated by them as to the grounds of seizure, and my reasons for sanctioning the prosecutions, I ventured to decline entering into any explanation on the subject, and assigned as my reason for so doing, the complete want of courtesy evinced by the Commander-in-Chief and Privy Council (a member of which, it is to be recollected, formed a part of, and was chairman of the committee), in undertaking wholly to decide *instanter* upon the matters in question, without paying me, as the law officer of the Crown, the compliment of requiring the slightest information for their guidance, from which course of proceedings (especially as all further

progress

progress in the cases stood altogether suspended in this island), I felt myself to be only accountable for my conduct to His Majesty's Government. I added at the same time, my expression of regret that the Commander-in-Chief had felt it necessary to depart in these cases from the usual and customary course of proceeding on all similar occasions, by omitting to apply to me in the first instance for my opinion, in which event, my sentiments, however erroneous, should have been freely communicated at length, for his information, as well as that of the legislature; and I requested to be distinctly understood, in declining to answer the questions proposed to me, as intending no disrespect to the legislative body, of which, as an individual member, I should be always anxious to maintain the respectability and reasonable authority.

This, my very temperate and (as I considered, as far as it regarded the dignity of my office) indispensable refusal to submit to the very extraordinary course of proceeding adopted by the legislature in attempting to exercise a *direct right of control* over me as His Majesty's Solicitor-General, the existence of which I had never been taught to recognize, was followed by an immediate *special* call of both Houses, by summons from the Commander-in-Chief, a sitting of which took place on the 25th instant, when it was moved by a member, Dr. Coull, seconded by Mr. Richard Weston Nanton, (*a judge of the Court of Common Pleas*, thus making the *fourth* member of *that* bench by whom the question at issue has been actually *prejudged*, viz.; the right to freedom of persons brought from England into the colonies as slaves; which *he* strenuously denied, and which had been already previously declared in the resolution of the Privy Council, by Mr. President Warner, Mr. William Byam, and the Rev. S. W. Harman, *three other judges of that court*, in their characters of members of the council, to be a doctrine "most dangerous to the interests of the colony,") that I should be called upon as His Majesty's Solicitor-General to answer *at the bar of the House*, as *a matter of right*, such questions as might be deemed necessary to be put to me, and that my compliance should be enforced under pain of *compulsory measures*. A debate ensued on this motion, in the course of which I took the opportunity of denying, in my place, the power of the legislature over me as the law officer of the Crown, for my conduct, in which situation I held myself as amenable only to His Majesty's Government, from whence I derived my commission, or the executive authority in this island, and decidedly refused to furnish any information whatever on the subject which was not required by legitimate authority: the result of which, fortunately, (from the good sense of a large majority of the House) was an address to his Honour the Commander-in-Chief, praying "That he would be pleased to direct me to lay before him, for the guidance of the Assembly at its next meeting, the information required;" which directions I have received, and have duly complied with, having stated every legal ground on which I consider the question now substantially to rest for decision by His Majesty's Government: and on the same day a motion was made at the Board of Council by Mr. President Warner, also a Judge of the Court of Common Pleas, for presenting a memorial to the Commander-in-Chief praying my *suspension from office*, which motion was ordered to stand for consideration at the next meeting.

From the violent and arbitrary measures which I have stated, your Lordship cannot fail at once to perceive that I am indebted, as I have before observed, only to the good sense of a majority of the House of Assembly, for having hitherto escaped a total separation from my wife and children, and incarceration in a loathsome prison, in a tropical climate (from a long residence in which my health has become considerably impaired), merely for having given, when called upon by the Collector of His Majesty's Customs so to do, in my official capacity, a legal opinion at variance with pre-existing habits and prejudices, pretty generally prevalent in these islands; an opinion which, however erroneous, must at least be admitted to have been *conscientiously* and *disinterestedly* delivered, when I undertake to assure your Lordship (and which is doubtless perfectly within your own knowledge) that from the discharge of my duties as a law officer of the Crown, in Antigua, I derive no emolument whatever, either from His Majesty's Government, or the colony.

In the event of my commitment having taken place, it must be quite obvious to your Lordship, (when I have thus shown to you the sentiments of four out of five
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of the Judges of the Court of Common Pleas, which tribunal is by local enactment specially appointed to issue and determine upon writs of *habeas corpus*, in consequence of the superior Court of King's Bench sitting but twice, at stated periods in each year), that there would not have been left for me the slightest chance of being discharged, or even temporarily released from imprisonment on bail, by suing out of that court any such writ, and that I must have infallibly remained in confinement at the risk of my life, and the utter ruin of an infant family, without any prospect of relief, until the arrival of our expected Governor, Major General Sir Patrick Ross, or until a communication should have been made by your Lordship of the pleasure of His Majesty's Government as to my case.

This evil, as your Lordship will observe, would have necessarily arisen from the peculiar circumstances under which this colony has been placed during the late unfortunately long subsisting administration of the government by a member of His Majesty's Council, (since the removal of our late highly respected Governor Sir Benjamin D'Urban), than which (from the constant operation of local prejudices and influence, and the never failing consideration of local interests, which enter into the determination of every public question which may be agitated), nothing can more decidedly tend to be productive of injurious consequences to the West India interests in every possible political point of view; and I therefore trust I shall be pardoned by your Lordship for the liberty which I venture to take in declaring it to be my firm conviction (from the manifold absurdities and inconveniences which daily, nay hourly, result in Antigua from the present system under which all our courts of judicature, both of Chancery and Common Law are composed, chiefly, nay, almost entirely of person whose prejudices and passions, as I think, I have clearly shown, are likely to be so easily excited and inflamed on every public occasion, and who are unrestrained by principles of law, of which they are altogether ignorant), that no means can be taken by His Majesty's Government more effectual for promoting the future welfare and real prosperity of the colonies generally, and facilitating their benevolent views for their improvement, than the speedy appointment of professional gentlemen, of liberal education, as chancellors and judges, to preside in our several courts of justice: a measure, the indispensable necessity of which, as it regarded this island, was, I am aware, felt by the Commissioners of legal Inquiry when on their visit here, and is, I think I may undertake to say, almost universally acknowledged by all serious well-wishers to the colonies.

Painfully situated then, as your Lordship must admit me to be, I dare to entertain the confident hope, that you will obligingly take into your earliest consideration the several circumstances to which I can with sincerity assure you I have most reluctantly felt myself compelled to call your attention, and I have earnestly to entreat that your Lordship will be pleased to furnish me with such general instructions for my future guidance as the law officer of the Crown, in cases of similar emergency, as you may deem necessary; and I feel it incumbent on me candidly to state, that unless I receive on the present occasion the full protection of His Majesty's Government (should my conduct not meet with disapprobation, which I can hardly anticipate) it will, I find be wholly impossible for me to continue faithfully to discharge the duties of my situation, with any degree of satisfaction to your Lordship, or credit to myself.

I have, &c.

(signed)

Rich. Musgrave,

Solicitor and Procurator General.

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

Gentlemen,

Saint John's, 20th August 1825.

I HEREWITH transmit for your information copies of a correspondence which has taken place between his Honour the Commander-in-Chief and myself, in my official capacity as Solicitor-General, (during the vacancy of the office of Attorney-General,) on the subject of two persons, called Grace and Robert, lately seized by Mr. Chipchase, an officer of your department, as being liable to forfeiture under the slave acts, and alleged to be the property of Mrs. Ann Allan and William Burnthorn, esquire, of this island.

333.

You

Enclosures
in N° 5.

Enclosure
N° 1.

INFORMATION RELATING TO

You will collect from these documents that Mr. Athill has undertaken of his own authority, by the sole advice of the Privy Council, (and without any previous communication whatever with me, as the law officer of the Crown, on the subject,) peremptorily to direct me to suspend any proceedings in the Vice-Admiralty Court, not only as they regard the two persons in question, but *generally in all cases of a similar nature which may hereafter occur here*, until the royal pleasure shall be known; and I am consequently to inform you that with such directions, although I do not profess to recognize the propriety or legality of them, I shall of course feel it my duty to comply, as emanating from His Majesty's representative, though only acting in the temporary administration of this government.

This very extraordinary measure appears to have proceeded from the two petitions, of which you have copies, presented to the Commander-in-Chief, by Mrs. Allan and Mr. Burnthorn, claiming the two persons, Grace and Robert, as their property; and assuming therein as the *only* grounds of their seizure by Mr. Chipchase, that they had become free by having accompanied the parties respectively to England, in the capacity of domestic slaves.

In this point of view it would also seem that the seizures have been considered by the Board of Council, who have by their resolution, (which I must be permitted to say I hold to be couched in very intemperate language, when adopted by a deliberative body,) unhesitatingly declared, the mere advancement of such a doctrine to be pregnant with dangers the most alarming to the West India interests, and indeed to be calculated to effect the total subversion and ruin of the colonies.

How far such very disastrous consequences may be likely to ensue here, His Majesty's Government will perhaps be able to determine, when I state (what I am sure must be equally within your own knowledge,) my conviction, that among a population of upwards of thirty thousand slaves, there would be found a very inconsiderable number of persons in this island under similar circumstances with the individuals Grace and Robert, whose cases are now under discussion.

My duty, however, on the present occasion is, as I consider, to use the words of Lord Stowel, "merely ministerial" in applying the law to the points which now stand for decision, and as I do not feel myself at liberty to speculate on the wisdom or policy of measures which His Majesty's Government may have thought proper to adopt, I shall (divesting these cases of every political consideration,) at once proceed to lay clearly before you for the information of the Board of Customs, the reasons and motives by which, as the law officer of the Crown, I have felt it imperative on me, on your application to sanction the seizure and prosecution in the Vice-Admiralty Court of the two persons, Grace and Robert, as being, in my opinion, respectively "illegally detained in slavery," contrary to the provisions of the Slave Trade Consolidation Bill.

With respect to the woman Grace, against whom alone proceedings had been commenced at the time I received the communication of the Commander-in-Chief, it will be found by the affidavit of the seizing officer, filed in the registry of the Vice-Admiralty Court to ground the monition, that her seizure is generally stated to have taken place in consequence of her having been unlawfully imported as a slave, without any of the regulations prescribed by law having been observed on her importation, and being here illegally kept and detained in a state of slavery; and in her case it was my intention, had not any further proceedings been interdicted, to have filed an information, alleging as the grounds of forfeiture, first, her having been brought to this island after the passing of the Registration Bill, without any certificate of registration being on board of or annexed to the clearance of the ship or vessel in which she came here, and without her having been, together with such certificate, produced to the Collector or principal officer of the Customs, on her arrival, as is therein required: secondly, I should also have inserted in the information a count for her importation as a slave, (*not being a domestic slave brought from any British island or colony, in attendance on her master or mistress,*) but from Great Britain, *being a territory to His Majesty belonging*, into this island, a British colony, without such licence as is required by the 46th Geo. 3, cap. 52, sec. 13, to be taken out after the 1st of January, one thousand eight hundred and seven, on the carrying away or removal of slaves from one British port to another: and, thirdly, I should have concluded by charging her in another count generally, to have
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been "a person illegally held and detained in slavery," contrary to the provisions of the act "for amending and consolidating the Laws relating to the Slave Trade" And the information which it was my intention to file in the case of the man Robert would have been of a similar nature, omitting only the first count under the Registration Bill, as his importation appears to have taken place antecedently to its being passed, and he stands admitted on the face of Mr. Burnthorn's petition, *not to have accompanied him, or any part of his family, from England as a domestic servant; but to have been sent out by him as a slave from thence in a British merchant vessel.* Thus there would not have been discernible on the face of the pleadings in the Vice-Admiralty Court any question of a "particular, peculiar, or novel nature," calling for the present ill-advised interference of the executive authority, as the cases would have been by me fairly submitted for decision to a competent tribunal, as involving only the infringement of British laws by British subjects.

