

## 22 Petition of the Barbadian assembly to Parliament

The Barbadian Assembly petitioned Parliament on 11 December 1659 (at the end of the Richard Cromwell's regime in Britain) to obtain more control over their own economy and government.

1. That wee may enjoy and have confirmed . . . by a law etc: antient libertys, priviledges, customes, constitutions, and laws, fixed in the primary settlement and wherein our . . . interests are onley dependant, together with, our articles made on the Rendition of this Island, to this authority according to a letter from the Council of State, dated the 14th of October 1652.

2. That no offices whatsoever relating to this Island (except the Governor) may be imposed on us, by gift, grant, patent, commission, or otherwise, howsoever, but bee and remaine to the government here, to bee nominated, chosen and dependant thereon, . . .

3. That in case wee may be thought worthy to be obliged by any principal freedome you may reasonably condescend unto: that we may have a confirmation of liberty here (by a law, or your commission) for the representative body of the people to choose a governor out of the freeholders of this island and one out of every parish to bee his assistant and joyne with him in the excuson of government: and in case of the governor's death to elect a new

governor and councill, or if otherwise that the representation of this island may bee expressed and nominated in your commission to be a parte of the government joyntly and equall with the governor.

4. That in regard the generality of the people here, are poore and the necessary defense of this place is required in this remote parte, might exhaust the very uttmost gaine and profit of theire labours, that all fines, mulcts, amercements, fellons goods, forfeitures, whatsoever may bee and remaine to the disposing of the government here, for publicke and necessary use to the defense of the place.

5. That in regard wee are English Men, and should bee reputed to the Comonwealth, no other than as one of her ports (as of Bristol to London) that all customs on goods exported, from England to this colony may bee taken of, and that wee may bee enfranchised with all trade generally, equal with any people of England. And that no monopolizes, companyes, societyes, or other incroachments bee continued or permitted in any trade relating to this island, but in regard the necessary existence of this place requires some more than ordinary freedome in order to its production. That all nations in amity may bring us provisions, servants, horses, slaves, mares, or cattle, whether of theire growth, or not, and that the Act made in October 1650 restrayning all manner of trade with us bee repealed.

6. That forasmuch as great prejudices have befallen us, by the presumptuousnes and refractiousness of comandars of men or war, victuallers, and other vessells, that it bee confirmed to us that all comandars of shippes arriving here may conform to the lawes and customes of this place, by entry of bonds, not to carry of any debtors, servants, slaves, but submit to the government here, on seizures or other business here transacted, as finally as at any port of England.

7. That in all treatyes forraingne, this colony may bee comprized . . . that all advantages may attain to us as a good member of the Comonwealth, equal with other the partes, or people of the English nation.

8. That the government here, by governor, counsell and assembly may have power to make such necessary lawes for the good of this place and people, as intrench not, or repugne any penal law, or statutes of this nation, or derogatory to this authority and government of the Comon wealth of England.

9. That wee may have power to appoint a little mint-house within this island for coyning of money, equal with New England and Jamaica, and to raise all forreigne money.

10. That you will be pleased to accept these our desires as singly fought for, in reference to the best and real good of this island, and not out of any disrespect to the person of our governor, at present confirmed over us, whose integrity to your Honours hath beene ever very eminent amongst us.

[Source: Madden and Fieldhouse, *Empire of the Bretaignes*, vol. 1, pp. 375–6.]

the seventh day of October, in the year of our Lord one thousand seven hundred and sixty-three, which graciously promises to all persons inhabiting in, or resorting to, this province, his royal protection for the enjoyment of the benefit of the laws of the realm of England, until assemblies should be called therein, they did come and settle themselves in this province, having entrusted their own properties, as well as very considerable sums of their friends, in goods and merchandize, from Great Britain, and entrusted the same into the hands of the Canadians, as well for the purpose of internal trade in the province, as for outlets in carrying on the traffic of furs and peltries in the Indian countries and fisheries below Quebec, many of them having purchased lands and houses, and been employed in agriculture, and the exportation of grain and other produce to foreign markets, to the great benefit and emolument of the said province, which has flourished chiefly by the industry and enterprising spirit of the said subjects, who, under the protection of British laws, and by the assistance of annual supplies of British manufactures, and other goods and merchandize obtained upon credit from the merchants of Great Britain, have been enabled to carry on at least four parts in five of all the imports and exports which are principally made in British bottoms, the latter consisting of furs, peltries, wheat, fish, oil, potash, lumber, and other country produce; and for the more convenient carrying on the said trade and commerce, they have built wharfs and store-houses at a very great expense, insomuch that the property, real and personal, now in British hands, or by them entrusted to Canadians at a long credit, is one half of the whole value of the province, exclusive of the wealth of the different communities [...]. And whereas an act of parliament has lately passed, entitled, '*An act for the making more effectual provision for the government of the province of Quebec in North America*,' which is said to have been passed upon the principles of humanity and justice, and at the pressing instance and request of the new subjects, signified to his Majesty by an humble petition setting forth their dislike to the British laws and form of government, and praying, in the name of all the inhabitants and citizens of the province, to have the French institutes in their stead, and a total abolition of trials by jury, together with a capacity of holding places of honour and trust in common with his Majesty's ancient subjects. We crave leave to inform your honourable house, that the said petition was never imparted to the inhabitants in general (that is) the freeholders, merchants, and traders, who are equally alarmed with us at the Canadian laws being to take place, but was in a secret manner carried about and signed by a few of the seigneurs, chevaliers, advocates, and others in their confidence, at the suggestions, and under the influence of their priests; who, under colour of French laws, have obtained an act of parliament which deprives his Majesty's ancient subjects of all their rights and franchises, destroys the Habeas Corpus act, and the inestimable privilege of trial by juries, the only security against the venality of a corrupt judge, and

