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S L A V E S.

RETURN to an Address of the Honourable The House of Commons,
dated 11th March 1829;—*for*

COPY OF INFORMATION

Received by His Majesty's Government relative to the
CRUELTY perpetrated by *Henry* and *Helen Moss*, of
Crooked Island, in the Bahamas, on a Female Negro
Slave; together with the Minutes of Evidence, the
Sentence of the Court, and any Correspondence which
may have taken place upon the subject between the
Secretary of State and the Colonial Government.

Colonial Department,
Downing-street,
27th March 1829. }

HORACE TWISS.

Ordered, by The House of Commons, to be Printed,
27 March 1829.

L I S T.

- N° 1.—Copy of a Despatch from Mr. President Munnings to Earl Bathurst,
dated 5th April 1827 - - - - - p. 3.
- N° 2.—Copy of a Despatch from Governor Grant to Earl Bathurst, dated 18th
May 1827 - - - - - ibid.
- N° 3.—Ditto - - - ditto - - - ditto - dated 3d July 1827 p. 6.
- N° 4.—Copy of a Despatch from Mr. Secretary Huskisson to Governor Grant,
dated 28th September 1827 - - - - - p. 15.
- N° 5.—Copy of a Letter from Governor Grant to the Right Honourable Charles
Grant, dated 16th January 1828 - - - - - p. 18.
- N° 6.—Ditto - - - ditto - - - ditto - dated 16th Jan. 1828 p. 19.

COPY OF INFORMATION

Received by His Majesty's Government relative to the CRUELTY perpetrated by *Henry* and *Helen Moss*, of Crooked Island, in the Bahamas, on a Female Negro Slave.

N° 1.—Copy of a DESPATCH from Mr. President Munnings to Earl Bathurst.

New Providence, Bahamas,
5th April 1827.

MY LORD,

I DEEM it proper to state for your Lordship's information, that *Henry Moss*, esq. of Crooked Island, having been accused of excessive cruelty to a Negro girl slave, by confining her for the period of seventeen days and nights in the stocks, without intermission, by giving her, while in that situation, tasks which she was unable to perform, and by causing her to be repeatedly flogged for the non-performance of such tasks; and after releasing her from the stocks, by having sent her to labour in the fields, before she had recovered from the effects of her confinement, and by having caused her to be flogged in the fields, (and the girl having died in the field on the morning after she had received one of those floggings), and Mr. Henry Moss, jointly with his wife *Helen*, having been accused of rubbing red pepper (capsicum) upon the eyes of this girl, the Attorney General preferred a bill of indictment against Mr. Moss and his wife for murder. The grand jury having returned "Not found" upon this bill, the Attorney General preferred two other bills for misdemeanors, one against Mr. Moss, the other against Mr. Moss and his wife. Both these bills were found by the grand jury, and after a very full and patient investigation of the circumstances of the case before the petit jury, during a trial of upwards of sixteen hours duration, a verdict of guilty was returned upon both indictments.

The Court sentenced Mr. and Mrs. Moss to imprisonment in the common gaol at Nassau, for five calendar months, and Mr. Moss to the payment of a fine of 300 *l.* over and besides the costs of the prosecution.

I have been solicited to remit or to shorten the term of Mrs. Moss's imprisonment, but I shall in no degree whatever alter the sentence of the General Court, by the extension of mercy to those by whom it appears none was exercised.

And I have the honour to be, my Lord,
With the greatest respect,
Your Lordship's most obedient servant,

The Right Hon. Earl Bathurst, K. G. (signed) *W^m Vesey Munnings.*
&c. &c. &c.

N° 2.—Copy of a DESPATCH from Governor Grant to Earl Bathurst.

Government House, Bahamas,
18th May 1827.

My Lord,

ON my arrival here some few days ago, Mr. President Munnings handed me a copy of his letter to your Lordship, dated 5th April, (No. 9. of 1827,) on the subject of the imprisonment and fining of Henry Moss and Helen his wife, for excessive cruelty to a Negro girl "Kate." Mr. and Mrs. Moss are now undergoing the sentence of the law, and with this it is not my intention to interfere. I am desirous,

desirous, however, to forward to your Lordship the accompanying two petitions from the Mosses, and from some of the most respectable inhabitants of the town and colony, and I request your Lordship's perusal of them, chiefly that, for the present, they may be looked upon as some counterpoise to the impression which the abstract mention of the cruelties of Henry and Helen Moss may convey.

I have not yet had time to prepare minutes of evidence for your Lordship, my time having been much occupied by the arrival of Admiral Fleming, on a duty of the greatest importance to this colony; and as I am much hurried to send off this letter, by the casual opportunity of a Glasgow trader, which sails this evening, I have only time to request your Lordship not yet to allow the impression on your mind, that the unfortunate Henry and Helen Moss are to be looked upon as wilful accessories to the death of the girl, but rather to be pitied for the untoward melancholy occurrence which has taken place. I shall have the honour to address your Lordship more fully by the packet; my present object in writing this letter is, not to ask for a mitigation of the sentence of Henry and Helen Moss, but to stay the opinion which might arise out of the bare mention of the case.

I have the honour to be, with respect,

Your Lordship's most obedient servant,

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

(signed) *Lewis Grant.*

(Enclosure 1. in N° 2.)

To His Excellency Major-General Grant, Governor and Commander-in-Chief,
&c. &c. &c.

May it please your Excellency,

WE have the honour to wait upon your Excellency for the purpose of presenting a petition from Henry Moss, esq. and Helen his wife, now prisoners in the common gaol of Nassau, under a sentence of the General Court for an alleged exercise of cruelty towards a female slave. We do so under a conviction, that in the punishment of that slave there existed no other intention, on the part of Mr. Moss or his lady, than properly to chastise the girl for gross misbehaviour, without an idea that her health would or could be seriously affected by her chastisement. Nor have we understood that there was any proof produced at the trial to authorise a belief that the slave was seriously affected by that chastisement. For, although it is true that she died suddenly, within four or five days after she had been punished, we have not heard of any evidence connecting the circumstances of her death with her punishment, except in an affidavit of one of the witnesses for the prosecution, which was read in open court some time previous to the trial, but which was afterwards neither repeated nor confirmed in that point, but, on the contrary, rather disclaimed by the same witness on his examination at the trial. From the reading of that affidavit, in fact, and a multitude of injurious reports then circulated through the country regarding the subject of the prosecution, we have reason to believe that the public mind was much prejudiced against Mr. and Mrs. Moss when on their trial.

We beg leave further to remind your Excellency, that in England the punishment of imprisonment is greatly mitigated, as respects prisoners of condition, by the usual separation of the several classes of those confined in the same prison, and the comfortable and retired lodgings with which at least those who pay for them are accommodated. In our gaol, on the other hand, the few rooms which it contains all open directly into one common central area, so that Mr. Moss and his lady cannot open their doors for the necessary purpose of ventilation, at this sultry season of the year, but at the price of immediate exposure to a circle of other rooms, occupied by prisoners of every description, felons, prostitutes, &c. of all colours. And as far as we have been able to learn also, Mrs. Moss is the first lady of character and respectability that has ever been shut up in the Nassau gaol since it has been a gaol.

From

From these considerations, added to the highly respectable character which Mr. and Mrs. Moss have always hitherto deservedly borne in this community, we humbly beg leave to join in the prayer of the Petition, which we now have the honour to present.

Nassau, May 14th 1827.

(signed)	*Rob. Butler.	*J. Meadows.
	*Joseph Thompson.	*Rob. W. Elliott.
	*Robert Taylor.	John Saunders.
	H ^y Greennad.	John Wildgoos.
	John S. Wier.	F. M. Montell.
	G. C. Anderson.	S. Nesbitt, Secretary and Register.
	*W. J. P. Johnson.	Benj. C. Claxton.
	F. Johnson.	F. Turner.
	J. H. Bodé.	Rev ^d Mr. Strachan.
	C. R. Nesbitt.	Benj. Tynes.
	Joseph Hale.	*John Pinder.
	C. Poitier.	Thomas Pinder.
	*John Hepburn.	William Vass.
	*Peter Nimmo.	Dugald Blair.