Had I been permitted to proceed to trial, I should have shown to the court in the first instance, that these prosecutions could not be held to carry with them (as declared by the Privy Council) any undue *ex post facto* application of the Slave Trade Consolidation Bill, it having been distinctly declared by the first section as follows, viz. "Whereas it is expedient that the various acts and enactments relating to slavery and the slave trade should be consolidated and amended; Be it therefore enacted, by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, that from and after the first day of January, in the year of our Lord one thousand eight hundred and twenty-five, all the acts and enactments relating to the slave trade, and the abolition thereof, and the exportation and importation of slaves, shall be and the same are hereby repealed, *save and except in so far as they may have repealed any prior acts or enactments, or may have been acted upon, or may be expressly confirmed by this present Act.*" And the right of proceeding against former illegal importations being unequivocally received and confirmed by the 47th section, which, (after first extending the period which was previously limited for the recovery of any other penalties and forfeitures under the slave acts in future to the term of five years,) expressly goes on to provide, "That where any slave or slaves *have been, or shall at any time have been illegally imported,* nothing herein contained shall extend to prevent proceedings *being commenced to obtain the condemnation or forfeiture thereof, but that the said slave or slaves so illegally imported shall and may be condemned and forfeited at any time after such illegal importation.*" The absolute necessity of such a reservation in the Consolidation Bill of the right of prosecution of slaves illegally imported under the former acts must be obvious, as it cannot *reasonably* be presumed to have been in the contemplation of the British legislature to pass an act of general immunity in favour of offenders under laws to which it has ever been the policy of our government most scrupulously and rigidly to enforce obedience.

Having evinced the right of prosecution for offences under the former statutes, I should have endeavoured legally to support the informations exhibited against "Grace" and "Robert;" which I consider to be sustainable on the following grounds, viz.

The counts therein inserted under the Registration Bill, and the 46th Geo. 3, were adopted by me "*ex abundanti cautela,*" assuming it to be possible, (though I can scarcely conceive it probable,) that the Judge of the Vice-Admiralty Court might be supposed to admit the very absurd principle that persons *can* be brought from England, where slavery does not exist, nor is at all tolerated, in the character of slaves, and be afterwards dealt with and treated as such in the colonies.

Supposing it then likely that such a monstrous proposition could be advanced for a moment, it must be manifest to every reflecting mind that the same necessity would exist for the observance of the regulations prescribed by law, on the importation or exportation from England of slaves, as from any other part of His Majesty's dominions, and such necessity being once admitted, the terms of the 46th Geo. 3, cap. 52, sec. 13, and of the 59th Geo. 3, cap. 120, sec. 11 & 12, might be found sufficiently comprehensive to embrace even cases of such a description; it being enacted by the 13th section of the former statute, "That from and after the first of January, one thousand eight hundred and seven, no person shall embark, ship,

“ export, or carry upon the seas any slave or slaves from any island, colony, plantation or territory belonging to or under the dominion of His Majesty, to any other island, colony, plantation, or territory belonging to or under the dominion of His Majesty, in any ship or vessel whatever, until application made for, and license obtained by the owner or exporter,” in the manner therein particularly specified; and it being expressly laid down by the 12th section of the latter act, “ That any slave or slaves exported, sent, carried or conveyed, without the certificate therein required, should be seized as forfeited, and prosecuted, condemned and dealt with in all respects as if such slave or slaves had been brought from or destined to any foreign colony or place,” contrary to the act of the 47th of the late king, intituled, “ An Act for the abolition of the Slave Trade.”

As I could never, however, bring myself to entertain the idea that Great Britain was really intended to be comprized within the meaning of either of the acts to which I have alluded, which I have always considered as referring only to His Majesty's *inferior* possessions abroad, and consequently not extending to his British dominions, agreeably to the rule of law prevailing in the construction of statutes, which declares, “ That an Act which treats of things or persons of an inferior rank, cannot by any general words be extended to those of a superior; as a statute treating of deans, prebendaries, parsons, vicars, and others having spiritual promotion, is held not to extend to bishops, though they have spiritual promotion, deans being the highest persons named, and bishops being of a still higher order,” and adopting as my guide on the occasion the maxim of “ *expressio hujus est exclusio alterius*,” I have ever been, I confess, accustomed to hold Great Britain as being as completely *excluded*, by the true spirit and meaning of the slave acts, from being a place from or to which persons could be imported or exported for the purpose of being dealt with as slaves, as Africa, or any foreign place or colony whatever, and with this decided impression on my mind, I should have held any of His Majesty's subjects to be guilty of felony, who, after the passing of the 51st Geo. 3, cap. 23, sec. 1, were concerned in importing any person or persons from England into the colonies, for the purpose of the dealing with her or them as a slave or slaves; the terms of that act being as general as it is possible for language to convey, it being declared by the first section, (except in certain cases of removal of slaves to or from British colonies or settlements in the West Indies, specially provided for under the fourth clause,) “ That if any subject or subjects of His Majesty, or if any other person or persons residing or being within this united kingdom, or in any of the island, colonies, dominions, forts, settlements, factories or territories, now or hereafter belonging thereto, or being in His Majesty's occupation or possession, or under the government of the United Company of Merchants trading to the East Indies, shall from and after the first day of June next, by him or themselves, or by his or their factors or agents, or otherwise howsoever, carry away or remove, or aid or assist in carrying away or removing as a slave or slaves, or for the purpose of being sold, transferred, used or dealt with as a slave or slaves, any person or persons whatever, from any part of Africa, or from any other country, territory or place whatsoever, either immediately, or by transshipment at sea, or otherwise directly or indirectly; or shall import or bring, or aid or assist in the importing or bringing into any island, colony, country, territory, or place whatsoever any such person or persons as aforesaid for the purpose aforesaid, or shall knowingly and wilfully ship, embark, receive, detain or confine or board any ship or vessel or boat any such person or persons as aforesaid, for the purpose of his or their being so carried away or removed, imported or brought as aforesaid, or of being sold, transferred, used or dealt with as a slave or slaves, &c., then and in every such case the person or persons so offending, and their counsellors, aiders and abettors, shall be and are hereby declared to be felons.”

Admitting, therefore, the first and second counts in the information against Grace, and the first count in that against Robert, to have been altogether superfluous, and to have been on my part inserted only by way of precaution to meet (if mooted) a position, which I trust I have been able satisfactorily to prove to be wholly untenable, the two cases would have then stood for decision generally on the third count, charging them to be “ persons illegally held and detained in slavery,” on the issue on which it will not, I presume, be attempted to be controverted, that it would have been incumbent on the parties claiming them as slaves, on whom the “ *onus probandi*” is by law declared to rest, to establish, first, that
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the negroes were legally imported into this island; and secondly, that they, the asserted owners, had a legal right of property over the individuals by them held and detained in slavery.

With respect to the first point, I think I have already clearly shown by reference to and examination of the British acts of parliament, that they contain no provisions whatever, either directly or indirectly, sanctioning the exportation or importation of slaves from Great Britain; and if the principle be conceded to be reasonable, that that which is not permitted is to be held interdicted, the bringing of these persons from thence (supposing them for a moment capable of being recognized and dealt with as slaves) into the colonies, must be admitted, when calmly and dispassionately considered, to amount to an *illegal* importation, on which ground alone they would, as I contend, have become liable to forfeiture, under the acts for the abolition of the slave trade.

The right of the parties *legally* to hold and detain these persons in slavery would have then become a highly material subject for consideration; and this I should have felt myself imperatively called upon, as the law officer of the Crown, in the discharge of my duty, to question, as being altogether adverse to the liberal spirit of the British law, which, to borrow the beautiful and emphatic language of the late Mr. Curran, "makes liberty commensurate with, and inseparable from " British soil; which proclaims even to the stranger and sojourner, the moment he " sets his foot upon British earth, that the ground on which he treads is holy, and " consecrated by the genius of universal emancipation. No matter in what lan- " guage his doom may have been pronounced; no matter what complexion, incom- " patible with freedom, an Indian or an African sun may have burnt upon him; " no matter in what disastrous battle his liberty may have been cloven down; no " matter with what solemnities he may have been devoted upon the altar of slavery; " the first moment he touches the sacred soil of Britain, the altar and the god sink " together in the dust; his soul walks abroad in her own majesty; his body swells " beyond the measure of his chains that burst from around him, and he stands " redeemed, regenerated, and disenthralled by the irresistible genius of universal " emancipation."

I have adverted to this very remarkable passage in the argument of that celebrated orator in defence of Mr. Hamilton Rowan, as displaying in more glowing colours than I have elsewhere met with, the effect of that *virtual* release from the yoke of slavery, which I contend was originally conferred on the individuals Grace and Robert, by the voluntary act of Mrs. Allan and Mr. Burnthorn in removing them to England, where, on their arrival, their right to freedom immediately became so completely vested by operation of law, as to put it afterwards out of the power of the former owners, however ungratefully the benefit may have been received or acknowledged, in any manner to retract, or annex to it, any condition or qualification whatsoever.

In merely asserting this constitutional principle of British law, the "worst and " most impolitic motives" have been ascribed to me by the resolution of the Privy Council, and its barely presumptive application to the present cases, after having been declared by that Board to be fraught with the most direful results, is denounced as a "grievance now for the first time agitated to the injustice of this " unfortunate country."

Possessing, as I proudly feel, the "*mens conscia recti*," and wholly regardless of public or private opinion, when in opposition to the faithful discharge of my official duty, the only emotion which the violence of the Privy Council has been calculated to excite in my breast, is that of sincere regret for the extremely injudicious and palpably impolitic measures which they have thought proper to pursue; but with respect to *my* having originated the principle which they so vehemently condemn, I must be permitted to observe, that they labour under a very deep and serious misapprehension, and that I am far from being vain enough to attribute to myself the slightest claim to the compliment which, by their resolution, they have professed to convey.

In the present state of the colonies, I am free to admit, that it is frequently highly essential, from local circumstances, to exercise a circumspect and prudent policy on occasions where (from the recent happy alteration of the times) any mea-

sure at variance with long received habits, opinions, or prejudices, may be found necessary for public adoption; and you will, gentlemen, I am persuaded, do me the justice to admit, that while I professed my readiness at all times to maintain them whenever fit opportunities might require me to do so, I suggested personally to the Collector, on my first conference, (when consulted by him on the subject of right to freedom of persons who had once been in England,) the propriety of withholding the public dissemination of my sentiments on that particular point, in cases where there existed *other* fair and reasonable grounds for detention and forfeitures, and of reserving the discussion of that question, which I considered as one of vast importance, until, as in the present instance, any parties should be found absolutely bold enough to come forward and openly avow their right to demand and receive restitution of persons so situated, in which event, *the act of illegality being apparent on the face of the claim*, it would become my bounden duty, on the part of the Crown, to bring it properly under the notice and consideration of the court.