gives unlimited power to the governor and council to alter the criminal laws; which act has already struck a damp upon the credit of the country, and alarmed all your humble petitioners with the just apprehensions of arbitrary fines and imprisonment, and which, if it takes place, will oblige them to quit the province, or, in the end, it must accomplish their ruin, and impoverish or hurt their generous creditors, the merchants in Great Britain, &c. To prevent which, your petitioners most humbly pray that the said act may be repealed or amended, and that they may have the benefit and protection of the English laws, in so far as relates to personal property; and that their liberty may be ascertained according to their ancient constitutional rights and privileges heretofore granted to all his Majesty's dutiful subjects throughout the British empire.

[Source: Keith, *Speeches and Documents*, pp. 66-7, 68-9.]

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## Lord Mansfield

One of the most far-reaching decisions made by Lord Mansfield was in the 1774 case *Campbell vs. Hall*. Campbell was suing a British customs collector in the West Indian colony of Grenada (won from France during the Seven Years War), and Mansfield made it clear that existing laws remained after conquest although the British Crown could alter them later. He dismissed the 'absurd' principle of *Calvin's Case* (see Extract 16).

I will state the propositions at large:

1. A country conquered by the British arms becomes a dominion of the King in the right of his crown, and therefore necessarily subject to the legislative power of the Parliament of Great Britain.
2. The conquered inhabitants once received into the conqueror's protection become subjects; and are universally to be considered in that light, not as enemies or aliens.
3. Articles of capitulation, upon which the country is surrendered, and treaties of peace by which it is ceded, are sacred and inviolate, according to their true intent and meaning.
4. The law and legislation of every dominion equally affects all persons and property within the limits thereof, and is the true rule for the decision of all questions which arise there. Whoever purchases, sues, or lives there, puts himself under the laws of the place, and in the situation of its inhabitants. An Englishman in Ireland, Minorca, the Isle of Man, or the Plantations, has no privilege distinct from the natives while he continues there.
5. The laws of a conquered country continue in force until they are altered

by the conqueror. The justice and antiquity of this maxim are incontrovertible; and the absurd exception as to pagans mentioned in Calvin's case, shows the universality and antiquity of the maxim. That exception could not exist before the Christian era, and in all probability arose from the mad enthusiasm of the Crusades. In the present case the capitulation expressly provides and agrees that they shall continue to be governed by their own laws, until his Majesty's pleasure be further known.

[Source: Keith, *Speeches and Documents*, pp. 40–2.]

### 43 Lord Charles Somerset

The Lieutenant-Governor of the Cape, Lord Charles Somerset, passed this ordinance on 13 December 1826 to mitigate an earlier directive proclaiming that English would be the exclusive language used in the courts. Somerset had also authorized the existing Dutch courts to hear civil cases; only criminal charges would have to be heard before the new British courts.

Whereas it is expedient to postpone the period at which the use of the English Language is to be exclusively adopted in all the Courts of Justice in this Colony, until such Arrangements shall be made as may facilitate the introduction of this beneficial measure, and render its utility at once certain and permanent; and whereas many of these Arrangements have, from unavoidable causes, been delayed, and are yet wanting: Be it therefore enacted, That so much of the Proclamation of the 5th day of July 1822, as directs that the English Language shall be used in all Judicial Acts and Proceedings of the several Courts of Justice in this Colony, from and after the 1st day of January 1827, shall be, and is hereby repealed, and declared void, and of no effect; and that it shall and may be lawful to continue to use the Dutch Language in the Proceedings of those Courts where it is now used; anything in the said Proclamation of the 5th day of July 1822, to the contrary notwithstanding.