The * prefixed to the names of some of the subscribers to the petition, indicates that such subscribers are Members of the Assembly.

J. H. Bodé, one of the subscribers, was foreman of the jury.

(Enclosure 2. in N^o 2.)

To His Excellency Lewis Grant, Esquire, Major-General of His Majesty's Forces, Captain-General and Governor-in-Chief in and over the said Islands and of the Garrisons there, or that may be sent th ther, Chancellor, Vice-Admiral and Ordinary of the same, &c. &c. &c.

The Petition of Henry Moss, esquire, of Crooked Island, planter, and Helen his wife, Humbly shews,

THAT your Petitioners, having been prosecuted in the General Court of these islands, last Hilary Term, on a charge of having inflicted illegal punishment on a female slave, were convicted, and sentenced (besides fines amounting to 300*l.*) to imprisonment also, for the space of five calendar months, from the day on which sentence was passed; namely, on the 23d day of February last.

That the offences for which the slave was chastised by your petitioners were theft, and not merely disobedience to, but actual and open defiance of, the authority of her owners, as well as a resolute rejection of all kind of work, even to the mending of her own clothes; that the punishment inflicted by your petitioners, as they confidently aver, (and fearlessly challenge any fair report of the evidence at the trial to contravene the allegation,) was not such in point of severity, as to affect in the least the health of the person in question; and that if its infliction was protracted to an usual duration, your petitioners trust that the same evidence will fully justify them in asserting further, that it was the woman's own persevering insolence and unyielding contumacy, that actually forced your petitioners to that necessary extension of their authority.

That unfortunately, at the time, a distemper raged at Crooked Island, and on your petitioners plantation in particular, commencing generally with a severe affection of the head, which, unless relieved by timely depletion, threatened speedy death; and the woman in question, within four or five days of the termination of her punishment, died, after an illness of only a few hours, in the field; but whether from a sudden accession of the prevailing disease, or from her having purposely concealed its approaches, is unknown. Though from the general character of the woman, and her temper of mind at that particular time, the latter would appear to have been most probable.

That one of your petitioners' Negroes, named Boatswain, who had been some time before a driver, but was then in disgrace, for gross neglect of duty and shameful

ful misconduct, and in fact at the time not allowed even to work with the general gang, but employed apart from the rest, first propagated the infamous report, which afterwards obtained such general circulation, that the woman had perished under the punishment inflicted on her. With this nefarious falsehood, in fact, he so beset every white person on the island, whom he conceived to be unfriendly to your petitioners, (and of such, unhappily, there were but too many among even your petitioners' nearest neighbours) that a judicial investigation of the circumstances of the case was the consequence. Nothing, however, of all this, no allusion whatsoever to the atrocious agency of the man Boatswain in the affair, of the infamy of his character or conduct, or his particular motives on the occasion, not even his name was allowed to be mentioned upon the trial; for Boatswain was a slave. And consequently, the true origin of the calumny was screened from the view, not only of the bench and jury, but of a large portion of the community also, then in court. And the prosecution bore thus, to the world, the imposing but false appearance of having originated almost exclusively with the magistracy of the country.

That, true it is, your petitioners were not, in a legal point of view, convicted by the evidence of Boatswain; but to your Excellency's sound understanding and experience in human life, your petitioners confidently appeal for the acknowledgment of this sad truth, that when the public mind is once warped by slanders, affecting the character of an accused party, it is of the highest importance to the cause of justice, that those slanders should be traced to their source; for that the malignity of a poison is seldom to be fully detected, without analyzing it to its dregs.

That such is one of the lamentable infirmities of social feeling, particularly in small communities, has perhaps seldom been more conclusively exemplified than in this case; for although throughout the whole of the examinations on the trial, to the point in question, namely, the possible connection of the woman's death with her previous punishment, not a single witness deposed to the fact, even in opinion; and, by all the witnesses questioned to that point save one, who could say nothing on the subject, the suspicion was fully and positively negatived; yet with many, that same suspicion has, not only to this day survived its public confutation, but such deep root had it taken in the minds of some, that even the Attorney General in his concluding address to the court and jury on the trial, emphatically acknowledged himself still impressed with a conviction of the fact, that the woman had been murdered.

That your petitioners establishments on Crooked Island and Long Key, have, for a series of years, been under their own superintendence and immediate management in person, and that the absence of them both at this time, therefore, and particularly under the circumstances of their present situation, not only renders those establishments useless to them temporarily, but is hourly diminishing also the general value of their capital property, by more and more confirming their people in habits of idleness and insubordination, from which it will soon become impossible ever to effectually reclaim them: whereby the sentence of the court, if carried into full effect, must be inevitably attended with consequential aggravations absolutely ruinous to your petitioners, and therefore, as they should hope, far beyond the intention of those who passed that sentence.

Wherefore your petitioners humbly pray, that your Excellency, taking your petitioners' case into your Excellency's most favourable consideration, will be graciously pleased to remit to your petitioners so much of the above sentence as remains to be remitted, and enable your petitioners to avert, as well as they yet may, the ruin with which their affairs are threatened.

And your petitioners, &c. &c. &c.

Nassau, 14th May 1827.

(signed)

Henry Moss.

Helen D. Moss.

N° 3.—Copy of a DESPATCH from Governor Grant to Earl Bathurst.

My Lord,

Government House, Bahamas,
3d July 1827.

IN my Despatch N° 1, of 1827, I mentioned to your Lordship that Mr. and Mrs. Moss had been sentenced to five months imprisonment in the common gaol, and to pay a fine of 300*l.* for cruel treatment of a Negro slave, named Kate, their property;

property; I in the same despatch inclosed petitions from Mr. and Mrs. Moss, and from some of the most respectable inhabitants of the town, including the foreman and other members of the petty jury, praying for mitigation of punishment. I was unwilling to take this upon myself, both on account of the nature of the crime, and that the sentence was persevering to be carried into effect by my predecessor in office; but in my despatch quoted, I had the honour to inform your Lordship, that I had every reason to think that the case of cruelty towards Kate, from Mr. and Mrs. Moss, was not in accordance with their general treatment of their Negroes, but an especial exception, which would appear to have resulted from a persevering obstinate disposition on the part of the slave Kate, and an equal determination on the part of her owners to carry their authority into effect. The provocation begot the cruelty, and while I trust I am not disposed to uphold the failing of giving way to passion, I yet think I may venture to say that we need not resort to slavery, or go far out of the tract of common life, to discover many instances where the obstinate perseverance in wrong-doing, will draw from passion, or perhaps the necessity to overcome such disposition, severer methods of punishment than ever would have been thought of for the original offence. This I truly believe was the case of Mr. and Mrs. Moss. They have ever been deemed respectable people, and although I am willing to believe, and ever did believe that Mr. Moss scrupulously exacted a fair proportion of work from all his people, yet in other respects I looked upon him as indulgent and attentive to their comforts. Had the case been otherwise it would not have remained unknown, for Mr. Moss's place of residence exposes him to observation, and by all who have visited him, and partaken of his hospitality, he, and more especially Mrs. Moss, have never been otherwise than favourably spoken of in every respect, including that of his slave management. I will be candid and say, my Lord, that I regret the nature of the sentence which has been passed on them, and under existing circumstances, would have much preferred, on every account, and for the answering of all good purposes, that persons of their respectability might have been spared from imprisonment, and been punished by a proportionate mulct. However, that is now nearly over; but, as I am confident that the case of Kate has arisen in the way I have mentioned, and is an exception to the usual proceedings of both Mr. and Mrs. Moss, which are not of a nature, by any means, which would call for their being held up to scorn, as cruel and oppressive beyond others, I am anxious to have your Lordship's previous approbation to relinquish the mulct, in order in some degree to remove the impression of their being deemed habitually and notoriously cruel. Notwithstanding their being in gaol, they are visited by the most respectable persons in the place, and by all who knew them before. This would not be the case even here if it was the public opinion that the treatment of Mr. Moss's slaves in general was unduly severe. I have the honour to forward the notes of evidence: I am sorry they appear so much, in detail, to the disadvantage of Mr. and Mrs. Moss; but I hope they will be considered the circumstances of a particular and individual case brought on, as it would appear, by persevering provocation.