In offering this suggestion, as to the policy of which the Collector seemed readily to concur in opinion with me, I must profess to have been altogether actuated by an anxiety to prevent an occurrence of any local inconvenience which might result from a too hasty and general subversion of a system which certainly appeared to have always, hitherto, very improperly obtained throughout the islands, as it regarded the class of persons in question, and by an apprehension that any sudden advancement, of even a few of them, from supposed slavery to an admitted state of freedom, on the sole grounds of their having accidentally visited England at any former period of their lives, might be calculated to excite somewhat of discontent in the minds of the rest of the slave population, to whom no such right could be held to attach, and might be productive of many attempts at desertion, with a view of escaping thither, and deriving a similar benefit; and I did venture to indulge, what I now lament to find to be a very delusive hope, that the good sense of all persons who were really equally interested with myself in the welfare of the colonies, would have dictated the more prudent course of permitting a question in itself so clear and incontrovertible, to have passed "*sub silentio*," in every case where it arose, and of allowing all persons who appeared fairly entitled to it to receive the benefit of such their undoubted right to freedom, under the general provisions of the Slave Trade Consolidation Bill, as being "persons illegally kept and detained in "slavery," and thus the totally erroneous principle formerly upheld in these colonies might gradually have given place to a more liberal construction and interpretation of British law on the subject of personal liberty, in every civilized country under His Majesty's dominion.

An opposite and evidently more dangerous course of proceeding having, however, in the exuberance of their zeal been resolved upon, and adopted by the Privy Council, to whom alone, therefore, must justly be attributable any injurious consequences arising from the present premature promulgation of that doctrine, furnished, they apprehend, such serious evils to the colony, it only remains for me to support those sentiments which, not only professionally but individually, I have always entertained on the subject at issue, and to state the legal sources from whence I have deduced the opinion which I have irrefragably formed.

That the question is at all of a "novel or extraordinary nature," or is now for the "first time agitated," I strenuously deny, and affirm on the contrary, that it is one, which even from the most remote ages, when the system of villeinage subsisted in England, up to the present period, has been often brought under consideration, and has at length received on more than one occasion the solemn decision of the superior courts of justice in the mother country. In proof of this assertion, I would advert to the following doctrine, laid down in Coke, 1st Institute, 15th edition, title Villeinage, sec. 204. "There be two kinds of manumissions, one expresse and the other implied; expresse, when the villein by deed in expresse words is manumised and made free: the other implied, by doing some act that maketh in judgment of law the villein free, albeit there be no expresse words of manumission or enfranchisement. If a villein be manumised albeit he become ungrateful to the lord in the highest degree, yet the manumission remains good: and herein the common law differeth from the civill law, for '*libertinum ingratum leges civiles in pristinam redigunt servitutem, sed leges Anglia semel manumissum semper liberum judicant, gratum et ingratum.*'"

I find

I find it also expressly laid down in the following authorities: that "a villein set free for an hour will be always free." Vide Noy's English Maxims, 7th edition, p. 19; Dyer, p. 59 (1). Thus much as to the ancient system of villeinage, to which colonial slavery may be supposed to bear some analogy in the absence of more conclusive authority.

It happens, however, to be peculiarly fortunate for me on the present occasion, that I am actually enabled to refer in support of my position to a solemn decision on the very point at issue, which is to be found in the judgment pronounced by Lord Mansfield, in the year 1772, in the celebrated case of *Sommersett*, the negro, reported in Lofft's Reports, p. 1, and 11th vol. State Trials, p. 342, than which, perhaps, no case ever underwent more elaborate discussion, as may be evident from the luminous argument of Mr. Hargrave, in support of the negro's unconditional right to freedom, and the very able defence of Mr. Dunning, on the part of the asserted owner Mr. Stewart.

After an attentive perusal of the proceedings in that case, it is impossible for me not to hold it as absolutely binding and conclusive in guiding my judgment on the present occasion. The question at issue having undergone the most deliberate examination and consideration, and (notwithstanding the very numerous and grave inconveniences stated by Mr. Dunning, as likely to result from such a determination) among which he actually alleged one effect to be the immediate emancipation of no less than fourteen thousand persons, whose estimated value at 50 *l.* per head, would occasion a positive loss to their asserted owners in the colonies, of the sum of 700,000 *l.* sterling, having been finally, solemnly, and *unanimously* decided by the judges in favour of the negro's *unrestricted* right to freedom, and terminated by his *unqualified* discharge from further restraint of the former master or proprietor.

At a subsequent period, in the year 1795, in a case reported in 2d Henry Blackstone, page 511, of *Keane v. Boycott*, which was an action brought for enticing the plaintiff's servant from his service, and where it appeared that a negro, while an infant, and in a state of slavery in the island of St. Vincent, executed an indenture by which he bound himself to serve his then master, who was going to Europe, as a servant for five years, being provided by him with food, lodging, clothing, and medical assistance, in case of sickness; and the injury complained of was the enticement of such servant by the defendant from his service, it is stated to have been suggested by Heath, Justice, "That the effect of the master entering into such a contract with the slave, might be, to enfranchise him by analogy to the old law respecting villeins in England," and that in the propriety of such suggestion, the Lord Chief Justice concurred. The editor after, (in a note subjoined to the case commenting upon the doctrine of manumitting a slave by implication, and declaring it to be inconsistent with the general policy and institutions of the British islands in the West Indies, which declaration he endeavours to support by reference to a Colonial Act of St. Vincent, specifically pointing out the mode in which manumissions should be effected in that island, and pronouncing any manumission made in any other way void,) proceeds unequivocally to lay it down as a then universally settled, and acknowledged principle, that "the question, whether such would be the effect of the contract in this country? could not arise, because, *as soon as a slave arrives here, the yoke of slavery is dissolved by operation of law, whether he has previously entered into any contract or not, and whatever may be his situation with respect to the service of master.*" And a most ample commentary on the whole text is to be found in the very recent case of *Forbes v. Cochrane*, and another reported in 2d Barnewell and Cresswell's Reports, p. 448, decided in the late year 1824, from which I subjoin the following extracts from the opinions of the several judges.

Holroyd, Justice:—"I am of opinion, that according to the principles of the English law, the right to slaves, even in a country where such rights are recognized by law, must be considered as founded, not upon the law of nature, but upon the *particular law of that country.*"

"I do not mean to say that if the plaintiff, having the right to possess these persons as his slaves there, had taken them into another place, where by law slavery also prevailed, his right would not have continued in such a place, the laws of both countries allowing a property in slaves."

INFORMATION RELATING TO

“ The law of slavery is, however, a law in *invitum*, and when a party gets out of the territory where it prevails, and out of the power of his master, and gets under the protection of another power, without any wrongful act done by the party giving that protection, the right of the master, which is founded on the municipal law of the particular place only does not continue.

“ This has been decided to be the law with respect to a person who has been a slave in any of our West India colonies, and comes to this country; *the moment he puts his foot on the shores of this country, his slavery is at an end.* Put the case of an uninhabited island, discovered and colonized by the subjects of this country; the inhabitants would be protected and governed by the laws of this country. In the case of a conquered country, indeed, the old laws would prevail, until altered by the King in Council, but in the case of the newly discovered country, freedom would be as much the inheritance of the inhabitants and their children, as if they were treading on the soil of England.

“ Now, suppose a person who had been a slave in one of our own West India colonies, escaped to such a country, he would thereby become as much a freeman as if he had come into England. He ceases to be a slave in England only because there is no law which sanctions his detention in slavery, for the same reason he would cease to be a slave the moment he landed in the supposed newly discovered island. In this case, indeed, the fugitives did not escape to any island belonging to England, but they went on board an English ship, (which for this purpose may be considered a floating island), and in that ship they became subject to the English laws alone. They then stood in the same situation in this respect as if they had come to an island colonized by the English. It was not a wrongful act in the defendants to receive them; quite the contrary. The moment they got on board the English ship, there was an end to any right which the plaintiff had by the Spanish laws acquired over them as slaves. They had got beyond the control of their master, and beyond the territory where the law recognizing them as slaves prevailed.” “ When they got out of the territory where they became slaves to the plaintiff, and out of his power and control, they were *by the general law of nature made free*, unless they were slaves by the particular law of the place where the defendant received them. They were not slaves by the law which prevailed on board the British ship of war.”

Best, Justice :—“ Then the question is, were these persons slaves at the time when Sir G. Cockburn refused to do the act which he was desired to do? I am decidedly of opinion that they were then no longer slaves. *The moment they put their feet on board of a British man of war, not lying within the waters of East Florida, (where, undoubtedly the laws of that country would prevail) those persons who before had been slaves were free.* The defendants were not guilty of any act prejudicial to the rights which the plaintiff alleges to have been infringed. *Those rights were at an end* before the defendants were called upon to act. Slavery is a local law; and therefore if a man wishes to preserve his slaves, let him attach them to him by affection, or make fast the bars of their prison, or rivet well their chains, for the instant they get beyond the limits where slavery is recognized by the local law, they have broken their chains, they have escaped from their prison, and are free. *These men when on board an English ship had all the rights belonging to Englishmen, and were subject to all their liabilities.* If they had committed, they must have been tried according to English laws. If any injury had been done to them, they would have had a remedy by applying to the laws of this country for redress. I think that Sir G. Cockburn did all that he lawfully could do to assist the plaintiff; he permitted him to endeavour to persuade the slaves to return, but he refused to apply force. I think that he might have gone further, and have said that force should not be used by others: for if any force had been used by the master, or any person in his assistance, can it be doubted that the slaves might have brought an action of trespass against the persons using that force? Nay, if the slave acting upon his newly recovered right of freedom had determined to vindicate that right, originally the gift of nature, and had resisted the force, and his death had ensued in the course of such resistance, can there be any doubt that every one who had contributed to that death, would, according to our laws, be guilty of murder? That is substantially decided by *Sommerset's case*, from which, it is clear,

“ clear, that such would have been the consequence had these slaves been in England, and so far as this question is concerned, there is no difference between an English ship and the soil of England; for are not those on board an English ship as much protected and governed by the English laws, as if they stood upon English land? If there be no difference in this respect, *Sommerset's case has decided the present: he was held to be entitled to his discharge, and consequently all persons attempting to force him back into slavery would have been trespassers, and if death had ensued in using that force, would have been guilty of murder.* It has been said that Sir G. Cockburn might have sent them back. He certainly was not bound to receive them into his own ship in the first instance, but having done so, *he could no more have forced them back into slavery, than he could have committed them to the deep.*” “ Whatever service he owed by the local law, is got rid of the moment he got out of the local limits. Now, what service can we owe by the general law? Service to our country, service to our relations for the protection they have afforded us, and *service by compact. A state of slavery excludes all possibility of a right to service arising by either of these means.* A slave has no country; he is not reared by or for his parents, or for his own benefit, but for that of his *master; he is incapable of compact.*”

After so clear and recent an exposition of it by the learned judges whose observations I have thus quoted at length, it would, I conceive, be highly presumptuous in me to attempt to offer any additional remark on the law as applicable to the present question.

The grounds on which, in opposition to that law, the former proprietors in the colonies have hitherto claimed a right to the future services of persons who had accompanied them as servants to England, (*for there exists, it must be remembered, no colonial statute on the subject,*) would appear to be the three following; viz. first, that by immemorial usage such persons have invariably been considered and treated as slaves on their return, which immemorial usage must be held as having been a part of the *lex loci*: secondly, that by such return they have reverted by voluntary compact to their original condition, and that the maxim of “*volenti non fit injuria*” is therefore fairly applicable to their situation: and thirdly, the hardship and inconvenience which would result to the owners from the establishment of a contrary doctrine.

To each of these grounds, on even the most superficial glance, a very plain and satisfactory refutation may be given.

To the first I would answer, that every custom must depend for its existence, or rather, I would say, for its continuance, on its *legality*, for as Mr. Justice Blackstone observes, “if it is not a good custom, it ought to be no longer used;” and “*malus usus abolendus est,*” he states to be “an established maxim of law;” vide 1st Commentaries, by Archbold, p. 76; and that *no duration, however extensive, can give effect to any custom in itself originally unlawful, must be as evident from another equally settled principle of law, which declares, that “quod ab initio non valet tractu temporis convalescere non potest.”* So much for the effect of usage.