II. Provided always, and be it hereby enacted, That it shall and may be lawful for the Governor of this Colony, for the time being, by Proclamation to be made and published at any time after the passing of this Ordinance, to direct and order that the English Language be used in the Judicial Acts and Proceedings of all or any of the Courts of Justice in this Colony, at such subsequent period as to him shall seem fit.

[Source: George McCall Theal, ed., *Records of the Cape Colony: from February 1793 to April 1831* (London: Government of the Cape Colony, 1897), p. 107.]

**62 Edward Long**

West Indian planters like Long argued that Africans enjoyed a higher standard of living as British-owned slaves than they had in their home villages. But beneath these rationalizations, published in 1774, lay assumptions about African racial inferiority that could be expressed with shocking brutality.

The planters of this island have been very unjustly stigmatized with an accusation of treating their Negroes with barbarity. Some alledge [*sic*], that these slave-holders (as they are pleased to call them, in contempt) are lawless bashaws, West-India tyrants, inhuman oppressors, bloody inquisitors, and a long &c. of such pretty names. The planter, in reply to these bitter invectives, will think it sufficient to urge, in the first place, that he did not make them slaves, but succeeded to the inheritance of their services in the same manner as an English squire succeeds to the estate of his ancestors; and that, as to his Africans, he buys their services from those who have all along pretended a very good right to sell [and] that it cannot be for his interest to treat his Negroes in the manner represented; but that it is so to use them well, and preserve their vigour and existence as long as he is able . . . [*...*]

I will assert, in my turn, and I hope without inconsistency or untruth, that there are no men, no orders of men in Great-Britain, possessed of more disinterested charity, philanthropy, and clemency, than the Creole gentlemen of this island . . . [*...*] [Their] authority over [slaves] is like that of an antient [*sic*] patriarch: conciliating affection by the mildness of its exertion, and claiming respect by the justice and propriety of its decisions and discipline, it attracts the love of the honest and good; while it awes the worthless into reformation . . . [*...*]

That in the native Africans' sale of Negroes to our shipping, various frauds have been committed, and persons improperly and unjustly sold; that merchants of ships have been inhuman; that planters have been wantonly cruel, may be supposed from the enormity of crimes seen every day in the most civilized states. To these abuses efficacious remedies should be applied . . . [*...*] But, to say the truth, it must be confessed, that the difference between the condition of the Negroes in general in Africa, and in our colonies, is so great, and so much happier in our colonies, that they themselves are very sensible of it. . . . [*...*]

[But] among men of so savage a disposition, as that they scarcely differ from the wild beasts of the wood in their ferocity of their manners, we must not think of introducing polished rules and refinements. . . . [*...*] Such men must

be managed at first as if they were beasts; they must be tamed, before they can be treated like men.

[Source: Edward Long, *The History of Jamaica* (London: T. Lowndes, 1774), vol. 2, pp. 267, 269, 271, 399–401.]

**63 Conference on board Her Majesty's ship *Bonnetta***

West African leaders were keenly aware of the devastation caused by slavery, but concerned about exactly what would replace it as the mainstay of their economies; many of them demanded (and got) substantial cash payments from the British government.

King Pepple, of Bonny, accompanied by Anna Pepple, by his Juju man or high priest, and Hee Chee, Anna Pepple's secretary, for the first time went on board a man-of-war, for the purpose of paying a visit to Captain Craigie, where he was received with the usual salutes. . . .

Captain Craigie then proceeded to read to King Pepple and suite the despatch of Lord Palmerston dated 14th April, 1838, relative to Slave abolition, and strongly impressed upon His Majesty that part which states that treaties had already been made between England and other African Princes for the purpose of putting an end to the Slave Trade, and that in those cases the Articles of Treaty had been faithfully maintained.

Captain Craigie assured the King that England ever dispensed justice, and would encourage the lawful commerce of the Bonny in every way; that she would send out ships in abundance for their palm-oil and other products; and if the Bonny men directed their attention properly to these, he was certain they could easily get rich without exporting slaves.

Captain Craigie further told His Majesty that the Queen of England wished to make a friendly agreement with the King of Bonny to put an end to Slave exportation; and moreover added that his mistress was determined to put a stop to it at all hazards.

The King, Anna Pepple, and the Juju man for some time remained silent; their countenances, however, were indicative of their consternation; the idea of making such a proposal seemed to them to be incomprehensible. At length Anna Pepple said—

'If we cease to sell slaves to foreign ships, our principal source of wealth will be gone; the English were our first customers, and the trade has since been our chief means of support.'

