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Ameliorating Empire: Slavery and Protection in the British Colonies, 1783-1865

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by
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The Department of History

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Ameliorating Empire: Slavery and Protection in the British Colonies, 1783-1865

Abstract

This dissertation examines the era of slavery amelioration while situating the significance of this project to reform slavery within the longer history of the British Empire. While scholars of British slavery have long debated the causes of both the abolition of the slave trade (1807) and the abolition of slavery (1833), they have overlooked the ways that both abolitionists and politicians attempted to “reform” slavery – extending both baseline protections and a civilizing mission toward slaves – as a prelude toward broader emancipation. This attempted amelioration of slavery influenced both the timing and form that emancipation took.

By focusing on the island where metropolitan officials first attempted to exert an ameliorative agenda, this dissertation uncovers the forgotten influence of Spanish laws and practices on British abolitionism. Trinidad was captured from Spain in 1797 during the heyday of abolitionist agitation, during an era when Spanish slave codes were gaining newfound attention among British reformers for their reputed benevolence. Despite local planter opposition, metropolitan officials elected to retain the island’s Spanish legal structure following the Peace of Amiens. The Trinidad template for amelioration would be framed around the island’s Spanish laws, notably the office of Protector of Slaves. This individual was imagined as an intermediary between master and slave, metropole and colony, epitomizing an attempt to infuse the slave regime with a modicum of imperial regulation.

The ideas behind amelioration survived the abolition of slavery. After Caribbean slavery was abolished between 1833 and 1838, the reforms that had been attempted in Trinidad and elsewhere over the previous decades came to inform the regulation of labor relationships,

particularly immigrant labor, following in its wake. The process of negotiating reform – of slavery, indentured labor, and relations with indigenous peoples – had taught Colonial Office officials to distrust the instincts and activities of white colonial subjects. The Protector model proliferated in contexts of continued distrust during an era when metropolitan officials remained reluctant to exert more direct authority than necessary. This model would break down only in the wake of repeated failure. Until then, metropolitan officials hoped that local watchdogs would “protect” nonwhite and laboring subjects from abuse.

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This dissertation is dedicated to Jeff Creson.

Abbreviations.

AJL	Alma Jordan Library
BL	British Library
CO	Colonial Office Records
DRO	Derbyshire Record Office
GRO	Gloucestershire Record Office
HC	Hansard's House of Commons Debates
HL	Houghton Library
HP	Hansard's House of Lords Debates
IOR	India Office Records
LSE	London School of Economics
NAS	National Archives of Scotland
NLS	National Library of Scotland
NLW	National Library of Wales
<i>PP</i>	Parliamentary Papers
SJ	St John's Library
TNA	The National Archives

Introduction.

In the spring of 1802, an Englishman boarded a Bristol ship and set sail for Trinidad, the Spanish island colony formally ceded to Great Britain that year under the terms of the Peace of Amiens. 4,500 miles away from home, it was no easy journey at the best of times. In bad times, the weather could be a dangerous enemy. Caught in a storm in the North Atlantic, the traveler's ship came across the site of a recent shipwreck where the entire crew had been lost. The crew's eyes lingered upon "the mountainous waves" lashing against the rocks, as if they were "about to manufacture them into sand before our eyes." The sight was fleeting, for at the next second a gust of wind burst so loudly that the traveler's own ship cracked ominously, threatening to be lost. In a split second, "nothing could be seen but huge mountains and graves of water, alternately the one attempting to overwhelm and the other waiting to swallow us."¹

The ship survived, but it was a grim thirty-five days until the Englishman's eyes at last landed upon Tobago, the first West Indian island that came into view. Two days later, he set foot on land: Trinidad, at last. "It is impossible for me to describe the sensations I felt," he later recalled, "on first seeing this charming country." It was a welcome sight, if nothing like England. The traveler recalled the beauty of the Chaguaramas peninsula, the loftiness of the mountains and valleys, the startlingly green vegetation, the blossoms of every color, and choice fruits "so promiscuously scattered that every one aids to the beauty of its neighbours. You'll think me romantic in the description, but I assure you my pen cannot half do justice to it."²

As our anonymous traveler's account suggests, Trinidad itself appeared to many Britons

¹ BL, Cumberland Papers, Add MS 36499, Letter from Trinidad, 23 May 1802, ff. 93-105.