Of the second very extraordinary proposition of the slave's having by voluntary compact resumed his original condition on his return to the colonies, it is impossible for language to be found more completely calculated to expose the fallacy than that contained in the following passage, which I select from Mr. Hargrave's able and unanswerable argument in *Somerset's case*, viz: “It may be contended that though the law of England will not receive the negro as a slave, yet it may *suspend* the severe qualities of the slavery whilst the negro is in England, and preserve the master's right over him in relation of a servant, either by presuming a contract for that purpose, or without the aid of such a refinement, by compulsion of law, grounded on the condition of slavery in which the negro was previous to his arrival here. But insuperable difficulties occur against modifying and qualifying the slavery by this artificial refinement. *In the present case, at all events, such a modification cannot be allowable, because in the return the master claims the benefit of the relation between him and the negro in the full extent of the original slavery.* But for the sake of showing the futility of the argument of modification, and in order to prevent a future attempt by the

“ masters of negroes to avail themselves of it, I will try its force. As to the
 “ presuming a contract of service against the negro, I ask, *at what time* is its
 “ commencement to be supposed? If the time was *before* the negro’s arrival in
 “ England, *it was made when he was in a state of slavery, and consequently*
 “ *without the power of contracting.* If the time presumed was *subsequent*, the
 “ presumption must begin the moment of the negro’s arrival here, and conse-
 “ quently be founded on the mere fact of that arrival, and the consequential
 “ enfranchisement by operation of law. But is not a slavery determined *against*
 “ the consent of a master a *strange* foundation for presuming a contract between
 “ him and the slave? For a moment, however, I will allow the reasonableness of
 “ presuming such a contract, or I will suppose it to be reduced into writing; but
 “ then, I ask, *what are the terms of this contract?* To answer the master’s
 “ purpose, it must be a contract to serve the master here; and when he leaves
 “ this country, to return with him into America, where the slavery will again
 “ attach upon the negro. In plain terms it is a contract to go into slavery
 “ whenever the master’s occasions shall require. Will the law of England
 “ disallow the introduction of slavery, and therefore emancipate the negro from
 “ it, and yet give effect to a contract founded solely upon slavery, in slavery
 “ ending? It is impossible that the law of England can be so insulting to the
 “ negro, so inconsistent with itself.”

In furtherance of which I would again refer to the judgment of Mr. Justice Best, in *Forbes v. Cochrane* and another; who, when speaking of the legal disabilities of a slave, declares him “ *to be altogether incapable of compact.*” And, on the score of hardship or inconvenience I would remark, that there really exist no fair or reasonable grounds of complaint on the part of Mrs. Allan and Mr. Burnthorn, or any other persons similarly situated, who, it must be admitted have by their *own voluntary act* induced those consequences which they now seek to avert, and which, it will not surely be contended, have resulted from any undue interference at any time with the right of property on the part of His Majesty’s Government, or otherwise.

After having thus plainly demonstrated the *illegality* and *injustice* of returning these persons into a state of slavery, on every liberal principle of British law, I shall conclude this part of my subject by expressing, in the words of Lord Mansfield, in the case of *Wilkes v. Wood*, *Lofft’s Reports*, p. 3, my unalterable conviction, “ *that there is no legal authority in the present case to justify the measure,*
 “ *and that no precedents, not an act of parliament itself would be sufficient to*
 “ *warrant a proceeding so contrary to the spirit of the constitution.*”

It now only remains for me to obviate an objection which has been raised on the present occasion, as to the *competency* of the Court of Admiralty to entertain the question of freedom, in cases under circumstances similar to those of the individuals Grace and Robert, which may be brought under its consideration, it being warmly contended that a claim to the enjoyment of such a right ought to be *exclusively* submitted for decision to His Majesty’s Court of Common Pleas, either under a very proper and laudable act of the island, N° 664, intituled, “ An Act for altering and amending an Act, intituled, An Act for the better Government of Slaves and Free Negroes, dated the 28th day of June, 1702, and in the first year of her late Majesty Queen Anne,” by the 3d clause of which it is enacted, “ That if any person claiming to be free shall be committed as
 “ a runaway, or supposed runaway slave, the said provost marshal, or his deputy,
 “ shall within six days after his or her commitment, give notice of such claim of
 “ freedom to the Chief Justice of your Majesty’s said Court of Common Pleas,
 “ or in case of his death or absence, or sickness, to the then senior assistant Justice
 “ of the same Court, who shall order the said claimant to be brought before him
 “ and some other Justice or Justices of the same Court, at such time and place
 “ as he shall direct or appoint, and if, upon hearing of what is alleged by or on
 “ the part of the claimant, it shall appear to the said Justices that he or she is
 “ *legally free, or in equity or conscience ought to be considered as free, or hath*
 “ *been generally deemed or considered for any length of time as a free person,*
 “ such Justices shall by their warrant or order in writing direct him or her to be
 “ *immediately discharged out of custody;* or if such *legal or equitable or reputed*
 “ freedom shall not be proved, remand the said claimant to the common gaol, and
 if

“ if they should think proper, also direct him or her to be again brought before them for the purpose of further examination ; and if he or she shall be discharged, to order his or her gaol fees to be charged to the public ;” or by a writ of habeas corpus, as in *Sommersett's case*, which the court would be authorized to grant.

With what success either of these latter causes of proceeding would have been likely to have been attended, I will leave it to any dispassionate and disinterested individual to determine, when I point out for his information the *undeniable fact* of the question having been *already prejudged and decided upon by a majority of the judges of that tribunal, three of the members of that bench* having actually suffered themselves to be so far influenced by preconceived opinions on the subject, as to become parties to the resolution of the Privy Council hereto annexed, wherein the bare assertion of the principle is treated of in the most illiberal and unbecoming terms ; a circumstance which renders it deeply to be lamented, that His Majesty's Government has never hitherto felt the *absolute necessity* which exists for sending out professional gentlemen as judges to the colonies, whose decision under our laws, in themselves most excellent and unexceptionable, would be altogether unbiassed by local prejudices, and unfettered by considerations of local interest.

To the question of jurisdiction, however, of the Court of Admiralty, in the present and similar instances, I feel it my duty strictly to confine myself ; and in broadly laying it down as a principle, that that tribunal has an *undoubted right* in all cases *incidentally* to take cognizance of any act of illegality *apparent on the face of the claim of any British subject which may be preferred before it, and to reject such claim, even on the sole ground of such British subjects having been engaged in transactions contrary to British law*, I feel myself supported by a host of legal authority, deduced from the following cases, viz : in the case of the *Walsingham Packet*, Bell, master, detailed in *Robinson's Admiralty Reports*, p. 77 of the second volume, which was that of “ a British packet retaken from the enemy, in which a claim was given for the cargo, as the property of British and Portuguese merchants, and resisted on the part of the captor, on the ground of the illegality of such a trade, under the statute 13th & 14th Car. 2, cap. 11, sec. 22.” Lord Stowell, then Sir William Scott, in his judgment, states, that “ This is a case, as it has been justly observed, of a very different complexion from those which generally occupy the attention of this court ; it turns upon a principle which the Court of Appeals has sanctioned in respect to the power of a court of this nature, to take cognizance indirectly of breaches of the municipal law of this country. This court is properly and directly a court of the law of nations, and I am not aware that any case had occurred before the present war in which the court had acted on the principle on which it certainly did act in the case alluded to, I mean the case of the *Eliza*. It was the case of a ship and cargo, in which the claimant, being a British subject, appeared to have been engaged in trafficking with that cargo in direct violation of British acts of parliament. It occurred to those who were entrusted with the concerns of the captor, that a resistance to such a claim might be sustained upon a ground which had not been occupied in any other case that had occurred, viz : That although this court is directly and properly a court of the law of nations only, and not intended to carry into effect the municipal laws of this or any other country, and although it was in the habit of declining to take notice of the private laws of other countries, yet it was an inquiry worth pursuing, whether a British Court of Admiralty sitting here, armed with its power from this country, and carrying all its process into effect by the authority of the British parliament, was not so far a British court, as to be bound to take notice of British acts of parliament, and the flagrant breach of our municipal laws with respect to the transactions of our own subjects coming incidentally before it. In that case the Court of Admiralty did not sustain the objection to the extent in which I have now stated it ; my predecessor condemned the cargo but generally, as French property. The cause went up to the superior court, where it was most elaborately argued, perhaps no case ever underwent a fuller discussion ; there the principle was affirmed and established, *that a British Court of Admiralty was bound to take notice of a violation of an act of parliament appearing on the face of the claim, and that a British claimant could not* entitle

“ entitle himself in such a court to a restitution of that property, happening to
 “ fall by accident into the hands of a British captor, which by his own showing
 “ appeared to have been employed in an illegal trade.

“ That this decision has removed all difficulties on the question, I will not assert ;
 “ it is a good moral and legal principle unquestionably, that a man must come into
 “ a court of justice with clean hands, and that the law will not lend its aid to persons
 “ setting up a violation of law on the face of his claim. It is a sound maxim, to
 “ which the courts of the law of the land have always attended ; and whether the
 “ penalty is great or small, or whether there be no penalty at all, yet, if the act is
 “ reprobated, a man will not be allowed to claim a right founded on it ; but
 “ cases had not occurred in which the Court of Admiralty had met with occasion
 “ to apply such a principle, except in cases of British property taken in a trade
 “ with the King’s enemies ; but in such cases the exception is not to be considered
 “ as arising from municipal law, but from the principle of allegiance, which is a
 “ general principle of the law of nations. It was in the case of the *Eliza* that it
 “ was first decided that the Court of Admiralty was bound to take notice of an
 “ illegal practice appearing in the conduct of a British subject, though the ille-
 “ gality arose from the violation of some law merely municipal ; and that it was
 “ bound to reject the claim of any British subject whose property had found its
 “ way into the hands of a British captor, if the transaction in which that pro-
 “ perty had been employed was a transaction contrary to British law.”

The counsel for the claimant in that case having endeavoured to argue against the application of the act of parliament to the circumstances under which it occurred, the learned judge added, “ A mistake has run through the whole of this
 “ argument ; the gentlemen have argued to bind me down to this particular act,
 “ and then the difficulties arising from it are pointed out ; but that is not the state
 “ of the case. The question is, whether I am to apply the general principle ?
 “ The act of parliament is used only as a medium of proof to show that what has
 “ been done is illegal, and then the principle applies, as a great moral and legal
 “ principle, adopted in a very great extent in the jurisprudence of this country,
 “ and particularly sanctioned and introduced into the practice of this court by
 “ the decisions to which I have alluded.”

So, in the present instances, should I have adverted to the acts of the 46th Geo. 3, cap. 52, and 59th Geo. 3, cap. 120, as a *medium of proof* of the necessity, which I have already stated, of the adoption of the same regulations which they prescribed on the transit of slaves between any other parts of His Majesty’s dominions ; supposing it possible for persons in the character of slaves to be brought from England into the colonies ; and I should have left the application of the *general principle of refusing restitution, on the ground of the illegality and injustice of such a claim of property under the British law*, to be made by the court, under the third count, charging these persons to be “ illegally held and detained in “ slavery,” contrary to the provisions of the Consolidation Bill.