I have the honour to be, with respect,
my Lord,
Your Lordship's most obedient servant,

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

(signed) *Lewis Grant.*

(Enclosure 1. in N^o 3.)

Hilary Term, 7 Geo. IV.

Rex v. Moss et Ux. - - - Misdemeanor.

Margaret Murray was at the residence of the defendant at Crooked Island, on Sunday 23d July last; went there as a visitor to spend the day; heard Henry Moss and Mrs. Moss give directions that Kate should be punished; heard the order given three times on that day; observed in a corner of the room some stalks of the mountain cabbage on the several occasions that the directions were given to punish Kate; the cabbage stalks were taken away; all the cabbage stalks were ultimately taken away. Witness heard Mr. Moss twice and Mrs. Moss *once* give directions

to have Kate punished, but they each time mutually consented to the punishment. Witness understood from Mrs. Moss that Kate was put in the stocks, and had had a flogging the day before; the directions to flog were given to Mr. Spencer, (Mr. Moss's nephew, and overseer on his estate;) witness heard Spencer say, on the *third* order being given to flog, "Good God! Uncle, what! flog again?" Mr. Moss insisted on his orders being obeyed. Witness understood from Mrs. Moss, that the girl Kate was in stocks in the barn, which is not more than a dozen steps from the house; witness heard Mr. Moss say, "If she does not do her work, she must be flogged." She heard the girl's cries.

Cross-examination.

The first and second order to flog Kate was given before dinner; the third, after dinner. Witness did not see her flogged, but by the orders that were given, and the cries of the girl, she believes that she was flogged; heard her cry three several times, as if she had three distinct floggings; the three orders to flog were given to Mr. Spencer. Witness was in the habit of passing almost every Sunday at Mr. Moss's; witness had been ill, but does not recollect whether or not the Sunday in question was the *first* on which she visited Mr. Moss's after her illness. She visited Moss's in the early part of the month of June.

The cabbage-stalks were in an out-room, or piarra room. Witness took no note of the circumstances; she ascertained the time of their occurrence from its being about the period of the death of her sister's child, who died a week before; does not think she has mistaken the day; does not know on what day of the month it was; she believes a woman named Harriet, and a boy named Johnny were confined in the stocks at the same time. No orders were given to flog them in her presence, but she heard them all hallooing in the barn, particularly Kate; she supposes they cried out because they were flogged; she did not hear Mr. Moss particularize Harriet and Johnny, but once she heard the words, "go and punish those girls in the stocks." Witness could distinguish the cries of Kate from those of the other woman; Kate's cries were louder and more alarming; knows Kate, but has not known her very long; has known Harriet eight or ten years; she will not *swear positively* that she knows the voices of the two women sufficiently well to distinguish them at the distance she was from them. When the first order for punishment was given, Kate was particularly named. (A cabbage-stalk was produced in court by the defendants.) Witness deposes that the cabbage-stalks she mentioned having seen in Mr. Moss's house were *not* like it.

John Delancy deposes that he is one of Mr. Moss's overseers; is his godson; has lived eight years with him. A girl, named Kate, belonging to Mr. Moss, was put in the stocks by him in the month of July; she was at that time kept there about a fortnight; he heard orders given on that occasion to rub pepper in her eyes; those orders were obeyed. During her confinement in the stocks she was repeatedly flogged. Lucy, the cook, rubbed pepper in her eyes once. Witness does not know that defendant's nephew, Spencer, was ordered to rub pepper in Kate's eyes, nor that he did it; Spencer was ordered to flog her while in the stocks. Witness himself once rubbed pepper in Kate's eyes by the orders of Mrs. Moss; they were round red peppers (capsicum.) Once when witness was punishing Kate, by the orders of Mrs. Moss, (Mr. Moss being at the time at home,) Spencer came and relieved him, and continued flogging her himself. Kate was repeatedly flogged by Lucy, the cook, by the orders of Mrs. Moss (Mr. Moss being at home). After the fortnight's confinement in the stocks, Kate was put in the field to work; she had previously been a house-servant; while she was confined in the stocks she was employed plaiting palmetto and picking oakum; the stocks were in the barn. Witness received orders to take away the plait at night, that she might not lie upon it, which he did; for some time after she was put in the stocks she refused to eat; he does not know that she was punished, on a fair calculation, every alternate day; does not know that she was punished seven times; thinks about six times; the stocks were so constructed as to be on a level with the barn floor. After being taken out of the stocks, she was a little cramped; she was then flogged by the under driver, who desisted at the entreaty of a man, named John Wyily; witness does not know whether John Wyily interfered in consequence of the girl's debilitated state or not; the field to which the girl was taken to work is about half a mile from Mr. Moss's house. When witness was examined by Mr. Forbes (the Magistrate) at Crooked Island, the

the account he gave him of the transaction was similar to what he has given to-day. Mr. Moss found out that he had given that evidence to Mr. Forbes; cannot tell how he found it out. Kate died the same week she was taken out of the stocks; thinks it was more than three or four days afterwards; the conduct exercised by Mr. Moss towards witness, after he discovered that he had given the aforesaid evidence to Mr. Forbes, was such, that witness was anxious to leave Mr. Moss's residence and come down to Nassau; Mr. Moss was very angry with him for having done it without telling him; Mr. Moss has not thrown him off; his ill-treatment did not last very long. Mr. Moss brought witness to Nassau with him; Mr. Moss has twice had him before several persons, taking down his evidence; Mr. Moss never interfered to prevent the pepper being rubbed in Kate's eyes; it was the night before Kate's death that John Wylly interfered to save her. Witness never saw a cabbage-stalk made use of like that produced by the defendants in Court.

Cross-examination.