² BL, Cumberland Papers, Add MS 36499, Letter from Trinidad, 23 May 1802, ff. 93-105.

to be lustrous with possibility. At its closest point, the island is less than seven miles off the coast of Venezuela, and in the early modern world it was seen as a gateway to the Spanish Main and the legendary *El Dorado*.³ If the lure of such mythology had faded by 1802, the strategic advantages of this stepping-stone to the continent had not. Not only was the island a potential launching point for a South American invasion by Spain's enemies, should a propitious moment arise; the proximity of Trinidad to the Spanish colonies also offered a commercial advantage. Beholden to the mercantilist policies of the Spanish crown, the South American Spanish colonies were barred from engaging in most forms of trade with their foreign neighbors, but an enterprising merchant or company might easily engage in a lucrative illicit exchange if it could be done easily.⁴

More than this, the island fell to the British in a crucial and transitional era of imperial history. The global war between Britain and France that spanned 1792 to 1815, with a brief interlude in 1802-1803, drew in every major European power but resulted in only a handful of colonies permanently changing hands. For those colonies that Britain did acquire, Trinidad among them, it was a unique opportunity for legal experimentation. Until the Colonial Office decreed otherwise,⁵ new territories were to be governed according to the laws and customs that prevailed at the time of conquest. During these wars, Britain acquired Ceylon, Mauritius, St.

³ V.S. Naipaul, *The Loss of El Dorado: A Colonial History* (New York: Knopf, 1969).

⁴ Linda Newson, *Aboriginal and Spanish Colonial Trinidad: A Study in Culture Contact* (London: Academic Press, 1976), chapters 9 and 10; Kelvin Singh, *British-Controlled Trinidad and Venezuela: A History of Economic Interests and subversion, 1830-1962* (Kingston: University of the West Indies Press, 2010), chapter 1.

⁵ Officially, the "Colonial Office" itself was, as an institutional structure, very much in flux during this period. I use the shorthand "Colonial Office" to refer to the evolving official titles and structures. Once the Home Office and subsequently the War Office, after 1801 responsibility for the colonies officially belonged to the "War and Colonial Office," under the direction of the Secretary of State for War and the Colonies. In 1825 a new post, Permanent Undersecretary for the Colonies, would be established. Not until 1854 was this office divided into two, with colonial responsibilities devolving to the new Secretary of State for the Colonies. On the history and evolution of this office, see Douglas Young, *The Colonial Office in the Early Nineteenth Century* (London: Longmans, 1961).

Lucia, Tobago, Dutch Guiana, and the Cape Colony. Of these, Trinidad was first to fall to British hands.

The opportunity to experiment with new laws and customs was in some ways timely. In 1797, the year of Trinidad's capture, antislavery sentiment had already deeply infused the domestic British population. Debates about abolishing the slave trade and, related to that, ameliorating the condition of the empire's slaves were increasingly pervading government circles, both Parliament and the Colonial Office. The exposure to a new corpus of laws and customs – in this case, the Spanish laws that prevailed in Trinidad – was timely. For abolitionists as well as politicians disposed to reform, the new conquest meant the chance to renegotiate the conventional relationship between master and slave, as well as that between metropole and colony.

In many ways, Trinidad, in the eyes of metropolitan officials, appeared to be an ideal locale for experimentation with slave law, not only because it was foreign, but also because it was vastly undeveloped. Although the Spanish had colonized the island in the sixteenth century – European contact originated with Columbus himself – the island's development had lagged in relation to Spain's mainland colonies. Of the island's 1,841 square miles, the vast majority of the land remained uncultivated at the time of the 1797 capture.⁶ The island, furthermore, had just 16,515 inhabitants: 2,148 Europeans, 4,476 free people of color, 1,082 natives, and 9,809 slaves.⁷

On either side of the slavery debate, planters, abolitionists, and politicians saw an

⁶ Helpful studies of Spanish Trinidad include Newson, *Aboriginal and Spanish Colonial Trinidad*; Pierre-Louis-Gustave Borde, *The History of Trinidad under the Spanish Government*, trans. A.S. Mavrogordato, vol. 2 (Paris: Maisonneuve, 1883); E.L. Joseph, *History of Trinidad* (London: Frank Cass, 1970 [1838]).