When, therefore, such general right as is declared in the judgment just referred to, to be inherent in the court of Vice-Admiralty, was actually exercised, as has been shown in cases of infringement by British subjects of the *mere prohibiting laws of trade, a fortiori*, was it to be expected that it would be rigidly adopted and enforced in those arising out of the acts for the abolition of the slave trade, over which *exclusive jurisdiction is expressly given to that tribunal by those statutes*. We accordingly find the principle not only recognized, but far more extensively acted upon in the High Court of Appeals, and even applied to the claims of *foreigners under similar restraints with our subjects, by the particular laws of their own country*, in the case of the *Amedie*, Johnson, master, Acton’s Appeal Cases, p. 240, from the judgment delivered by Sir William Grant, Master of the Rolls, on which occasion I subjoin the following extracts ; viz.—“ This ship must
 “ be considered as being employed at the time of capture in carrying slaves from
 “ the coast of Africa to a Spanish colony. We think that this was evidently the
 “ original plan and purpose of the voyage, notwithstanding the pretence set up to
 “ veil the true intention. The claimant, however, who is an American, complains
 “ of the capture, and demands from us the restitution of property of which he
 “ alleges that he has been unjustly dispossessed. In all the *former* cases of this kind
 “ which have come before this court, the slave trade was liable to considerations
 “ very

“ *very different from those which belong to it now. It had at that time been prohibited (as far as respected carrying slaves to the colonies of foreign nations) by America, but by our own laws it was still allowed. It appeared to us, therefore, difficult to consider the prohibitory law of America in any other light than as one of those municipal regulations of a foreign state of which this court could not take any cognizance; but by the alteration which has since taken place, the question stands on different grounds, and is open to the application of very different principles. The slave trade has since been totally abolished by this country, and our legislature has pronounced it to be contrary to the principles of justice and humanity. Whatever we might think as individuals before, we could not, sitting as judges in a British court of justice, regard the trade in that light while our own laws permitted it; but we can now assert that this trade cannot, abstractedly speaking, have a legitimate existence. When I say abstractedly speaking, I mean that this country has no right to control any foreign legislature that may think fit to dissent from this doctrine, and to permit to its own subjects the prosecution of this trade; but we have now a right to affirm, that primâ facie the trade is illegal, and thus to throw on claimants the burthen of proof, that in respect of them by the authority of their own laws it is otherwise. As the case now stands, we think we are entitled to say that a claimant can have no right, upon principles of universal law, to claim the restitution in a prize court of human beings carried as his slaves; he must show some right that has been violated by the capture, some property of which he has been dispossessed, and to which he ought to be restored. In this case the laws of the claimant's country allow of no right of property such as he claims. There can, therefore, be no right to restitution. The consequence is, that the judgment must be affirmed.*”

And in a subsequent case which occurred in the High Court of Admiralty, that of the “Fortuna,” Sir William Scott makes use of the following observations on the subject of that particular decision, viz.—“ It has been established by recent decisions of the Supreme Court, that the Court of Prize, though properly a court purely of the law of nations, has a right to notice the municipal law of this country in the case of a British vessel, which in the course of a prize proceeding appears to have been trading in violation of that law, and to reject a claim for her on that account. That principle has been incorporated into the prize law of this country within the last twenty years, and seems now fully incorporated. A late decision in the case of the *Amedie* seems to have gone the length of establishing a principle that any trade, contrary to the general law of nations, although not tending to or accompanied with any infraction of the belligerent rights of that country whose tribunals are called upon to consider it, may subject the vessel employed in that trade to confiscation. The *Amedie* was an American ship, employed in carrying on the slave trade; a trade which this country, since its own abandonment of it, has deemed repugnant to the law of nations, to justice and humanity, though without presuming so to consider and treat it where it occurs in the practice of the subjects of a state which continues to tolerate and protect it by its own municipal regulations; but it puts upon the parties who are found in the occupation of that trade, the burthen of showing that it was so tolerated and protected, and on failure of producing such proof, proceeds to condemnation, as it did in the case of that vessel. How far that judgment has been universally concurred in and approved of is not for me to inquire. If there be those who disapprove it, I am certainly not at liberty to include myself in that number, because the decisions of that court bind authoritatively the judicial conscience of this, its decisions must be conformed to, and its principles practically adopted. The principle laid down in that case appears to be, that the slave trade carried on by a vessel belonging to a subject of the United States, is a trade which (being unprotected by the domestic regulations of legislature and government,) subjects the vessel engaged in it to a sentence of condemnation. If the ship should therefore turn out to be an American actually so employed, and it matters not, in my opinion, in what stage of the employment, whether in the inception, or the prosecution, or the consummation of it, the case of the *Amedie* will bind the conscience of this court to the effect of compelling it to pronounce sentence of confiscation.”—And in

The case of the "Donna Mariana," that learned judge, when treating on the subject of the *right* of the Court of Admiralty to inquire into the *actual legal title* of all persons claiming property in slaves, or asserting a right of carrying on the slave trade, speaks to the following effect, viz.—"The first question is, whether this court is at liberty to inquire into the *title* of this ship, which was at the time of capture navigating under the Portuguese flag, and has been claimed as Portuguese property. *It is obvious to remark that if no such authority rests in this court, there must be an end of the operation of the act of parliament.* It cannot be considered as any *hardship* upon the subjects of those countries which still carry on the slave trade, *that it should possess such a power. It can be no unconstitutional breach of the law of nations to require, that where a claim is offered on the ground that the property belongs to the subjects of a country which still permits this trade, the burthen of giving proof of the property should lie upon those who set it up.*" And lest it should be urged, as it doubtless might be, that the several cases to which I have adverted relate solely to the Court of Admiralty, *while sitting as a Court of Prize*, and by no means refer to the *revenue branch of its department*, I shall conclude by extracting from Sir William Scott's judgment in the case of the "Diana," *which arose on an appeal to the High Court of Admiralty, in its appellate jurisdiction, from the Instance Court at Sierra Leone*, the following passage, which I trust will be found sufficient to conclude the most sceptical reasoner on this point, viz.—"Objections, however, have been taken to the jurisdiction upon two points: in the first place, it has been said that the sentence of the court below, condemning the property to the Crown, was a prize sentence, and consequently that the appeal ought to have been made to the Privy Council, and *not to the Instance Court of Admiralty, which is a mere municipal tribunal.* It has likewise been said, that supposing this court to be possessed of an *appellate jurisdiction, still it has no jurisdiction over the question itself, which depends altogether upon the jus gentium.* But I think the proceedings of the parties have sufficiently founded the jurisdiction in the cause, and *I am by no means clear that a court of civil jurisdiction might not otherwise have adjudicated on a question of this kind, and have excluded a claim asserted to be founded on principles contrary to general justice. The general injustice of a claim may be the subject of cognizance in a municipal court, a claim founded on piracy, or any other act which in the general estimation of mankind is held to be illegal and immoral, might, I presume, be rejected in any court upon that ground alone.* I am of opinion therefore that neither of the objections which have been taken are founded."

The right of the Court of Admiralty to entertain and decide upon the question of freedom in all such cases having been thus plainly demonstrated, as it may be contended that it would carry somewhat of the appearance of hardship towards the individuals themselves, to subject them to forfeiture and condemnation before that tribunal, by which means they would afterwards be obliged to undergo a qualified service for a limited period as apprentices, I would only in reply to such objection state my firm conviction, that it would be found as a *general principle* most for the benefit of persons so situated to have their cases brought under the cognizance of and decided by that court, as they thereby alone could be held entitled to the benefit of the benevolent provisions made by His Majesty's Government for persons in their probably ignorant and unprotected state, by the 23d clause of the Slave Consolidation Bill, which renders it lawful "*for His Majesty, His Heirs or Successors, or for any officer, civil or military, to deal with, protect and provide for, persons illegally held and detained in slavery, in such and the same manner as is therein directed with respect to persons condemned as prize of war, or as forfeited under that Act.*"

Every point connected with the consideration of the cases of the persons, "Grace" and "Robert," either *legally* or *morally*, having now, as I trust, been sufficiently embraced by the foregoing observations, I feel it incumbent on me, before I conclude, to remove a charge of inconsistency, which (as it is impossible for me to shut my ears to what is passing in the world) I am aware has been attempted to be preferred against me, it being alleged that *my present sentiments* are totally at variance with those delivered on a recent occasion, when nine fugitive slaves who had escaped from Guadaloupe to Barbuda, and were brought over from thence to this island, were seized by your department, and about to be prosecuted in the Court of Vice-Admiralty.

Admiralty. Between that case, however, and the present, I must be permitted to say, *that there exists not the slightest similarity*. The question for decision there, turned on the propriety of bringing to adjudication in the Court of Admiralty, *under our own municipal regulations only, slaves belonging to the subjects of France, a foreign state, whose legal right of property under their own laws stood primâ facie clearly established by regularly authenticated documents under the seal of the governor of Guadaloupe*, to whose official acts I considered that every credit ought to have been attached, and that the subjects of his government *ought not under such circumstances* to be held bound to incur the inconvenience and expense of further substantiating their claim of ownership before our municipal courts, more particularly when it appeared, that agreeably to the existing provisions of the Slave Trade Consolidation Bill, they were not likely, if such a course of proceeding were adopted, ever specifically to recover their property, in the event of an appeal from any decision to be made by the Court of Vice-Admiralty.

The agitation therefore of the general question of the right of detaining fugitive slaves from foreign colonies, and refusing restitution, *when the claims of the proprietors were duly and legally established*, appearing to me to be fraught with the most dangerous consequences to the West India interests, and to involve highly important political considerations between Great Britain and France, I did not hesitate to recommend to the Commander-in-Chief to suspend proceedings *on such strong grounds*, until the pleasure of our government should be communicated, and I felt myself fully warranted in doing so, *by the extreme novelty of the question, for which no provision existed by law*, and considered myself supported in offering that opinion, by the authority of the following observations made by Sir William Scott, in the case of the "Recovery," wherein he draws *the clear distinction which ought always to be observed by our courts, between the cases of foreigners and British subjects*, viz: "The Court of Admiralty is a *Court of Revenue* in one of its branches, *in its appellate jurisdiction at least*, and appears to be so intended to act *originally* in the cases specified in the statute referred to. But I am now sitting in a Court of Prize, and the prayer that is addressed to that court is, that it would inflict the penalties of the Revenue Court on a foreign ship and cargo that is brought before it on a seizure of war. I should have been glad to have heard under what authority the Court of Admiralty could mingle its jurisdiction in this manner. As to the authority of precedents, I will take on myself to say there are none. The cases that have been mentioned were not of that description; they were not cases in which the courts that decided them took on themselves to exercise the jurisdiction of the Revenue Court, or to inflict the penalties growing out of that species of law. *What they did was only to reject the claim of British subjects in a Prize Court, in a transaction which evidently showed those individuals to have been acting in violation of the laws of their country, which they were bound to observe*. That is a well known doctrine recently introduced, and which has not been applied without leaving considerable difficulties behind it. There is on one side the difficulty of transplanting the consequences of one species of law to another system: on the other *there is the difficulty of admitting a British subject to set up a demand in a court of justice for an interest which he cannot sustain without showing himself to have acquired it in violation of the laws of his country*. But there is *no instance* in which the same principle has been applied to *foreigners*. In some cases where it has been pressed in argument, the court has invariably resisted the application; and there are many reasons which would make me very unwilling to take on myself the extension of the principle, without having it imposed upon me by the authority of the superior court. It is a question of very great importance, and if all other considerations were out of the way, a sense of propriety alone would deter me from extending the principle in a case in which it came only *incidentally and indirectly* before me. *It is asked, if you apply such a principle to the claims of British subjects, why not also to those of other nations? Some distinctions are obvious*. In the first place it is to be recollected, that this is a court of the *law of nations*; though sitting here under the authority of the King of Great Britain, it belongs to other nations as well as to our own, and what *foreigners* have a right to demand from it, *is the administration of the law of nations, simply and exclusively of the introduction of principles borrowed from our own municipal jurisprudence, to which, it is well known, they have at all times expressed no inconsiderable repugnance*.