Witness made his affidavit before Mr. Forbes (the magistrate of Crooked Island) in consequence of having been sent for by that gentleman; Mr. Forbes was at the time acting as postmaster. Witness did not go to him in expectation of being examined against any person; the woman Kate died in the field between twelve and one on Saturday. Witness went to Mr. Forbes in expectation of receiving a letter for himself; did not find a letter. Kate was put in the stocks on a Saturday, does not recollect the day of the month; she was flogged on the day she was put in the stocks; she was *flogged on Sunday*. *Miss Murray* (the first witness) was there on the Sunday she was flogged; she was flogged by Mr. Spencer, does not know how often; he was not there all day; he went away when Spencer was flogging her the first time. She was put in the stocks on Saturday, they gave her work to do, she did not do it; no other persons were in confinement that day. Kate was in the stocks for a short time, about two days before that; no other persons were then in the stocks. Witness knows Harriet and Johnny, does not know that Kate, Harriet and Johnny were ever in the stocks together, or on the same day. A good while before the Sunday in question, Harriet and Kate were in the stocks together. Can't tell whether Spencer flogged Kate of his own accord, or whether he was ordered to do it; does not know whether she was flogged on Monday. Witness saw Lucy punish Kate twice while she was in the stocks; the first time she gave her eighteen lashes, the second time twelve: pepper was rubbed in her eyes during the punishment; the floggings inflicted by Lucy were on different days, four days intervened between them. Witness himself flogged Kate while she was in the stocks; he rubbed pepper in her eyes at the time he flogged her, by the direction of Mrs. Moss. Kate had something to lie on; witness did not flog her more than once; Spencer was present. When witness had given her six lashes, Spencer took the whip out of his hand and gave her eighteen lashes; cannot tell why Spencer took the whip and flogged her himself. Kate's father flogged her while she was in the stocks; he gave her two dozen lashes. She was put in the stocks because she used to steal when she was about the house. Witness has seen her take sixpences, and sugar. Kate's father was Mr. Moss's slave; he flogged her of his own accord: while he was doing so, Mr. Moss went to the barn and prevented him, saying it was no use flogging her, it was better to put her in the field; (a whip was produced in court consisting of a piece of small rope tied to a wooden handle,) that was the whip used by all the persons who flogged her, except her father; she was taken out of the stocks and tied up to be flogged. When witness saw her flogged, it was over her clothes upon her shoulders and back; she appeared to feel it much. She refused to eat at first because she had dry food; afterwards she had some soup and fish; she had water; he never heard her complain of hunger while in the stocks; once he saw Lucy take away, untasted, some food that had been given Kate over night; when she was allowed soup and fish, she ate it. Kate was well before she was put in the stocks; she was cramped when she was taken out; when she was in the stocks she had a task of twelve fathoms of basket plait to perform per day; twelve fathom is the usual task, some can do more. Kate was *not* accustomed to plaiting; a person not accustomed to plaiting *could not* plait twelve fathom; she had no other task to perform at the same time; but afterwards seven pounds of wet oakum were given her to pick in a day; she had also corn to shell; she was kept in the stocks every night; slept in the stocks; he never heard her say anything while in the stocks. Witness did not see Kate

the day she died ; he saw her the day before. On Thursday night she complained of fever ; on Friday she was flogged, but witness supposed the fever was off as she did not then complain of it ; as soon as she was taken out of the stocks, she was ordered to work ; she did not appear to fall off in flesh while in the stocks ; does not know if she was ever abusive to Mr. Spencer ; he never heard her so ; she had her *tasks* to perform on the same days that she was peppered ; she was flogged because she did not perform them. *Witness thinks she could not see to do either of the tasks after her eyes were peppered.* Mr. Moss told witness and Lucy that if they would stand security for Kate, *i. e.* that if she did any thing wrong they would be punished in her stead, he would let her out ; this they of course declined. The barn is a stone building, thatched, and well secured against the weather ; the floor is terraced ; there was cotton bagging within her reach she might have taken to lie on at night ; does not know whether she did do so ; *she plaited and picked oakum on Sunday.* Witness can't tell why she was employed on Sunday ; never heard Kate complain ; does not know whether Kate was cut or lacerated by the floggings or not ; does not think she was ; she was taken out of the stocks about 7 A. M. She did not, with the exception of her legs being cramped, appear to be ill ; she walked to the field without assistance ; believes that Kate ate her allowance while she was in the field ; does not know that she did ; does not know why he believes so. It was on Friday that she mentioned she had a fever on the preceding day ; on Friday evening the driver brought her up to the house ; the defendants, Mrs. Frere, (Mrs. Moss's mother,) Spencer and witness were present. Mrs. Moss ordered her away to the Negro-houses, saying, she would not have her about the yard. Mrs. Frere then went to her, and asked her what was the matter ; she replied nothing. Upon the question being repeated, she said she had had a little fever the night before. Mrs. Frere felt her pulse, and her forehead, and said, " You have no fever now ;" that was the first time witness heard of the fever. Mrs. Frere then told her, in the presence of Mr. and Mrs. Moss, if she was ill in the morning to come up for medicine ; Mr. and Mrs. Moss said nothing, and Kate went (without assistance) to the Negro-houses. When she arrived at the Negro-houses she was flogged by the under driver, because she had walked very well down to the Negro-houses, and had required assistance coming up from the field. Witness did not see her flogged that time, but heard the lashes, and her cries ; he heard four or five, but does not know whether there were more ; believes the driver did it of his own accord. She did not come up next morning for medicine ; she went to the field, and died there. Witness did not hear any one say she was compelled to go back to work *that* morning ; he did not hear Mr. Moss inquire for her that morning ; she died about noon. Mr. Moss did not hear of it till the driver went up and told him Kate was dead ; he then ordered the corpse to be brought up and placed in the room where she had slept. Witness does not know that Mr. Moss gave any orders to prevent her being seen ; supposes any person might have examined her ; never heard any surmises that the body of Kate exhibited any marks of lashes, bruises or injuries. There was a fever raging at that time on the island, and particularly on Mr. Moss's plantation ; the fever was attended with a dizziness that made the patient spin round and fall ; every one of Mr. Moss's people had had the fever in the course of two months. Kate's sister, Eliza, died of it after an illness of four days, she was five or six years old ; bleeding was the remedy Mr. Moss at first made use of for that fever ; he does not know that Mr. Moss gave orders to have people brought up when they first complained ; but it was always done. Kate was not very severely flogged while in the stocks ; cannot say whether any of the pepper got *into* her eyes ; she shut them when he was going to do it ; peppers were used among the Negroes as a punishment for their children ; there are some Africans among the defendant's Negroes ; it is the Africans who pepper their children. Witness cannot say whether or not the death of Kate was occasioned by the ill treatment she had received ; does not know whether it was the fever. The general conduct of Mr. and Mrs. Moss towards their slaves was that of great humanity ; they are particularly attentive to them in times of sickness ; Mrs. Moss personally attends them ; he imagines that many of the Negroes would have fallen victims to the fever had it not been for the attention of Mr. and Mrs. Moss ; does not know that the Negroes entertained an idea that orders had come from England to make them free ; the slaves, generally, about this period, were unruly ; does not know the cause of it. Defendant bled his Negroes when they were ill ; was ready to give the same assistance to his neighbours generally. Did not see Kate ten minutes after the pepper was rubbed in her eyes ;
did

did not see her till next day; he has seen the same quantity of pepper rubbed in the eyes of other persons; has seen children after pepper has been rubbed in their eyes by their African parents; five minutes after the child could see, and did not appear in great agony.

[A letter written to the Attorney-General was here produced and read. See Appendix (A).] *

James Spencer, is the nephew of Mr. Moss; arrived on the 30th of December 1825; is one of Mr. Moss's overseers. Kate, a Negro slave belonging to defendants, was put in the stocks the 22d of July; was discharged on the 8th August; she was repeatedly punished during that time by order of Mrs. Moss. Never heard his uncle order her to be flogged. Pepper was rubbed in her eyes; does not think any got in; it was done to prevent her from sleeping; she was taken from the stocks, and put into the field the very day she was released; she had been a house servant. Witness only knows of the pepper having been applied twice; believes she died on the 12th of August; she was buried on the same evening. Witness has punished her with cabbage-stalks, such as in court; he rubbed pepper in her eyes to keep her from sleeping.

Cross-examination.