⁷ AJL, Map 1797-1800, *The Population of Trinidad 1797*.

opportunity in Trinidad. They were not, however, agreed about the course ahead or about their specific goals. Planters saw in the island a chance for cheap land and slaves and aimed rapidly to expand the colony's slave population and sugar production. Contrary to this vision, antislavery advocates proposed curbing the slave trade to the island, experimenting with slavery reform policies rooted in the island's Spanish heritage (increasingly viewed by many onlookers as more benevolent toward slaves), and denying the colony its own legislature and capacity for self-governance. One side saw the island as a frontier for the expansion of slavery; the other saw a vehicle for experimentation with its gradual demise.⁸ The predominant personalities in the Colonial Office were still working out what side they were on, as evidenced most jarringly in 1803 when the island's governor was replaced with a triumvirate commission consisting of three men with vastly differing views of colonial administration.⁹

Antislavery activists did not succeed in preventing British migrants from pouring onto the island with their slaves in the early years of British rule, but Trinidad would nevertheless become the empire's laboratory for experimentation with slavery reform. An island much removed in its composition and history from the "old colonies" of the British West Indies, Trinidad was to become a model for the project to ameliorate slavery. The island's Spanish heritage included a range of practices, from an official called Protector of Slaves to liberal manumission practices, which would appeal to British abolitionists who sought to ameliorate slavery in the short term as a means toward the goal of gradual emancipation. These policies in turn would influence the sketch for amelioration, first developed in Trinidad in 1823-1824, to be negotiated with Britain's other slave colonies.

⁸ On Trinidad as an undeveloped, new frontier in the British Empire, see Kit Candlin, *The Last Caribbean Frontier, 1795-1815* (London: Palgrave Macmillan, 2012).

⁹ This episode is discussed more fully in Chapter 2.

Trinidad thus supplied the core of much of the British amelioration policy of the 1820s. It was significant, moreover, in another way. The project of amelioration, as colonial administrators would discover to their frustration, necessitated a shift in the traditional relationship between metropole and colony. Trinidad was one of the first colonies to be denied the traditional privilege of an elected legislature during the transition to British rule, a decision predicated on the perceived need of the imperial government to maintain control over an obstinate planting class. The trajectory of amelioration reform would reinforce the Colonial Office's decision to limit self-governance in the slave colonies, with the overall transition to crown rule throughout the nonwhite empire culminating in the 1850s and 1860s. Trinidad's Protector of Slaves, moreover, who served as a legal advocate of the slaves, would be a model for the mediation and regulation of colonial policies during the transition to free labor in the years following slavery's abolition. As a template for imperial reform, therefore, Trinidad's role in British colonial history would endure.

Amelioration and Slavery

This dissertation builds on a substantial literature on slavery and abolition in the British Empire through its examination of amelioration, an understudied and often overlooked aspect of imperial policy during the final years of British slavery. Despite the vast historiography on British slavery and abolition, comparatively little ink has been spent on the project to reform slavery. The oversight is perhaps understandable: emphasis on the "Saints" and their humanitarian efforts to eradicate the sin of slavery from the empire leaves little emotional room for the reality that few abolitionists, excepting not even William Wilberforce or Thomas

Clarkson, believed that full emancipation should be immediate.¹⁰ Neither does the opposite perspective, that abolition was more about the arrival of capitalism and the passing of an outdated and unprofitable economic model, allow much space for a scheme that aimed to improve the condition of slavery for an indefinite period of time prior to emancipation.¹¹

The reality is that both antislavery and proslavery advocates immersed themselves in arguments for and against specific proposals to reform slavery in the early decades of the nineteenth century. Even the most vocal opponents of slavery believed that bondage existed in degrees of oppression and atrocity; not all was equal across unfree labor systems. Some were more humane than others. For abolitionist opponents of slavery, the project to ameliorate slavery was largely one of establishing baseline standards of treatment and work conditions for slaves in the British colonies to mirror some of the best practices of other empires.

The few existing studies of amelioration have tended to emphasize proslavery participation in the phenomenon. In the late-eighteenth century, the assemblies of Jamaica, Grenada, and the Leeward Islands passed local legislation intended to reduce some of the abuses and the corruption associated with slavery.¹² Much of this concerted action was aimed at

¹⁰ For the proponents of the humanitarian view of abolitionism, see Seymour Drescher, *Econocide: British Slavery in the Era of Abolition* (Pittsburgh: University of Pittsburgh Press, 1977); Roger Anstey, *The Atlantic Slave Trade and British Abolition, 1760-1810* (Atlantic Highlands: Humanities Press, 1975); Adam Hochschild, *Bury the Chains: Prophets and Rebels in the Fight to Free an Empire's Slaves* (Boston: Mariner, 2005); Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006).