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“ In the case of a British subject it is different. To him it is a British tribunal, as well as a court of the law of nations, and if he has been trampling on the known laws of his country, it is no injustice to say, that a person coming into any of the courts of his own country to which he is naturally amenable on such a transaction, can receive no protection from them. This difference of situation does, I think, afford a sound and material distinction. As to foreign nations and their subjects, the breach of our prohibitions of trade are merely mala prohibita; it is an offence against the peculiar law of this country, which they may justly demand to have tried more distinctly under that system of law to which it properly belongs. With respect to a British subject, the violation of the laws of his own country carries with it also the malum in se; and therefore it is no injustice to him, that his claim should be subject to rules which this court may not think itself at liberty to apply to the subjects of foreign states.”

Between the cases, then, of the negroes from Guadaloupe and those now under consideration, it must consequently be readily conceded, that there can really be found no kind of analogy.

That His Majesty's Government would appear to have entertained the same view of the subject which I had taken on the former occasion, I am led to infer from a motion which was recently made in the House of Commons by Mr. Wilmot Horton, for leave to bring in a bill for amending the Consolidation Act relating to the Slave Trade, and making provisions therein for the restitution of fugitive slaves from foreign colonies, the passing of which I have long most anxiously awaited; and from the communication of Earl Bathurst to the Commander-in-Chief on the subject, in which he declares him “ to have exercised a sound discretion in staying the proceedings in the Admiralty Court against the negroes from Guadaloupe, under the very peculiar circumstances of the case.”

How far his Lordship may be inclined to pass a like eulogium on the present, to me, glaringly impolitic and injudicious measures, I shall not undertake to conjecture; while I fearlessly submit my conduct and motives for the decision of His Majesty's Government, entertaining individually but very little doubt as to the result.

With many apologies for the prolixity of this statement, into which I have been altogether betrayed by my extreme anxiety to render myself clearly intelligible,

I have, &c.

(signed) *Rich^d Musgrave,*
Solicitor-General and Acting Advocate-General.

To the Collector and Comptroller of
H. M. Customs, Saint John's.

Enclosure
N^o 2.

At a Meeting of His Honour the Commander-in-Chief with the Members of His Privy Council, held by Special Summons at the Government House, on the 15th August 1825.

Present:—His Honour Samuel Athill, Commander-in-Chief; the Hon. Samuel Warner, a Judge of the Court of Common Pleas; the Hon. Meade H. Daniell; the Hon. William Byam, a Judge of the Court of Common Pleas; the Hon. and Rev. S. W. Harman, a Judge of the Court of Common Pleas; the Hon. Kean B. Osborn; the Hon. Samuel Harman.

THE Council having taken into its serious consideration the alarming consequences of the allegations contained in two petitions presented to it from Wm. Burnthorn, esq. and Mrs. Ann Allan, complaining of the oppressive and *ex post facto* application of the law denominated the “Slave Consolidated Act,” the operations of which only commenced in the year 1824, whereas the alleged violation and pretext of seizure are acknowledged to have occurred long antecedent thereto; and the Council, viewing the vital importance and injurious tendency of doctrines so dangerous, instigated by the worst and most impolitic motives, involving the sacred right of private property and the constitutional existence of the colony, resolve

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resolve unanimously, That his Honour the Commander-in-Chief be earnestly solicited and strenuously recommended to interpose his legitimate authority in arresting the proceedings of the Court of Admiralty in the two cases alluded to, and now on the eve of trial; and in preventing a recurrence of measures so likely to endanger, if not totally, in their progress, to alienate the inheritance of all His Majesty's subjects possessing slaves in this part of His dominions, until His royal pleasure shall be sought and obtained on a grievance now for the first time agitated to the injustice of this unfortunate country.

By command,

(signed) *Rob' Dunbar,*
D^r Secretary.

A true Copy,

(signed) *C. Taylor,*
P. Sec^r.

Sir,

Government House, August 15th, 1825.

Enclosure
N^o 3.

I HAVE the honour to forward for your information a copy of the proceedings of a Privy Council convened this day, to take into consideration the petitions of Mrs. Ann Allan and William Burnthorn, esq., in consequence of the seizure, and proposed trial in the Court of Vice-Admiralty, of two persons, their property, named Grace and Robert.

I am to express to you, that the Council, having seriously deliberated on the circumstances of the cases, and having prayed my interference to stay proceedings against the parties, I accordingly require you not to take any further steps in the business until I shall direct it. I propose without delay to submit the particulars of the case to His Majesty's Minister for the Colonial Department.

I have, &c.

Hon. Richard Musgrave,
Solicitor-General,
&c. &c. &c.

(signed) *Samuel Athill.*

Sir,

Saint John's, 16th August, 1825.

Enclosure
N^o 4.

I HAVE to acknowledge the receipt of your Honour's communication of this morning's date, accompanying a Resolution of the Board of Council passed at its sitting yesterday.

I have, &c.

(signed) *Richard Musgrave,*
Solicitor General.

To his Honour the Commander-in-Chief,
&c. &c. &c.

Sir,

Private Secretary's Office, August 16th, 1825.

Enclosure
N^o 5.

IN reference to the communication, and its enclosure, from the Commander-in-Chief, of yesterday's date, forwarded to you this morning, I am directed by his Honour to acquaint you that he has just perceived that he has confined his request to stay proceedings, in the two cases only, as therein alluded to, whereas the resolution of the Privy Council *went to include all similar cases that should occur*: his Honour will therefore beg you to excuse his making this omission, and that you will have the goodness to act accordingly.

I have, &c.

(signed) *C. Taylor, P. Secy.*

To the Honourable Richard Musgrave,
Solicitor General.

INFORMATION RELATING TO

Enclosure
N° 6.

Sir,

Saint John's, 17th August, 1825.

I RECEIVED last night the communication of your Private Secretary, explanatory of your Honour's letter of the preceding day, on the subject of the petitions of Mrs. Allan and Mr. Burnthorn, and requiring me "to consider such letter as including all similar cases which may occur in this island." As your Honour has not been pleased to furnish me with copies of the documents in question, and I am consequently wholly unacquainted with the particular circumstances by which the Privy Council may have been influenced in framing its resolution, and as the two persons claimed as slaves by the petitioners were undoubtedly seized by the officers of the Customs, and would have been prosecuted by me in the Vice-Admiralty Court (had not the proceedings been thus arrested) for *several* and *distinct* causes of forfeiture, I must request the favour of your Honour more accurately to define, for my information and guidance, to what extent it is really your intention, as Commander-in-Chief, to control the future proceedings of the Custom House, and to preclude me, as the law officer appointed by His Majesty's Government, from carrying into operation, in Antigua, the provisions of the British acts of parliament relating to the slave trade, when infringed by British subjects, in order that I may be enabled (as I feel myself bound to do in my official capacity), by the ensuing packet, clearly to lay the whole of this very serious matter before Earl Bathurst, for his Lordship's consideration and decision.

I have, &c.

(signed) *Richard Musgrave*,
Solicitor General.To his Honour the Commander-in-Chief,
&c. &c. &c.Enclosure
N° 7.

Sir,

Government House, August 17th, 1825.

I AM favoured with your communication of this date. I was sorry to find that in the letter I wrote to you accompanying the resolution of the Privy Council, I had confined my restriction on proceeding to the cases of Grace and Robert, while the desire of the Board was extended to a wish that I would prevent a recurrence of any *similar measures until the royal pleasure was known*. I supplied you with the proceedings of the Privy Council at large, I have no other document except the petitions, if you wish for copies of those, and you will apply to the Private Secretary, they shall be delivered; I can have no objection to your communicating the whole of this matter to Earl Bathurst, and have already informed you I intend to do so.

I have, &c.

To the Hon. Richard Musgrave,
Solicitor General,
&c. &c. &c.(signed) *Samuel Athill*.Enclosure
N° 8.

Sir,

St. John's, 17th August 1825.

I REGRET exceedingly to give your Honour so much trouble; but as the reply to my letter of this morning, with which you have just favoured me, does not afford the information which I was anxious to obtain, I am again reluctantly compelled to intrude myself on your attention, and inquire whether, by the general terms in which you have expressed yourself, I am to understand it to be your order that I shall, as the law officer of the Crown, *suspend all proceedings whatever in the Vice-Admiralty Court under the Slave Acts, until the Royal pleasure shall be known*; or whether I am to be held interdicted only in *special cases, and under what circumstances?* I am the more particularly induced to make this inquiry, as there is a prosecution now actually depending of a mulatto girl, seized for an illegal importation into this island from the foreign colony of Saint Martin's, which probably your Honour may not be disposed to comprehend within the terms of the general restriction

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restriction which your instructions would at present appear to impose. I feel much obliged by your offer of furnishing me with copies of the petitions of Mrs. Allan and Mr. Burnthorn, which I will pray the favour of your Honour to direct your secretary to prepare for me.

I have, &c.

(signed) *Richard Musgrave,*

To His Honour the Commander-in-Chief,
&c. &c. &c.

Solicitor-General.

Sir,

Government House, August 17th, 1825.

Enclosure
N° 9.

I AM exceedingly sorry I have so little power to explain my meaning to you. The proceedings of the Privy Council, and my consequent communication, attach to cases of a particular, peculiar, and novel nature, and by no means extend to a general interdiction of your conduct in the Court of Vice-Admiralty, as the law officer of the Crown.

I do not think any thing that has passed applies in the most distant manner to the prosecution in which you are engaged, of a mulatto girl for illegal importation from the foreign colony of St. Martin's. I forward copies of the petitions.

To the Honourable Richard Musgrave,
Solicitor-General.

I have, &c.

(signed) *Samuel Athill.*

To His Honour Samuel Athill, Esq., Commander-in-Chief for the time being, in and over His Majesty's Islands of Antigua, Montserrat, and Barbuda, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c. &c.

Enclosure
N° 10

The humble Petition of William Burnthorn, of the said Island, Esquire,

Showeth,

THAT your Petitioner quitted this island, with his family, in the year 1815, for England, and carried with him a certain slave, belonging to himself (your petitioner) named Robert; that your petitioner sent the said slave back to this island in the year 1818, in a British merchant vessel, and that he has continued in Antigua ever since; that in the year 1821 the said slave Robert was duly registered by your petitioner in the office of Registrar of Slaves of this island, by permission of his Excellency Major-General Sir Benjamin D'Urban, the then Captain-General and Governor-in-Chief of the same:

That the said slave has from that period, and until the 12th day of this present month of August, remained with your petitioner in the capacity of house servant:

That about three weeks since the said slave Robert called upon George Wyke, esq., the Collector of His Majesty's Customs, and represented to him that he was illegally held in slavery; when the Collector, as your petitioner is informed, after inquiring into the circumstances alleged by the said slave Robert, told him he had nothing to do with him, and referred him to the Solicitor-General:

That the said slave Robert subsequently called upon Charles Chipchase, esq., a waiter of His Majesty's Customs, and again set up the plea of being illegally held in slavery; but that Mr. Chipchase, after hearing his story, recommended him to return to your petitioner:

That a day or two since, Mr. Chipchase having business with the Honourable Richard Musgrave, His Majesty's Procurator-General, was informed by him that the said slave Robert was liable to seizure. In consequence of which, he has been detained by Mr. Chipchase, to the great injury of your petitioner:

That as the said slave Robert is *bonâ fide* the property of your petitioner, and as your petitioner did not clandestinely carry him to, or send him from England, and as he has not contravened any of the laws regarding the removal of slaves,

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(which took effect subsequent to the arrival in this island of the said slave Robert,) he humbly conceives himself fairly entitled to have the said slave returned to him.