It was on the 28th of May he made use of the palmetto stalks; two of Mr. Moss's slaves were at the time in the stocks, Harriet and Johnny, the latter for running away, the former for attempting to kill her child. Kate was only in the stocks two or three days that time; does not know what for; for some time previous to her being put in the stocks on the 22d of July, she would not mend her clothes or do anything she was ordered, and was sulky; the stocks are in a stone barn with a thatched roof; the stocks were made so that a person confined in them cannot lie down and sit up at pleasure. Kate's task was first to plait twelve fathoms of basket-plait, which she never did, in one day; her task was then changed into shelling a bushel of Indian corn; she did it one day before four o'clock, but never did it afterwards; her task was then changed to picking 7lbs. of wet oakum per day; she never did it, she *would not* do it. Witness never heard Kate ask to be forgiven; witness told her that if she would mend her clothes she would be forgiven; she replied she would not, and did not care whether she was let out of the stocks or not; he advised Kate to mend her clothes; she was insolent to him for doing so; it would not have occupied her more than two hours. Kate was flogged while in the stocks; *thinks* it was with the whip now produced in court, and with no other. Lucy once gave her eighteen or twenty lashes. Delancy once gave her about six lashes; the Sunday she was insolent to witness he gave her two lashes, and when Delancy was flogging her she was insolent to witness again; he then took the whip from Delancy and inflicted eighteen lashes; *thinks* Delancy must have heard Kate when she was insolent to him; did not take her out of the stocks when he gave her the *two* lashes; gave them over her clothes; on the other occasions she was taken out of the stocks and flogged over her clothes. Kate's father was named Limerick; he flogged her while in the stocks; he gave her from eighteen to twenty-four lashes; he believes Limerick flogged her of his own accord. Mr. Moss came out and told him it was no use to flog her. Kate did not seem to mind the flogging; she had an empty bale given her to lie on, and might have got some bagging; *thinks* there was no laceration of her person by the flogging. When Kate was ordered out to the field, witness saw her walk from the barn to the kitchen, and from thence towards the field, which was about a mile distant; she appeared to walk very well; did not appear to be ill; while she was in the stocks she had more food than she could eat, and plenty of water. Kate was brought up to the house on the evening of the 11th of August, because she would not work in the field. Mr. and Mrs. Moss, Mrs. Frere, Delancy and witness were then present when she was first brought up; witness did not hear her complain of illness. Mrs. Frere asked her what was the matter? She made no reply; she then said she wanted water; Mrs. Frere said she should not have any till she told what was the matter; she then said she had had a little fever the night before. Mrs. Frere then told her to come up in the morning and take medicine,

* The letter referred to was not transmitted with the other papers to the Colonial Office.

cine, and told the driver if she was any way ill to bring her up in the morning for medicine. Mrs. Frere felt her pulse and forehead, and said she had no fever *then*. From the time she came up till she went away no one spoke unkindly to her. She walked to the Negro-houses without assistance; when she arrived there the under driver gave her two lashes; not more than two; it was with a whip like that in court, but a little thicker; it was because she would not walk *up* to the house, and walked *away* very well. During the last summer there was a fever raging among Mr. Moss's Negroes, it was accompanied with violent pains in the head and dizziness; more than twenty of the people were down at one time. Mr. Moss gave his drivers orders that if any of the Negroes were complaining they were to be brought up immediately. Mr. and Mrs. Moss were very attentive to them when they were ill; they are brought up to be near Mr. and Mrs. Moss, who administer medicines to them themselves. Mr. Moss had a girl named Eliza, sister to Kate, she was taken ill and died; it was not on Mr. Moss's plantation she was taken ill and died, it was at Scavellen's Point, about one mile from Mr. Moss's; four or five days elapsed between his hearing of Eliza's illness and her death. Mrs. Moss was frequently absent during that time; does not think that Kate could have died from any ill treatment she received while in the stocks; never heard any surmise that such was the case till about three weeks afterwards. The corpse was laid out in the driver's house; the door was open; any body might have gone in. The first peppers he ever knew applied to eyes, was by Kate herself to her brother. Witness had once himself to plait 120 fathoms for having been security for a boy; witness could plait 16 to 18 fathoms per day himself. Does not recollect that Kate was flogged on Saturday; does not think she was. On Sunday (the day after she was put in the stocks) he struck her twice; does not know whether she was again flogged on Sunday. Upon the 23d July, the day after Kate was put in the stocks, when Miss Murray was there, witness was *not* ordered by his uncle or by his aunt to flog Kate, but it was on the 28th of May that such orders were given to him by Mrs. Moss; there were then two others in the stocks, Johnny and Harriet; he was particularly directed to punish Kate and Harriet; Kate could plait if she chose; she had no plait to do on Sunday.

Philip Coakley resides at Crooked Island, and has been residing there some time, about two miles and a half from Mr. Moss's plantation; he still lives there; knows the mountain cabbage-tree, it grows on Crooked Island. It was about seven o'clock on the evening of Saturday the 12th August, that he had information of Kate's death; upon his being complained to, he said he was not a magistrate. Witness does not suppose Mr. Forbes would have exercised an improper hostile feeling towards Mr. Moss. Witness was not sent for to look at the corpse.

Cross-examination.

There was a coolness between Mr. Forbes and Mr. Moss at the time.

John J. Forbes is a magistrate; has been living some time at Crooked Island; resides about a mile from Mr. Moss's plantation; was not called upon by Mr. Moss to look at the body of Kate, after her death. Witness has never had any serious quarrel with Mr. Moss, only a coolness; witness did not allow that feeling to operate upon him in doing his duty as a magistrate; on the contrary, he wished he had been off the island when the circumstances occurred.

Cross-examination.

Delancy gave his evidence to witness without any pains being taken to make him do so: had some difficulty in getting Spencer to do it. Witness did not threaten Spencer, he only told him if he would not answer the questions he put to him, that he should be obliged to send him to the Attorney General; if Spencer had told him that he knew nothing at all about it, he would have taken down that answer, and have been satisfied with it. The first report he had heard of the death of Kate was on Sunday the 13th August, but that was not the day on which he was officially applied to as a magistrate.

John Delancy (recalled.) Mr. Forbes sent for him; told him he had some questions to ask him; no threats were made use of.

James Spencer (recalled.) Mr. Forbes threatened to confine witness, if he did not swear respecting this cause, and send him to Nassau.

THE EVIDENCE FOR THE DEFENCE.

Sarah Frere is the mother of Mrs. Moss; came to Crooked Island in May 1794, has resided there ever since; she had been at Long Key, but returned to Crooked Island on the 9th August. Knew a slave of Mr. Moss's named Kate; saw her on the Friday evening before her death; it was the first time she had seen her since her return aforesaid. Kate was led up by the under driver, in the presence of defendants, J. Spencer, J. Delancy, and witness; Kate did not make any complaint of sickness; witness asked her what was the matter; at first she replied that nothing was the matter, afterwards said she had had a fever the night before, upon which both witness and Mrs. Moss told her, if anything was the matter in the morning, to come up and get medicine; she had no fever then; witness felt her pulse; Kate turned about and went down to the Negro-houses; she walked as firmly as witness had ever seen her walk; witness never saw Kate again; the under driver came up about 12 o'clock next day, and said that Kate was dying; she heard no previous report that Kate was ill. A violent distemper prevailed at Crooked Island, and particularly at Mr. Moss's last summer, and particularly about that time; it was fever, violent pain in the head, and dizziness. A number of Mr. Moss's slaves were affected with the disorder; witness thinks about 27; great attention was paid by Mr. Moss to the sick, and also by witness herself; thinks that if great attention had not been paid to them several would have died; Mrs. Moss gives her own personal attention to the sick. Has heard of Negro mothers punishing their children with peppers; it appeared to pain them for a few minutes; sometimes lime-juice and peppers have been applied as remedies. The Negroes about this time were in a state of excitement; in 1826 the slaves appeared to her a great deal more unruly than they had previously been.

Murray G. Farquharson is a native of Crooked Island, resides four or five miles from Mr. Moss's plantation, is acquainted with Mr. Moss's general conduct to his Negroes; last year was frequently at Mr. Moss's, and had an opportunity of seeing his treatment of his Negroes during their illness: his conduct was very "ample;" the sick are treated with particular attention by Mr. and Mrs. Moss; they are considered far from being severe to their slaves; never knew of any severity of Mr. Moss's. Witness has no stocks on his plantation, has not observed any on any other. The Negroes last year were less obedient to their masters than they had heretofore been; there appeared to be a great excitement in the minds of the Negroes, which conclusion he drew from their own conduct; never knew the Negroes to break off work without their owners' permission. The insubordination still continues; believes Crooked Island is ripe for revolt, but witness has no idea of leaving the island.