¹¹ The original advocate of this view was Eric Williams, *Capitalism and Slavery* (Chapel Hill: University of North Carolina Press, 1944). This argument was newly defended in David Ryden, *West Indian Slavery and British Abolition, 1783-1807* (Cambridge: Cambridge University Press, 2009). See also David Brion Davis, who argues that antislavery was an ideological cover for the nascent middle classes in an industrializing society hoping to demonstrate the moral supremacy of free labor, even in circumstances of exploitative industrial work conditions. *The Problem of Slavery in the Age of Revolution, 1770-1823* (Oxford: Oxford University Press, 1999).

¹² David Barry Gaspar, "Ameliorating Slavery: the Leeward Islands Slave Act of 1798," in *The Lesser Antilles in the Age of European Expansion*, ed. Robert Paquette et al. (Gainesville: University Press of Florida, 1996), 241-258; Robert Luster, *The Amelioration of the Slaves in the British Empire, 1790-1833* (New York: P. Lang, 1995); Christer Petley, *Slaveholders in Jamaica: Colonial Society and Culture during the Era of Abolition* (London: Pickering and Chatto, 2009).

disassociating the institution of slavery from abuse, reforming it into an institution that could be cast as benign and even benevolent. This was meant to counter abolitionist claims about the horror of slavery and convince British politicians, as well as the populace, that slavery was a modern institution, both inextricably linked to the welfare of the Caribbean plantations and integral to the personal wellbeing of slaves. During this era, proslavery opinion developed and became increasingly self-conscious; for the first time, arguments resounded articulating the view both that slaves were better off in the Caribbean than they would have been in Africa, and that, famously, the Caribbean slave worked less and for better compensation than the typical day laborer in England.¹³ J.R. Ward, who has written the most comprehensive history of amelioration to date, has emphasized amelioration as primarily a planter initiative and has highlighted the disappointment planters felt when it failed to save them from economic decline.¹⁴

While scholars have generally acknowledged that amelioration was more than a planter program to prevent emancipation, that it also had heavy roots in antislavery sentiment itself, it has hardly been their emphasis.¹⁵ Yet antislavery advocates did more than accept amelioration as a concession to moderation. Almost all of them embraced the principle of amelioration as vital to the entire goal of emancipation. From the first, amelioration was intricately linked to the campaign to abolish the slave trade. Although some abolitionists, such as Granville Sharp, were not shy about condemning the broader institution of slavery even during the early days of abolitionism, their language was always couched in terms of the need to civilize and especially

¹³ See for example James Cropper and John Gladstone, *The Correspondence between John Gladstone and James Cropper* (Liverpool, 1824), 66-67.

¹⁴ J.R. Ward, *British West Indian Slavery: The Process of Amelioration* (Oxford: Clarendon Press, 1988).

¹⁵ Robert Luster writes: "The West India Committee formulated the amelioration policy to defend their vital interests in the preservation of slavery," and adds, "to the abolitionists, the amelioration policy was regarded as a practical, long-term method to achieve the desired end of slavery." *The Amelioration of the Slaves*, 10.

Christianize the African slave population. Indeed, one prominent argument against further slave importation was that British planters were doing nothing to help them learn and understand the gospel once they had reached the West Indies.¹⁶ Abolitionists were sensitive, moreover, to fears that radical ideas about emancipation and equality might inspire widespread violence across the Caribbean plantations. Their visions of emancipation were deeply concerned with caution and safety, as well as with molding the slave population into a diligent and efficient free labor force.

Abolitionists, then, were hardly quiescent or complacent in the wake of their 1807 victory over the slave trade, as has sometimes been claimed. It is true that in the initial years following 1807, the antislavery movement focused on projects other than emancipation. Enforcement of the Abolition Act was an immediate goal, resulting in the slave registration policies passed first for Trinidad in 1812 and implemented in the rest of the British West Indies by the end of the decade. By the conclusion of the Napoleonic Wars, moreover, the abolitionist movement was newly focusing its energies on securing international bans on slave trading: treaties were negotiated successively with France, the Netherlands, Spain, and Portugal, such that the slave trade was on paper illegal across the Atlantic by 1820. The inability to enforce these bans, especially with Spain and Portugal, would have consequences for international relations over succeeding decades.¹⁷

It was not until after this legislation had been effected on paper that the British campaign turned again to the emancipation of British slaves. By now, the pioneers of the older cause were

¹⁶ See for example Thomas Clarkson, *The Cries of Africa to the Inhabitants of Europe* (London, 1822).