Your petitioner, therefore, humbly prays that your Honour will take the circumstances of his case into consideration, and grant him such relief as to your Honour may seem just and proper.

And your petitioner, as in duty bound, will ever pray, &c.

(signed) *W^m Burnthorn.*

August 15th, 1825.

A true Copy,

(signed) *C. Taylor,*
P. Secretary.

Enclosure
N^o 11.

To his Honour Samuel Athill, Commander-in-Chief for the time being, in and over His Majesty's Islands of Antigua, Montserrat and Barbuda, Chancellor, Vice-Admiral, and Ordinary of the same, &c, &c. &c.

The humble Petition of Ann Allan of said Island,

Showeth,

THAT your petitioner some time in the year of 1822 went to England for the benefit of her health, and that she carried with her a certain slave called Grace, belonging to herself; that she returned again to this island early in the year of 1823, and that she brought the said slave Grace back with her; that she has continued about her in the capacity of waitingmaid ever since, until the 9th day of the present month, when she quitted the petitioner's service, and that on the day following your petitioner received a letter from the Collector of His Majesty's Customs expressing his regret at the unpleasant circumstance, but at the same time informing your petitioner that "one of his officers, Mr. Chipchase, had seized the said Grace, for a violation of one of the clauses of the Consolidated Slave Act, inasmuch as the said slave was not brought to the Custom House on her arrival in this island from England, and that it was his duty to carry the seizure into court." That your petitioner before she can put in a claim for the said slave Grace, must deposit the sum of 60 *l.* sterling, and in the event of condemnation, the greatest part will be forfeited to pay the expense of the court; that your petitioner is likewise informed that if she does not claim the said slave, she will be condemned as a matter of course for want of claim; that the said slave still remains away from the service of your petitioner, and refuses to return to it again.

Your petitioner, therefore prays, that your Honour will take the premises into your serious consideration, and grant such relief as in your wisdom you shall think fit.

And your petitioner, as in duty bound, will ever pray.

(signed) *Ann Allan.*

Saint's John's, }
12th August 1825. }

A true Copy,

(signed) *C. Taylor, P. Secy.*

Enclosure
N^o 12.

Gentlemen,

St. John's, 28 August 1825.

I BEG leave to transmit for your information and that of the Board of Customs, a copy of a further communication which I received from his Honour the Commander-in-Chief (subsequently to the letter addressed by me to your department, under date of the 20th instant, on the subject of the two cases of the two persons "Grace" and "Robert," therein referred to), from which you will learn that I have also been imperatively required to stay proceedings in the Vice-Admiralty Court, against two other persons, called "John Smith" and "Rachael," lately seized by Mr. Chipchase, and intended by me to be prosecuted principally on the ground of an
"illegal

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“ illegal importation into this island from the British colony of Barbados,” as alleged in the report of that officer made to you of the cause of seizure, a copy of which is annexed.

To such directions, extraordinary as they may appear, I deem it almost unnecessary for me to apprise you of my intention to yield obedience, for the reasons assigned in my former letter.

On the strange inconsistency of conduct evinced by Mr. Athill, in thus completely departing from the principle on which he originally professed to act, in interposing in the cases of “ Grace” and “ Robert,” (and which I considered to have been unequivocally laid down by him, as being intended only to be applicable to persons in a similar situation, as having been brought here from Great Britain, agreeably to my construction of the correspondence which took place between us, of which you are already in possession), I feel that it would be superfluous to offer the slightest comment, as it cannot now fail to be obvious to His Majesty’s Government that the opposition which has been offered, and the control which has been attempted to be exercised over my proceedings as the law officer of the Crown, in the cases to which I have alluded, have not, in truth, arisen out of any circumstances of a “ peculiar, novel or extraordinary nature affecting the general “ interests of the colony,” as pretended by the Executive and Privy Council, but may with more propriety be traced to a general disposition on their part to impede, as far as may be possible, the future operation in Antigua, of any provisions whatever of the British acts of parliament passed for the abolition of the slave trade, which I must now consequently consider as being wholly suspended until the royal pleasure shall be made known.

Having in my preceding letter already so fully entered into every point connected with the present measure, I shall not further trespass on your attention than to request that you will obtain, through the medium of your Board, from His Majesty’s Government, such instructions for your guidance, and my information as the law officer of the Crown, as may serve to regulate my conduct on future similar occasions.

I have, &c.

(signed) *Richard Musgrave.*

To the Collector and Comptroller
of His Majesty’s Customs,
St. John’s.

Sir,

Government House, August 26th, 1825.

Enclosure
N° 13-

A CASE, apparently to me of very considerable hardship to Mrs. Haverkam, in the seizure of her slaves, “ John Smith” and “ Rachael” for trial in the court of Vice-Admiralty, having been represented to me, and although there is a difference in this from those in which I have thought proper to suspend your proceeding until the pleasure of the King’s Government be ascertained, yet, as it appears to me to be very similar, I am to direct that you postpone proceeding to trial of the two persons until further particulars respecting the case can be made known to me, or until, in this cause, His Majesty’s pleasure can be further ascertained. These occurrences are exceedingly painful to me, acting as I am necessarily obliged to do on my own judgment.

I have, &c.

(signed) *Samuel Athill.*

To the Honourable Richard Musgrave,
Solicitor-General,
&c. &c. &c.

Gentlemen,

Custom House, St. John’s, 23d August 1825.

Enclosure
N° 14-

A MONGREL man named John Smith, and his sister Rachael, have this morning applied to me under the following circumstances:—

That a few years since they went from this island to Gibraltar with their mistress, Mrs. Watts, the wife of Captain Watts of the army, and having remained there some time, and not liking the climate, they were sent from thence to the island of Barbados,

Barbados, in a transport, about the year 1819, and landed there with a pass as free persons, where they remained as such some months; and that they gave the said free pass to a Mr. Braithwaite of that island, who promised to have it registered for them; that they were afterwards taken possession of by virtue of a power of attorney from this island, put on board the army schooner, *Engineer*, and landed at English Harbour early in 1820, as slaves, and sent to Mrs. Haverkam, the mother of Mrs. Watts, who has detained them as slaves ever since; and that on their arrival here from Barbados, they were not produced at the Custom-house, nor was there any certificate of registration or governor's licence to send them from Barbados as slaves.

I have therefore seized them as liable to forfeiture to the use of His Majesty, under the 5th Geo. IV. c. 113.

I have, &c.

(signed) *Charles Chipchase.*

A true Copy.

(signed) *C. Taylor, P. Secy.*

No. 6.

Copy of a Letter from Mr. R^d Musgrave, Solicitor and Procurator-General, to Earl Bathurst: (with two Enclosures.)

My Lord,

Antigua, 3d September 1825.

With two
Enclosures.

THE mail-boat having been detained under the orders of his Honour the Commander-in-Chief, beyond the usual period limited for its sailing, an opportunity is afforded me of apprizing your Lordship, that subsequently to my communication of the 31st ultimo, herewith transmitted, a meeting of both Houses of Legislature was held on the 1st instant, when the official report already mentioned to have been made by me to Mr. Athill, in obedience to his directions, of the legal grounds of seizure in the several cases which were intended for prosecution in the Vice-Admiralty Court, was laid before the House, whereupon a free conference with the Council was immediately moved for and obtained. On this conference *five* members out of seven were appointed by that Board, among whom (contrary to parliamentary usage) was *Mr. President Warner*, and the two other Judges of the Common Pleas, Mr. Byam and the Rev. Mr. Harman, and ten from the House of Assembly. The result of which conference was a report to both Houses, "That a more voluminous document on the subject of such seizures, highly reflecting on the Legislature, and the general administration of justice in the colony had been forwarded by the Solicitor-General to the Collector of the Customs for transmission to His Majesty's Government, which it was necessary should have been laid before both Houses;" and I was a second time peremptorily required in my place to furnish such document, under pain of commitment. This requisition I again opposed, as an arbitrary invasion of the rights and privileges of my office; and a *second* address was moved for and carried to the Commander-in-Chief, "desiring me *forthwith* to lay such documents before him, to be submitted to the House at its sitting on the ensuing day," to which an adjournment was accordingly made.

Unwilling to oppose the executive authority in the slightest degree, I did not hesitate (on receiving his instructions so to do,) to lay before his Honour and the House, my Report, N^o 1, to the Custom-House, *at full length*, of which a copy is herewith forwarded to your Lordship. On perusal of which, most of the members appeared to declare themselves satisfied with the propriety of my conduct. When before any decision had taken place on the subject, a message was received from the Board of Council, penned in the *handwriting of Mr. President Warner*, himself, declaring "that that Board had *undoubted* reason to believe that *two* documents had been forwarded to the Collector of the Customs, by the Solicitor-General, *one* of which was more replete than the other with calumnious and detractive accusations

“accusations against the colony, and calculated to disparage and degrade the constituted authorities, the administration of justice, and the general administration of the government; and suggesting the propriety of *peremptorily* calling upon me for the production of *both* letters.” A motion to that effect was accordingly made in the House, when at their request, I consented so far to waive the privileges of my office, as to consider the order to do so as having been already made by the Commander-in-Chief (with the liberal view of obviating the delay which would otherwise have been consequent on preparing and presenting an address), and proceeded to lay before the assembly a copy of my Report to the Customs, marked N^o 2, on the subject of the two persons, “Rachael” and “John Smith,” (of which a copy is also herewith forwarded to your Lordship) when to my utter surprize (such having been the effect of local interest and influence, which had been exerted during the short space of twenty-four hours) a resolution *evidently predetermined upon*, was moved and carried by a large majority, declaring “such Report” obtained from me under the circumstances which I have mentioned) to be a “*gross libel*” on his Honour the Commander-in-Chief and the Members of his Privy Council, to whom collectively and individually the thanks of the House were directed to be conveyed by the Speaker, for the very judicious interposition of their authority in restraining the proceedings about to be instituted in the Vice-Admiralty Court by the Solicitor-General, at the instance of the officers of the Customs, in certain cases of seizure arising under the Abolition Acts. Thus completely identifying the lower House with all the previous violent and intemperate proceedings of the Board of Council. Whether the observations contained in that Report, and the inference which I ventured to draw from the conduct of Mr. Athill, as to the real motives for the interference of the Privy Council and himself with my proceedings, as the law-officer of the Crown, under the Slave Act, (as collected by me from the correspondence between us, copies of which will also herewith be placed before your Lordship) be or be not justifiable, (when it is to be recollected that they were only used by me, and intended for the view of His Majesty’s Government, to whom I considered myself called upon to state my conscientious and real opinion on the subject) it will of course remain for your Lordship to determine, and without presuming to hazard a conjecture as to the result, I most readily submit my honour and character to your decision on the present occasion.

After the passing of a resolution reflecting so severely on my character as an officer of the Crown, acting (however erroneously) in the upright and disinterested discharge of my public duty, finding it wholly irreconcilable with my principles and feelings to continue any longer a member of the House, I immediately tendered to the Speaker, in my place, my resignation of a seat which I had filled during thirteen years residence in the colony, and quitted the House. Subsequently to which I, by letter, more formally completed the act of resignation.

This step I deemed it prudent to take, in order to obviate any future attempt on the part of the House to exercise any power over me *personally* as an individual member, and I trust your Lordship will therefore approve of my having done so, and not attribute my conduct to any improper motive.