Cross-examination.

Witness has always entertained the same favourable opinion of Mr. Moss, has always expressed himself so. (Upon the Attorney General here asking the witness if he himself had not, on a former occasion come to his (the Attorney General's) office to complain of Mr. Moss's barbarity, and called him "a Tartar?" the witness first pretended not to understand the question, and then refused to answer it. The Attorney General not thinking it necessary to insist on the answer, the witness was allowed to depart from the box.)

Alexander Farquharson lives at Long Key, five leagues distant from Crooked Island; knows nothing of Mr. Moss's treatment of his Negroes.

Ludovic Selig has resided twenty-eight years on Crooked Island. Mr. and Mrs. Moss have always treated their Negroes with humanity and kindness, and bestowed every attention on them both in sickness and in health. Knows nothing about stocks; has never seen them; he once saw a Negro rub pepper in his eyes to make him see clear; does not think it would have that effect. Mr. Moss's Negroes are as well taken care of as any others; the cabbage tree grows on Crooked Island, the leaves of it are very long; the stick in court is a palmetto, and not a cabbage-stalk.

John Scavella resides at the point of Crooked Island. A Negro girl, called Eliza, belonging to Mr. Moss, died at his place last summer of fever and headache,

ache. While she was ill Mrs. Moss attended her, and gave her medicines and nourishment; the girl was ill four days before she died; Mrs. Moss staid with her the four nights; Mr. Moss visited the girl three times. Witness has resided about four years on Crooked Island, lives about three-quarters of a mile from Mr. Moss's. Mr. Moss bled Eliza twice when she was ill, and gave her physic. Witness never saw any one treat their Negroes so well as Mr. Moss. Knew Kate—she was Eliza's sister, saw her in the stocks once. Witness was twelve or fourteen days last summer at Mr. Moss's place, it was before the distemper took place. Witness was ill himself, and thinks he owes his life to the attention of Mr. and Mrs. Moss.

Cross-examination.

Witness is under great obligations to Mr. Moss; never knew a man so kind to him as Mr. Moss.

Eliza Campbell has known defendants about twenty-six years; they are very kind to their Negroes, both in health and sickness; when they are ill, they are as attentive to them as if they were their own children. The stocks are used as a punishment on Crooked Island; does not know whether it is the custom to give Negroes work to perform when they are in the stocks.

Cross-examination.

Mr. and Mrs. Moss have been very kind to witness.

John Hepburn is a planter, has frequently known Negroes to conceal their illness from sulkiness; never saw so mild an instrument of correction as the whip in court. Witness has stocks on his own estate and they are used at Cat Island; his negroes, if they had nothing to do when in the stocks, would sleep all day; never heard Mr. Moss unfavourably spoken of.

Cross-examination.

Previous to the coming on of this trial, witness acknowledges he has been taking some pains to do away with the unfavourable impressions against Mr. Moss.

George Hasty has lived on Acklin's Island since 1810; has had an opportunity of seeing Mr. Moss's conduct to his Negroes; has visited Mr. Moss's house several times; when the Negroes came to the house they appeared to approach with a great deal of familiarity; they appeared well clothed and fed; appeared more cheerful than most Negroes are. Stocks were formerly used on Acklin's Island; have not been used lately; witness never gave his Negroes any work to do while in the stocks, not even light work. Stocks are made use of for stubbornness and disobedience of orders; flogging is a more severe punishment than stocks; he thinks that flogging would be more severe than stocks day and night for a week. Does not know that Negroes ever rubbed pepper in their children's eyes. Witness's own Negroes have been in a very unruly state during the last part of last year; at the beginning of this year it was almost beyond measure.

Cross-examination.

Generally speaking, witness has received more kindness than disobligation from Mr. Moss; he has certainly always considered Mr. Moss an oppressive man to his neighbours.

Captain *John Pinder* is acquainted with Mr. and Mrs. Moss; has visited them occasionally for eight or ten years; always noticed that they were particularly humane to their Negroes; the general reputation of Mr. and Mrs. Moss is, that they are strict in discipline, but he never heard of any acts of cruelty exercised by them.

Anthony Demayne has been stationed for some years at the Bahamas, as nautical surveyor; has during that time visited Mr. Moss at Crooked Island; thinks him a perfectly humane master to his slaves.

John Harris, surgeon of His Majesty's surveying ship *Kangaroo*, has visited Mr. Moss about twenty times; as far as he could judge, the general conduct of Mr. Moss to his slaves was humane; is of opinion that Mr. Moss treated his slaves with great skill when they were ill, and was kind to them in the extreme.

Verdict—"GUILTY."

New Providence, Bahama Islands,
20th June 1827.

I DO hereby certify, that the foregoing is a true copy from my notes of the evidence taken on the trial of Henry Moss and Ellen Moss his wife, for a misdemeanor, in the General Court, Hilary Term, 7 Geo. IV.

(signed) *John Campbell Lees,*
Sen^r Assist. Justice.

N° 4.—Copy of a DESPATCH from Mr. Secretary Huskisson to Governor Grant, dated 28th September 1827.

Sir,

Downing Street, 28th September 1827.

I HAVE received your Despatch of the 3d July last, transmitting the minutes of evidence on the trial of Henry and Helen Moss, suggesting certain considerations in their favour, and recommending the remittal of the fine which formed a part of their sentence.

These persons have been found guilty of a misdemeanor for their cruelty to their slave Kate; and those facts of the case which are proved beyond dispute, appear to be as follows :

Kate was a domestic slave, and is stated to have been guilty of theft; she is also accused of disobedience, in refusing to mend her clothes and do her work, and this was the more immediate cause of her punishment. On the 22d of July 1826 she was confined in the stocks, and she was not released till the 8th of August following, being a period of seventeen days. The stocks were so constructed, that she could not sit up and lie down at pleasure, and she remained in them night and day. During this period she was flogged repeatedly, one of the overseers thinks about six times, and red pepper was rubbed upon her eyes to prevent her sleeping. Tasks were given her which, in the opinion of the same overseer, she was incapable of performing; sometimes because they were beyond her powers, at other times because she could not see to do them on account of the pepper having been rubbed on her eyes: and she was flogged for failing to accomplish these tasks. A violent distemper had been prevalent on the plantation during the summer. It is in evidence, that on one of the days of Kate's confinement she complained of fever, and that one of the floggings which she received was the day after she had made this complaint. When she was taken out of the stocks she appeared to be cramped, and was then again flogged. The very day of her release she was sent to field-labour, (though heretofore a house servant), and on the evening of the third day ensuing, was brought before her owners as being ill and refusing to work, and she then again complained of having had fever. They were of opinion that she had none then, but gave directions to the driver if she should be ill to bring her to them for medicines in the morning. The driver took her to the Negro-house, and again flogged her; though, this time, apparently, without orders from her owners to do so. In the morning, at seven o'clock, she was taken to work in the field, where she died at noon.

The facts of the case are, thus far, incontrovertibly established; and I deeply lament, that, heinous as the offences are which this narrative exhibits, I can discover no material palliation of them amongst the other circumstances detailed in the evidence.

Margaret Murray, the first witness, states that she passed the day of the 23d of July with Mr. and Mrs. Moss; she understood from Mrs. Moss, that Kate had been put in the stocks and flogged on the preceding day, and in the course of this day (the 23d), she heard Mr. and Mrs. Moss three several times give orders for having her punished, and she "heard her cry out three several times, as if she had had three distinct floggings." She states that the directions to flog were given to Mr. Spencer, (Mr. Moss's nephew and overseer), and that she heard Spencer say, on the *third* order being given to flog, "Good God! uncle, what! flog again?" and that "Mr. Moss insisted on his order being obeyed." She adds, that two other slaves (whom she names) were confined in the same building, and flogged at the same time.