¹⁷ Leslie Bethell, *The Abolition of the Brazilian Slave Trade: Britain, Brazil and the Slave Trade Question, 1807-1869* (Cambridge: Cambridge University Press, 1970); David R. Murray, *Odious Commerce: Britain, Spain and the Abolition of the Cuban Slave Trade* (Cambridge: Cambridge University Press, 1981); Sian Rees, *Sweet Water and Bitter: The Ships that Stopped the Slave Trade* (London: Chatto & Windus, 2009); Richard Huzzey, *Freedom Burning: Anti-Slavery and Empire in Victorian Britain* (Ithaca: Cornell University Press, 2012); Jenny Martinez, *The Slave Trade and the Origins of International Human Rights Law* (Oxford: Oxford University Press, 2012).

aging. Leadership of the new parliamentary initiative fell to Thomas Fowell Buxton. The new abolition society, formed that year, was called the Society for the Mitigation and Gradual Abolition of Slavery throughout the British Dominions. The wording was key: although endorsing eventual full emancipation, the members of this society stressed that it was to be a gradual process. In the short term, they hoped that the most violent excesses of slavery would be eradicated, a goal that went hand in hand with the hope that the slaves would be civilized and Christianized. By now, antislavery advocates were well schooled in the dangers of sudden liberation: in addition to slowing the cause of abolition itself, the Haitian Revolution had shown that embittered former slaves could quickly turn to violence against their former masters. The whites of the British Caribbean were in the minority, and even the most strident opponents of slavery were focused on achieving abolition through as peaceable means as possible.¹⁸

I argue that amelioration became increasingly the domain of abolitionists only, particularly in the years after the 1807 slave trade ban. Following their initial concessions to abolitionist criticisms, most planters felt by then that they had done their part to reform slavery. The mobilization and expansion of the antislavery movement after 1823, moreover, reinforced their fears that amelioration was not an end in and of itself, but rather a means toward gradual emancipation. As the nineteenth century unfolded, planters and their advocates came to regard calls for slavery reform with mounting suspicion. To be sure, the West India Committee continued to endorse planter participation in the metropolitan amelioration agenda of the 1820s as a means of forestalling emancipation. This political organization of merchants and absentee

¹⁸ C.L.R. James, *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution* (New York: RandomHouse, 1963); Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution* (Cambridge, MA: Belknap Press of Harvard University Press, 2005); Carolyn Fick, *The Making of Haiti: The Saint Domingue Revolution from Below* (Nashville: University of Tennessee Press, 1990); Wim Klooster, *Revolutions in the Atlantic World: A Comparative History* (New York: New York University Press, 2009).

planters, however, was increasingly ignored by planters residing primarily in the Caribbean as well as by the advisory and legislative bodies of the colonies.

Amelioration, then, was a critical stage in the process of abolition. It was no mere concession to political moderation, even for Wilberforce or Buxton. From the first, it was part of the project of emancipation. As such, it warrants careful examination. How did politicians and antislavery advocates aim to reform slavery? How did their aims and ambitions differ from those endorsed by eighteenth-century planters and by the West India Committee? How successful was the project, and why was it abandoned after just ten years? The Abolition Act announcing the impending end of slavery came in the summer of 1833, a mere ten years after the amelioration debates had been taken up, a mere nine years after reform policies had first gone into effect in Trinidad. What prompted the change in course?

These are questions that I will be addressing in the chapters that follow, along with another. What importance does amelioration have to the study of the larger British Empire? I argue that it needs to be studied in greater detail not just because it was such an important part of contemporary debates. Even more important, as I will outline in the concluding sections of this dissertation, the policies endorsed by the British government in its efforts to mitigate the condition of slavery would portend greater changes in imperial governance that were taking place gradually over the course of the nineteenth century. Amelioration would become the template for subsequent reform efforts to be tried within the empire.¹⁹

¹⁹ My project builds on the older work of D.J. Murray, which stresses the centrality of amelioration to the shifting relationship between metropole and colony. *The West Indies and the Development of Colonial Government 1801-1834* (Oxford: Clarendon Press, 1965).