Captain Craigie. 'How much would you lose if you gave up selling slaves for exportation?'

*Anna Pepple.* 'Too much—very much—we gain more by one slave-ship than by five palm-oil ships.'

*Hee Chee, Anna Pepple's Secretary.* 'We depend entirely on selling slaves and palm-oil for our subsistence; suppose then the Slave Trade done away with, the consumption of palm-oil in England to stop, the crop to fail, or that the English ships did not come to the Bonny, what are we to do? we must starve, as it is contrary to our religion to cultivate the ground.'

*Captain Craigie.* 'There need be no apprehension of the demand for palm-oil in England ceasing, or of English ships not coming out to the Bonny to take from you your products in exchange for British merchandize; but if you can show clearly that your losses will be so great by giving up slave exportation, I think it possible that the Queen of England may in some measure remunerate you for such loss. I have no authority whatever to make any agreement with you with regard to such compensation, I only wish to know if you are disposed to treat for the abolition of the Slave Trade, to enable me to represent your views and demands thereon to my own Government.'

*Juju Man.* 'Suppose a Spanish ship's coming to Bonny with goods to exchange for slaves; are we to send her away? This morning you made a breakfast for me, and as I was hungry it would have been foolish not to have eaten; in like manner, if the Spanish ship had things which we stood in need of, it would be equally foolish not to take them.'

*Captain Craigie.* 'How would the abolition of the slave exportation so materially affect you?'

*King Pepple.* 'It would affect myself and chiefs thus—'

'First, by stopping the revenues arising from slaves being exported.'

'Secondly. Our own profit on slaves, and that arising from piloting slave-ships up and out of Bonny would be lost.'

*Captain Craigie.* 'I again assure you that the Slave Trade must be stopped. Not one vessel can escape from the Bonny, as you will know from "Scout's" blockade of the river in 1836 and 1839. If it becomes necessary, I shall anchor a vessel off Juju Point, and to pass her you are aware will be impossible; but as the English Government always adopt the principle of putting an end to evils by friendly agreements than by compulsion, and as it is that they may be disposed, if your requests are within reasonable limits, to make you an annual "dash," or remuneration, for a term of years (perhaps five years), how much would you consider to be sufficient?'

After some consultation among themselves, Hee Chee, Anna Pepple's Secretary, said, 'The King will take 4000 dollars yearly.'

*Captain Craigie.* 'As I said before, I am not authorized to treat for any sum, but I am certain that 4000 dollars would be considered too much; indeed I would not venture to propose more than 2000 dollars. If you will say that this

sum (for the time above specified) will be sufficient, I shall lay the matter before the English Government.'

[Source: 'Conference on board Her Majesty's ship "Bonetta"', 11 March 1839 in Great Britain, *Parliamentary Papers*, vol. LXIV, 'Papers relating to engagements entered into by King Pepple and the Chiefs of the Bonny' (190), pp. 2-3.]

## 64 John Williams

The missionary John Williams worked in the south Pacific islands during the early nineteenth century and advocated combining Christianization with the promotion of British commerce.

From these facts it will be apparent, that, while our best energies have been devoted to the instruction of the people in the truths of the Christian religion, and our chief solicitude has been to make them wise unto salvation, we have, at the same time, been anxious to impart a knowledge of all that was calculated to increase their comforts and elevate their character. And I am convinced that the first step towards the promotion of a nation's temporal and social elevation, is to plant amongst them the tree of life, when civilization and commerce will entwine their tendrils around its trunk, and derive support from its strength. Until the people are brought under the influence of religion, they have no desire for the arts and usages of civilized life; but that invariably creates it. [...] The females had long observed the dress of the Missionaries' wives, but while heathen they greatly preferred their own, and there was not a single attempt at imitation. No sooner, however, were they brought under the influence of religion, than all of them, even to the lowest, aspired to the possession of a gown, a bonnet, and a shawl, that they might appear like Christian women [...]

Nor are the heathen the only parties benefited by such exertions. The whole civilized world, and our own countrymen especially, share the advantages [...] we may simply glance at the commercial advantages which have resulted and are still resulting from these labours. In the South Sea Islands alone, many thousands of persons are at this moment wearing and using articles of European manufacture, by whom, a few years ago, no such article had been seen: indeed, in the more advanced stations, there is scarcely an individual who is not attired in English clothing, which has been obtained in exchange for native produce. Thus we are benefited both in what we give and in what we receive.

[Source: John Williams, *A Narrative of Missionary Enterprise* (London: John Snow, 1841), pp. 152-3.]