Now, from the evidence given by the other witnesses, there can be little doubt that this witness was mistaken in assigning the date of the 23d of July to the circumstances which she relates, and that these circumstances belong to the date of the 28th of May, when, also, she was present, and when much of what she states is also stated by the overseer, Spencer, to have taken place. These circumstances do not appear, therefore, to form any part of the offence upon which the indictment was founded. But they are, nevertheless, such circumstances as I cannot but bear in mind, when I come to consider the weight due to the evidence in favour of the character of the parties for humanity.

Delancy, the second witness, is one of the overseers on the plantation, and one of those who were employed in the infliction of the punishments. He states, in his cross-examination, that Kate was "not *very* severely flogged." He had stated, however, in a former part of the same examination, that when he saw her flogged, "she appeared to feel it very much." He states further, that "he cannot say whether any of the pepper got *into* her eyes;" whereas he had previously deposed that "he thought she could not see to do either of her tasks after her eyes were peppered."

It is to be remarked, with respect to the severity of the flogging, that this witness has stated, that the under driver, who flogged Kate when taken out of the stocks, "desisted at the entreaty of a man, named John Wylly;" he "does not know whether John Wylly interfered in consequence of the girl's debilitated state, or not;"—but it does not appear that there was any motive, except a sense of the cruelty with which she was treated, which could have induced him to interfere.

Spencer, the third witness, is a nephew of Mr. Moss, and also an overseer on the plantation. Mr. Forbes, the magistrate before whom the examinations were taken which led to the committal of the Mosses, has deposed, that he had some difficulty in getting Spencer to give his evidence, having told him, that if he would not answer the questions he put, he should be obliged to send him to the Attorney General. This circumstance, and the relationship between Spencer and Moss, detract, in some degree, from the value of Spencer's evidence on some points, although I perceive no reason to impute to him any intentional want of veracity. Spencer corroborates *Delancy's* statement in all the more material circumstances, but there are some variations, and something is added by Spencer. He says, that Kate *would not* perform the tasks given her; whilst, from *Delancy's* evidence, it is to be inferred, that she was incapable of performing some of the tasks, from being unaccustomed to the species of work, and that, by the treatment which she received, she was incapacitated, more or less, and for some part of the time, from performing any work that required the use of her eyes.

Spencer further deposes as follows: "he told her that if she would mend her clothes she would be forgiven; she replied she would not, and did not care whether she was let out of the stocks or not; he advised Kate to mend her clothes; she was insolent to him for doing so; it would not have occupied her more than two hours." "Kate did not seem to mind the flogging." On this last statement I have to remark, that it is at variance with that of *Delancy*, who says, that when he saw her flogged, she appeared to feel it very much; at variance with the circumstance of *Delancy*, on an occasion when he was not present, distinguishing the number of lashes by her cries; with the circumstance of *Wylly's* interference; with the fact, that except in one or two instances, she was taken out of the stocks and *tied up* to be flogged; and finally, with every natural probability, which no testimony can be required to substantiate. With respect to the expressions used to Spencer regarding her indifference to her confinement, and her determination not to do what was required of her, they must be considered as evidence of an exasperated state of temper, not of insensibility to suffering; but I see no reason to discredit them, and they sufficiently prove that she persisted in insubordinate conduct.

It is not the least deplorable feature in this case, that, besides the floggings which the girl received by order of her owners, and at the hands of the overseers, other individuals appear to have been free to maltreat her at their pleasure. She was flogged without orders, by the under driver, the evening before her death, and twenty-four lashes were inflicted by her own father whilst she was in the stocks. On this occasion, Mr. Moss is said to have stopped the infliction, but merely with the observation, that it was no use flogging her, and it was better to send her to work in the field.

Before I come to consider what has been said in favour of the character of the Mosses, I must observe, that the facts against them are established upon the evidence of two witnesses, both of whom were overseers upon the plantation, both instrumental, under the orders of Mr. and Mrs. Moss, to the cruelties in question, one (Delancy) by no means disposed to aggravate the case against them, since he gives them a character for great humanity; the other (Spencer) a nephew of Mr. Moss, and proved to have appeared against him with great reluctance.

These being the principal witnesses for the prosecution, those for the defence are eleven in number. Only one of them, *Mrs. Frere*, the mother of Mrs. Moss, has anything to depose upon the particular case. Her evidence is not material, and in no respect impugns the evidence for the prosecution. Another, *J. Hepburn*, deposes that he never saw so mild an instrument of correction as the whip which was produced in court, being that which had been used in flogging Kate. The others appear to have been called to depose to the conduct and character of the Mosses; though one of them, *A. Farquharson*, says, that he knows nothing respecting it. *G. Hasty* says, that their Negroes were well clothed and fed, and appeared to be cheerful. *J. Scavella* testifies to their care and good treatment of their Negroes in sickness, and says he never saw any one treat their Negroes so well as Mr. Moss; but, on his cross-examination, he acknowledges himself to be under great obligations to Mr. Moss. *L. Selig*, *Eliza Campbell*, *Captain Pinder*, *A. Demayne* and *J. Harris*, all speak strongly of the character of Mr. and Mrs. Moss for humanity, and there does not appear to be anything which would render these exceptionable witnesses.

Murray G. Farquharson, after having deposed that Mr. and Mrs. Moss "are considered far from being severe to their slaves;" and, "that he never knew any severity of Mr. Moss," is cross-examined, and states as follows: "Witness has always entertained the same favourable opinion of Mr. Moss, has always expressed himself so. (Upon the Attorney General here asking the witness if he himself had not, on a former occasion, come to his (the Attorney General's office) to complain of Mr. Moss's barbarity, and called him 'a Tartar,' the witness first pretended not to understand the question, and then refused to answer it; the Attorney General not thinking it necessary to insist on the answer, the witness was allowed to depart from the box)."

In addition to the testimony to character, given at the trial, I have the petition which was presented to you by several inhabitants of the colony, of whose respectability you assure me; and your own despatches of the 18th of May, and 3d July. The object of the former despatch was to prevent the impression, "that the unfortunate Henry and Helen Moss are to be looked upon as wilful accessaries to the death of the girl," and you add, that they are "rather to be pitied for the untoward melancholy occurrence which has taken place." In the latter you write as follows; "I had the honour to inform you, that I had every reason to think that the case of cruelty towards Kate, from Mr. and Mrs. Moss, was not in accordance with their general treatment of their Negroes, but an especial exception, which would appear to have resulted from a persevering obstinate disposition on the part of the slave, Kate, and an equal determination on the part of her owners to carry their authority into effect. The provocation begot the cruelty; and while I trust I am not disposed to uphold the failing of giving way to passion, I yet think that I may venture to say, that we need not resort to slavery, or go far out of the track of common life, to discover many instances where the obstinate perseverance in wrong-doing, will draw from passion, or perhaps the necessity to overcome such disposition, severer methods of punishment than ever would have been thought of for the original offence."

On these representations I have, in the first place, to assure you, that I am equally ready with yourself to acquit the convicts of having been, wilfully, accessory to the death of their slave. The respect which I owe to the judgment of the grand jury, who ignored the indictment for murder, would have made me extremely unwilling to come to any other conclusion, neither do I find any thing in the evidence which could lead me to differ from the grand jury.

With respect to considerations of character, I must observe, that, if the present offence be fully proved, and the sentence no more than duly proportioned to it, the circumstance of the former life of the delinquents having been free from offence, even if that were unquestionable, would not justify the remittal of any part of a punishment

a punishment which is due to this offence singly. Had the evidence to their guilt admitted of doubt, I should have been most solicitous to give every weight to the evidence for character, as rendering it extremely improbable that persons of such character should have been guilty of such offences; but the offences being proven facts, and evidence to character being always open to some doubt, I cannot but perceive that the improbability which is raised, is, that persons guilty of such offences should have really deserved so very high a character for respectability and humanity, as that to which some of the witnesses have testified.