The White Legend of Spanish Slavery

In the last decades of the eighteenth century, British commentators were for the first time denouncing the slave trade in significant numbers.²⁰ The shift prompted commentators to look to other empires for examples of slave policies and practices that were potentially more “benevolent,” both more likely to civilize the slave population and more disposed to protect them from the arbitrary authority of their masters.

How could slavery be reformed? On either side of the debate, those who wanted to reform slavery in the British Empire were confronted with the comparative silence of English common law on the question of slavery.²¹ Metropolitan officials neglected the issues related to bondage entirely, and the independent legislatures of the Caribbean colonies had been left to their own devices in drafting and enforcing laws with respect to the institution. For both proslavery and antislavery advocates, the clear first step in any amelioration project was a comparison with rival empires. Both France and Spain had a much longer tradition of intervening in and even regulating the practice of slavery in the Americas.

The French 1685 *Code Noir* regulating slavery throughout the French dominions was well known. In spite of Anglo-French antagonisms, the English were certainly more prone to admiring French culture than Spanish. A longstanding tradition in Anglophone culture regarded the Spanish as backward and oppressive, relative to their more enlightened northern European

²⁰ On the mobilization of British antislavery, see Brown, *Moral Capital*; Hochschild, *Bury the Chains*; Anstey, *The Atlantic Slave Trade*.

²¹ While English common law rarely dealt with slavery directly, most regulations were developed locally in the colonies. Kenneth Morgan, *Slavery and the British America: From Africa to America* (Oxford: Oxford University Press, 2007), 111-112; Alan Watson, *Slave Law in the Americas* (Athens: The University of Georgia Press, 1989), chapter 4.

neighbors.²² The “black legend” of Spanish backwardness was driven by competition and conflict, but it was aided and abetted by circumstances that made it easy to denounce this Catholic imperial power for wrongdoing.²³

Yet it was in spite of this predilection that the Spanish, much more than the French, gained a reputation among British abolitionists for “benevolent” slavery in the late-eighteenth century. Among travelers who were becoming familiar with practices in Havana, Spanish slavery came increasingly to be regarded as mild and even indulgent toward slaves.²⁴ Increasingly, British intellectuals and politicians with ambitions to reform slavery were seizing upon these travel narratives as evidence of alternative models for slavery.

Sharp called them the “Spanish regulations,”²⁵ and they included a liberal manumission policy as well as several legal protections designed to preserve for slaves certain rights against the proclivity of their masters for violent and arbitrary rule. Manumission was of special interest: abolitionist onlookers were quick to note the comparatively high percentage of free people of color in the Spanish (as well as Portuguese) slave colonies. This contrasted sharply

²² The origins of the black legend are fleshed out in William Maltby, *The Black Legend in England: The Development of Anti-Spanish Sentiment 1558-1660* (Durham: Duke University Press, 1971) and Margaret R. Greer, et al., *Rereading the Black Legend: The Discourses of Religious and Racial Difference in the Renaissance Empires* (Chicago: University of Chicago Press, 2007).

²³ The black legend has persisted into the modern era, to the extent that Spain is often characterized as “a country estranged from the modern era.” Indeed, the term “black legend” was not coined until the twentieth century, with subsequent scholarship tracing the phenomenon back several centuries. See the critique in Lu Ann Homza, ed., *The Spanish Inquisition 1478-1614: An Anthology of Sources* (Indianapolis: Hackett, 2006), ix. Despite the longevity of the black legend, I agree with Jason Eldred’s interpretation of the historical understanding of this phenomenon. Eldred has argued that the black legend was always driven through competition and conflict, but that perceptions of the Spanish were not uniformly negative in early modern England. Jason Eldred, “Imperial Spain in the English Imagination, 1563-1662,” (Ph.D diss., University of Virginia, 2011). On the traditional rivalries and conflict between Spain and Britain during the early modern era, see J.H. Elliott, *Empires of the Atlantic World: Britain and Spain in America, 1492-1830* (New Haven: Yale University Press, 2006), 309-310.

²⁴ For a useful comparative analysis of law and slavery among empires, see Sue Peabody et al., *Slavery, Freedom, and the Law in the Atlantic World* (New York: Palgrave Macmillan, 2007).