The legislature continued sitting for several hours after my departure with closed doors, and I am consequently unable to acquaint your Lordship with their further proceedings, which I am, however, given to understand from general report, were directed to an application proposed to be made to the Commander-in-Chief for my suspension from office, and the preparation of a memorial to His Majesty’s Government on the subject of the seizures complained of, wherein my conduct and motives are intended to be fully brought under your Lordship’s consideration, as the grounds of such suspension, which I am consequently led hourly to anticipate.

Such, my Lord, is the system of persecution which has been adopted against me by the legislature of this community, after thirteen years *tranquil* residence, *solely* on account of my having given a *legal* opinion in the discharge of my official duty as His Majesty’s Solicitor-General; a system which cannot fail vitally to affect my private interests and professional advancement in the colony, as it must be perfectly obvious to your Lordship that while I thus continue to labour in the estimation of the inhabitants under the marked displeasure of persons, almost all of whom are by our local enactments, chancellors and judges in our courts of law and equity, I must have but a very faint chance of any thing like professional employment in cases which are to be submitted to such tribunals for decision, and then my prospects,

hitherto

hitherto fair, of making a provision for an increasing family, must necessarily (without your Lordship's timely interposition on my behalf,) be likely to be eventually wholly blasted. Whatever may have been, or may be my errors in judgment, your Lordship will, I feel persuaded, be inclined to respect my motives on the present occasion, when I candidly apprise you that I am myself a West Indian by birth, and a proprietor of a West India sugar estate, (on which, though deeply involved in debt to the English merchant, as property of that description will unhappily be pretty generally found to be in these colonies at the present period, the future subsistence of a wife and children must, in the event of my death, solely depend,) but who, from having been educated in England, and having early in life imbibed British principles, often dare, as on the present occasion, to rise superior to long established Creolian habits and prejudices which it is my most anxious wish to see finally evercome by my brother colonists, and more effectually give place to that gradual system of general improvement in the original constitution of these colonies, so earnestly recommended and desired by every real friend to their interests.

Before I conclude this, as I am aware already, tiresome intrusion upon your Lordship's valuable time and attention, I feel it due to my own character to remove an impression to my prejudice, which I anticipate will be attempted to be made on the present occasion. It being in the contemplation of my opponents to charge me with having *officiously* and improperly brought the subject of this correspondence under public consideration.

With what degree of justice such a charge can be pressed against me, your Lordship will be able to decide, by reference to a copy of a letter annexed, addressed to me by the Collector of the Customs, so far back as the month of April last, wherein the question of the right to freedom of persons who had been in England, is *distinctly* submitted for my *official* opinion, and from the answer given by me to that letter, (a copy of which will also be found annexed,) your Lordship will perceive that the conference alluded to by me in my Report, No. 1. to have taken place between the Collector and myself on the subject, occurred on that particular occasion.

In that case it is necessary for me to remark, that *no claim was interposed* on the part of the pretended owner of the slave, and consequently as *no act of illegality appeared before the court*, except those arising out of a breach of the Slave Acts, the condemnation passed *sub silentio* on those grounds *alone*.

Having thus put your Lordship fairly into possession of every circumstance within my knowledge, connected with this very unpleasant business, I have only with regard to his Honour the Commander-in-Chief to express the high sentiments of consideration and personal respect which I have been ever accustomed (from a long and intimate course of private friendship) to entertain for him individually, and to declare my perfect conviction of his having suffered his better judgment to be misled in this instance by the highly intemperate, impolitic, and improper advice of the whole of his Privy Council, (with the single exception of the Chief Justice, Mr. Horsford, who, it affords me much satisfaction to state to your Lordship, has in perfect conformity to *his* judicial character, very prudently declined taking any part in, or offering any opinion on the late ill-advised measures,) to which from very advanced age, ill health, and hourly increasing infirmity, he has felt himself incapable of offering the slightest opposition. In the event of the death of this highly respectable gentleman, Mr. Athill, (which I lament to say may be very probably anticipated,) before the arrival of Sir Patrick Ross, the reins of government will necessarily, as your Lordship will observe, fall into the hands of *Mr. President Warner*, during whose administration, from the very violent measures framed by him on the present occasion, your Lordship may very reasonably imagine the painful situation in which, as the law officer of the Crown, I shall inevitably be placed. Your Lordship will therefore, I trust, be induced to pardon the reiteration of my most earnest and respectful entreaties to take my case into your *earliest* consideration, and afford me that protection and relief which I feel myself justly entitled to solicit at your hands.

I have, &c.

(signed) *Richard Musgrave.*

Solicitor and Procurator General of Antigua, &c.

To the Right Honourable
The Earl Bathurst, K. G.
&c. &c. &c.

Custom House, Antigua, 16th April 1825.

THE bearer, "Richard Daniel," came to me about three weeks ago to claim my protection, under nearly similar circumstances with the mulatto woman, "Nelly Christian," who, with her child, (born since her return to this island) I seized under the "Abolition Act;" and for whose benefit you are about to institute proceedings in the Court of Vice-Admiralty. The only difference in the case of the present person to that of the woman in question is, as to time of return to this country, and which, at the period of this man's first coming to claim my protection, I thought did not entitle him to my interference to obtain his liberation from slavery, and I then hastily dismissed him, and desired him to return to his owner. But upon reflection since, it has occurred to me, that where so momentous a point as the liberty of the subject is concerned, I should be derelicting from my duty, did I not avail myself of the assistance of His Majesty's law officer, where a doubt existed in my mind.

I therefore beg the favour of you *opinion, whether* this man, "Richard Daniel" *having gone to England with his master, where he remained some little time, and was promised his freedom by his master when he brought him again to this country, does, or not, entitle him to my interference to obtain his freedom?* I think it right to state that I felt it my duty to send for this man, in order that he might have the benefit of telling his own story to you.

I have, &c.

(signed) *Geo. Wyke, Collr.*

The Hon. Richard Musgrave,
Acting Advocate General.

Enclosures
in N° 6.

Enclosure
N° 1.

Sir,

Saint John's, 18th April 1825.

Enclosure
N° 2.

I BEG leave to acknowledge the receipt of your letter of Saturday, relating to Richard Daniel, a negro man, alleged to have been formerly a slave of Mrs. Reed. Under the circumstances which you have stated, I have no hesitation in recommending you to seize the man in question, and if you will do me the favour to call at my office at any time most convenient to yourself, I will take the necessary measures for instituting proceedings in the Vice-Admiralty Court, agreeably to the provisions of the Slave Trade Consolidation Bill.

I have, &c.

(signed) *Richard Musgrave,*
Solicitor and Procurator-General.

To George Wyke, Esq.
Collector H. M. Customs, &c. &c. St. John's.

No. 7.

Copy of a Letter from Mr. Wyke, Collector of Customs,
to Mr. Wilmot Horton.

Sir,

Custom House, Antigua, 30th August 1825.

I FEEL it my duty to apprise you, for Earl Bathurst's information, of the seizure by my officers of some "slaves" in this island, and which has caused much sensation in it, and has also been a subject of consideration by the legislature, (as Earl Bathurst will be apprized by the Commander-in-Chief, Mr. Athill.)

I beg leave respectfully to state the circumstances which led to the seizures alluded to. These slaves having gone to England with their masters and mistresses, where they remained some time, (and where of course they must have been considered free persons, have lately called upon the officers of this department to claim their

INFORMATION RELATING TO

their emancipation; and although it appeared to us to be a good ground for restoring these persons again to freedom, "their having once enjoyed the full rights of British subjects," yet, we considered it might *moot* a *question* in these islands which would occasion great discontent on this side of the water; and as the provisions of the "*Abolition Acts*," under which they might fairly come, for all the purposes of freeing these people, I deemed it right to cause the informations for bringing them before the court of Vice-Admiralty so to be framed under the "*Consolidation Abolition Act*," as to make the cause of seizure, "their being "improperly imported into this island since the *Abolition Acts*;" leaving out the circumstance of their having been in England,

Mr. Athill, the Commander-in-Chief, has put a stop to the proceedings in the Court of Vice-Admiralty in these cases, until the pleasure of His Majesty's Government is known; and as he will have the honour of addressing himself fully to Earl Bathurst on this subject, by the present opportunity, I need only say that I await his Lordship's further orders thereon.

I have, &c.

(signed) *George Wyke*,

Collector of His Majesty's Customs.

Robert Wilmot Horton, Esq. M. P.
&c. &c. &c.

P. S. The persons seized, as alluded to herein, are now in my custody, where they will remain until I receive my Lord Bathurst's further orders thereon.

I have, &c.

G. W. Collector.

No. 8.

Copy of a Dispatch from Earl Bathurst to the Officer administering the Government of Antigua.

N^o 24.

Sir,

Downing Street, 21st January 1826,

I HAVE the honour to acknowledge the receipt of your three several dispatches, dated the 2d and 3d of September last, with their enclosures, which, together with a memorial addressed to the Lords Commissioners of His Majesty's Treasury, by the Commissioners of Customs; a petition addressed to me by Grace James, a free woman of colour, of the island of Antigua; two letters addressed to me by Mr. Musgrave, dated 31st of August, and 3d of September last, with their enclosures; and a letter addressed to me by Mr. Wyke, dated the 30th of August last, all relating to the proceedings which have taken place in Antigua, for establishing the right to freedom of Grace James, and a mulatto man named Robert, and two other persons of colour, named John Smith and Rachael, have been under my consideration.

I have now to inform you, that it will be expedient for you to withdraw those prohibitions which with the advice of your Council you have instituted against the proceeding in the Vice-Admiralty Court, referred to, in the documents above mentioned.

That court is the tribunal before which, according to the law, those prosecutions must in the first instance be tried, and if the decision of the Vice-Admiralty Court be questionable, the law has provided an appeal to the High Court of Admiralty in England.

I deeply regret that you were induced to stay proceedings on those questions, but I am at the same time ready to admit that you have to plead the unanimous opinion of your Council, to which, as you were acting only in the temporary administration of the government, you might think yourself more particularly bound to conform; and

I cannot

SLAVES IN THE COLONIES : (ANTIGUA.)

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I cannot by any means approve of the unbecoming manner in which the Solicitor-General thought proper to address you in the course of the correspondence. But you ought to have recollected that in staying these proceedings you were suspending by your own authority the course of justice as by law directed to be administered ; that on a decision on these proceedings, the liberty of your fellow creatures eventually depended ; that it was far from being clear that the abstract question, from the decision on which by the Vice-Admiralty Court, you and your council apprehended so much danger, was necessarily involved ; and that if it were so, it was in truth a decision of right, on which it was not for the Secretary of State, but for the law to decide.

Whether a slave having arrived in this country, and voluntarily returning to the West Indies, without misapprehension or fraud, be or be not to be dealt with there as a slave, is a question on which no legal decision has, I understand, hitherto been taken. But if in the course of these proceedings such a question should arise, (and by these papers it is by no means clear that it will,) you will cause an appeal to be brought before the High Court of Admiralty in this country, whatever may be the decision of the Vice-Admiralty Court in Antigua.

It is fit that so grave a question should be pleaded by the eminent civilians in this country, and a decision pronounced by Lord Stowell, the most distinguished judge that ever sat in that court.

I have, &c.

(signed) BATHURST

Officer administering the government
of Antigua.

SLAVES IN THE COLONIES.

A COPY OF ANY INFORMATION

Which may have been received by His Majesty's Government, respecting the case of a Person residing in the Island of *Antigua*, named *Grace James*, claiming to be free, but whose Claim has been disputed.

Colonial Department,
Downing-street,
1 May 1826. } R. J. WILMOT HORTON.

Ordered, by The House of Commons, to be Printed,
2 May 1826.