With respect to the provocation which led to the offence, I must remark, that a series of cruelties which continued for seventeen days, can admit of no extenuation on the pretext of sudden anger. I am willing to believe that there was a determined resistance to authority on the part of the slave; but I can never admit that such resistance constitutes "a necessity" for resorting to any extreme of severity, short of which, severity would be unavailing to subdue it. Where obstinate disobedience arises from an exasperated state of temper, the remedy is not to be found in severity of treatment; for, in some cases, no degree of severity would be adequate to the purpose, and, in others, the degree of severity which would be adequate would be unjustifiable.

One of the witnesses (Hepburn), states, that "he has frequently known Negroes "to conceal their illness from sulkiness;" and it appears by no means improbable, that in the present case, the slave sacrificed her life in this manner to her feelings of resentment. It is proper, in similar cases of insubordination, to resort to such treatment as will render the course taken by the disobedient slave ineligible to any who possess a temperate state of mind; and, whilst the example is thus rendered harmless to others, the irritated feelings of the slave must be allowed to wear out with time, until he shall become capable of choosing the course of conduct which is best for himself. But when punishment is inflicted with a vindictive or intemperate feeling, it is justified by no offence whatever; and the infliction must be attributed to such a feeling, when the punishment is not such as will reclaim the offender, and more than adequate to guard against the evil of the example.

The cruelties committed by Henry and Helen Moss are, as I have said, incontrovertibly proved; that there was a provocation to them might have been believed without the evidence, for it could scarcely be in human nature to commit them from mere wantonness; but they are totally unjustified by any such provocation; they constitute an offence of an aggravated character, and for which I cannot consider the sentence of five months' imprisonment, and fines amounting to 300*l.* to be by any means unduly severe. I am, therefore, unable to advise His Majesty to remit any part of this sentence. And, with reference to that part of your despatch of the 3d of July, in which you "request my approbation to relinquish the mulct in order "in some degree to remove the impression of their being deemed habitually and "notoriously cruel," I can only say, that it is not in *my* power to remove the impression which may have been produced upon the public mind; but I sincerely hope that Henry and Helen Moss will, by their future conduct to their slaves, as far as in them lies, retrieve the character which they are said to have borne heretofore.

Governor Grant,
&c. &c. &c.

I have, &c.
(signed) *Wm. Huskisson.*

N^o 5.—Copy of a LETTER from Governor Grant to the Right Honourable Charles Grant.

My Dear Sir,

Government House, Bahamas,
16th January 1828.

I HAVE barely time to request you will do me the favour to peruse the inclosed, which I have addressed to you in the hope that you will do me the favour to communicate its substance to Mr. Huskisson, who, I am afraid has been led by the circumstances you will see stated, to form the opinion that my having written any thing in favour of Mr. and Mrs. Moss proceeded from feelings and sentiments the very reverse of what I possess. If my despatch on this subject conveyed this impression, I should be most happy if the inclosed letter could be adopted as an official

official explanation. I request you will assist me in removing from Mr. Huskisson's mind every idea that it was possible for me to look lightly on Mr. and Mrs. Moss's crime. I only lamented their guilt the more, that I had previously so favourable an opinion of their indulgent management of their slaves.

Right Hon. C. Grant.

I am, my dear Sir, your most obedient servant,
(signed) *Lewis Grant.*

N° 6.—Copy of a LETTER from Governor Grant to the Right honourable Charles Grant.

Government House, Bahamas,
16 January 1828.

My dear Sir,

A CIRCUMSTANCE has taken place here, connected with my public character, which I beg you will excuse me for explaining to you, being in the hopes that you will have the opportunity, and will be willing to impart the explanation to Mr. Huskisson, who, I am fearful, may have formed an opinion, out of the case in question, that my sentiments and feelings in regard to the interesting subject on which it bears, are of a different kind from what they would be seen to be, if I could hope that Mr. Huskisson would have occasion to investigate all my despatches on that subject.

It is now nearly twelve months since Mr. and Mrs. Moss, of Crooked Island, one of the Bahamas, were convicted of cruel treatment of a female slave. They were sentenced to five months' imprisonment, and to pay a fine of 300*l.* Some time after the commitment, I received a petition from Mr. and Mrs. Moss, and another from a large proportion of the respectable inhabitants of New Providence, both presented to me by a deputation, composed of four Members of Assembly, and praying for the release of Mr. and Mrs. Moss. This I refused, from a consciousness that the crime, in itself, deserved and required a marked punishment; nor was it even my opinion that the sentence was out of proportion to the offence. True it is, I afterwards recommended to the Secretary of State to remit the *fine*; but this was not done on the plea that the sentence was severe. I had had an opportunity, when going round the several islands of this government, to see Mr. Moss's treatment of his slaves, and certainly they appeared to me to have more than ordinary indulgence; and their condition, in all that met the eye, seemed particularly comfortable: he gave them as much land on their own account as they could cultivate, and he allowed them a fair proportion of time to work it. In this I could not well be deceived; for many of them sold to my servant, for sea-stock for myself and those who were with me, hogs, poultry and ground provisions, of their own raising, to a considerable amount. Mr. Moss bestowed most praise and encouragement on those who were most industrious for themselves; and the children, so soon as they were of an age fit to be taken from their mothers, were usually brought up about the family, and in this way acquired a degree of civilization far beyond that which is to be found on most other properties. I could not but regret, that where I thought there was so much to approve of, there should arise a circumstance of a nature calculated to give so opposite an impression; but it was with no view to palliate the particular offence which the Mosses had committed, that I was induced to bring forward their respective good treatment of their slaves, as their crime stood substantiated. I did it for the purpose of giving their character all the aid it merited in other respects, before the occurrence of that unfortunate matter. I confess myself much instructed by the contents of the despatch I have received from Mr. Huskisson, as to the manner of viewing both faults and offences; but I hope it will be understood, that while I acted mistakenly in overrating the reputed good treatment by Mr. and Mrs. Moss of their slaves, where there was a palpable crime rendering the reality doubtful, my only motive for saying anything in their favour was my previous impression in regard to their treatment of their slaves; nor would this have had the least effect, if their payment of the fine could have made atonement for their offence. It is unpleasant to say much of one's-self, but I feel confident there is no person who takes a sincerer interest in the matter with which this subject is connected than I do, and I believed I had the credit of doing so. I have never had but one opinion upon it, and I should be sadly mortified if I thought it was misunderstood. In the late local Assembly,

the countenance I am in the habit of giving to the complaints of slaves was brought forward, though I must say, not much attended to. An inquiry is now making into the condition of liberated Africans, and scarcely a day passes that I am not offending some person or other, by taking them away where I think they may have been hardly dealt with.

I have made this a very long letter, so that I cannot think of troubling you with adding to it. I hope you will excuse the liberty I am taking, and believe me ever to remain,

My dear Sir,

Your most obedient servant,

Right Hon. C. Grant, M.P.

(signed) *Lewis Grant.*

SLAVES.

RETURN to an Address of the Honourable The House of
Commons, dated 11th March, 1829;—*for*

COPY OF INFORMATION

Received by His Majesty's Government relative to the
CRUELTY perpetrated by *Henry* and *Helen Moss*,
of Crooked Island, in the Bahamas, on a Female
Negro Slave; together with the Minutes of Evi-
dence, the Sentence of the Court, and any Corre-
spondence which may have taken place upon the
subject between the Secretary of State and the
Colonial Government.

Colonial Department,
Downing-street,
27th March 1829. }

HORACE TWISS.

Ordered, by The House of Commons, to be Printed,
27 March 1829.