²⁵ Granville Sharp, *The Just Limitation of Slavery inn the Laws of God* (London, 1776), appendix no. 5.

with British and French colonies, where the vast majority of Africans and their descendants remained enslaved.²⁶ This difference conveyed an important sense in which slavery itself was, in the Iberian colonies, not *necessarily* a permanent institution.²⁷ In Cuba, the tradition of *coartación* not only permitted self-purchase but also regulated it to the extent of allowing a slave to litigate for his or freedom in court, even against the wishes of a reluctant owner.²⁸ Dubbing the practice “compulsory manumission,” abolitionist onlookers would seize on this idea as one of the most promising aspects of the Spanish legal tradition regarding slavery.

Beyond manumission, of further interest was the office of Protector of Slaves, which had various iterations in both the French and Spanish colonies. In general, the Protector represented the interests of slaves in the legal system and took legal action against abusive masters. In the Spanish colonies, slaves themselves were often empowered to participate in the legal process as individuals, even without action first being taken by the Protector official. To British reformers, this official and the related possibilities for slaves within the Spanish legal system highlighted a range of opportunities available to slaves to better their situations and promote their own advancement (and possible enfranchisement). The official himself was symbolic as a guardian of the enslaved as well as being an arm of the state to prevent the planting classes from abusing

²⁶ Francisco Scarano, “Spanish Hispaniola and Puerto Rico,” in *The Oxford Handbook of Slavery in the Americas*, ed. Robert Paquette et al. (Oxford: Oxford University Press, 2010); Frank Tannenbaum, *Slave and Citizen: The Negro in the Americas* (New York: Knopf, 1947).

²⁷ Frederick P. Bowser, “Colonial Spanish America,” in *Neither Slave Nor Free: The Freedmen of African Descent in the Slave Societies of the New World*, ed. David W. Cohen et al. (Baltimore: The Johns Hopkins University Press, 1972). Despite often lumping Spain and Portugal together, Britons had less access to and familiarity with Portuguese law and tradition (respecting either slavery or anything else). Portuguese slave law thus entered into contemporary debates much less frequently and was markedly less of an influence on British policy.

²⁸ This practice has been subject to considerable historical debate about their extents and limits. The most useful and comprehensive analysis has been done by Alejandro de la Fuente, “Slaves and the Creation of Legal Rights in Cuba: *Coartación* and *Papel*,” *Hispanic American Historical Review* 87, no. 4 (2007); Laird W. Bergad et al., *The Cuban Slave Market, 1790-1880* (Cambridge: Cambridge University Press, 1995).

their authority. He was, in short, a powerful tool of the imperial state to regulate slavery.

These practices, among others, helped give rise to a “white legend” of benevolent slavery in the context of Spanish America, a mythology that would infuse the policy of British amelioration in the 1820s. The “legend” has regained moments of currency across subsequent generations of scholars. In his 1926 work, William Law Mathieson noted that Spanish slavery began as one of the most benign European forms, but concluded that it ended in the late-nineteenth century as the most brutal.²⁹ In 1947, Frank Tannenbaum published the influential *Slave and Citizen*, a less-nuanced comparison of Northern European and Iberian incarnations of African slavery. In part, Tannenbaum’s work was informed by twentieth-century preoccupations about racial divides. Tannenbaum argued that Iberian slave colonies were both less racially-stratified and less oppressive than their British and French counterparts.³⁰ In particular, he highlighted policies like *coartación* that seemed to enable slaves to participate in legal society as well as earn their freedom over time in Spanish colonies.³¹

Tannenbaum has been roundly criticized for failing to take into account the dynamic of change over time as well as for assuming that law translated evenly into practice. It is important to recall, as Mathieson did, that conditions in eighteenth-century Cuba were far different from those in nineteenth-century Cuba. Moreover, the wide range of legal avenues theoretically available to a slave under the law did not ensure equal access to the courts. Time and place were

²⁹ William Law Mathieson, *British Slavery and its Abolition 1823-1838* (New York: Octagon Books, 1967 [1926]), 69. See also the eighteenth-century work of Trinidad historian Pierre-Gustave-Louis Borde, who notes that “on the evidence of travelers, slavery with them [the Spaniards] was much easier than anywhere else.” Borde, *The History of Trinidad*, 314.

³⁰ Elements of this have been echoed in Rebecca Scott, *Degrees of Freedom: Louisiana and Cuba after Slavery* (Cambridge, MA: The Belknap Press of Harvard University Press, 2005).

³¹ Tannenbaum, *Slave and Citizen*.

significant variables that altered a slave's ability to navigate colonial courts of law; most studies have confirmed that urban slaves had more access to legal courts of justice than their rural counterparts.³²

However, the subjects of this study – the reformers and antislavery advocates as well as politicians who endorsed the use of the Spanish law in an attempt to ameliorate slavery – often fell victim to the same traps as Tannenbaum. For them, the letter of the law, and the vague outlines of practice in Cuba as they understood it, were seductive. They overlooked the importance of context and society in assessing the effectiveness of formal laws. The “Spanish regulations” were always an abstraction to the British, and their own negotiation of them would be characterized by a distinctly British understanding.

As this dissertation will show, the Spanish heritage of Trinidad was vital to the formation and development of the British imperial amelioration policy.³³ After the capture of the island, both abolitionists and metropolitan officials sympathetic to the antislavery cause perceived the island's potential to supply a model for a “reformed” slave colony. After the Peace of Amiens, the Spanish laws continued in force on the island, making it an ideal locale of experimentation. Experiments with abolishing the slave trade as well as with establishing slave registries would proceed first in Trinidad before they were implemented elsewhere. The Colonial Office was not always prepared fully to implement abolitionist proposals with respect to the island – it demurred, for instance, on the question of abolishing the slave trade for several years – but it

³² See Alejandro de la Fuente, “Slave Law and Claims-Making in Cuba: The Tannenbaum Debate Revisited,” *Law and History Review* 22, no. 2 (2004).

³³ Claudius Fergus raised this point in his article, “The *Siete Partidas*: A Framework for Philanthropy and Coercion during the Amelioration Experiment in Trinidad 1823-1834,” *Caribbean Studies* 36, no. 1 (2008). Fergus argues that the British “flirtation” with the Spanish laws on slavery was fatal to the amelioration experiment, and it had the effect of institutionalizing violence. I argue that this verdict is unfair, given the centrality of violence to slavery as an institution; the legality of violence under the Spanish law did not make it more brutal than in British contexts.

nevertheless perceived the island's potential for experimental reform. The same was true of Parliament. The moderate statesman George Canning, for instance, was skeptical about emancipation but enthusiastic about both limiting the expansion of slavery and experimenting with its regulation. He deemed the Spanish laws more favorable than any (whether British, French, or Dutch) to the principles of amelioration and reform.³⁴

The status of the Spanish laws in Trinidad, however, was often more theoretical than real. The Spanish had not fully developed the island, and the often-cited 1789 *code noir* of the Spanish colonies had never been officially implemented, either in Trinidad or anywhere else in Spain's American empire.³⁵ The confusion and lack of information was its own advantage to reformers: it allowed British reformers in Whitehall to imagine and reinterpret the island's laws according to their own designs. Indeed, when Trinidad's governor drafted the Trinidad amelioration policy on the basis of his initial instructions from the colonial secretary, he incorporated a wide range of policies and practices that were Spanish in origin but which had had no known applicability to Trinidad. For those abolitionists and reformers, both metropolitan and colonial, who believed in the theoretical benevolence of the Spanish tradition of slavery, it mattered little what the actual legal heritage of Trinidad was. As a formerly Spanish colony, Trinidad represented an opportunity to experiment and reinvent with specific goals in mind.

Yet for all the fuzziness of British officials' understanding of the laws in force on the island, the choice of Trinidad as the test case for slavery reform was vital to the experiment with amelioration in the British colonies. Historians have overlooked the significance of this choice,

³⁴ George Canning, *Speech of the Right Hon. George Canning* (London, 1824), 13-14.

³⁵ Manuel Lucena Salmoral, *Los códigos negros de la América española* ([Spain]: Universidad Alcalá, 1996). Tannenbaum has emphasized that the 1789 slave code, while never implemented, was nevertheless mostly an amalgam of ancient and medieval laws as well as existing practices. *Slave and Citizen*, 52-53.

not identifying the ways that the reform program changed after it had first been addressed in Trinidad.³⁶ The program was radicalized between the time that colonial secretary Earl Bathurst first engaged in his correspondence with Governor Woodford and when Woodford submitted his draft order in council to the Colonial Office. These innovations made amelioration thoroughly unpalatable to the governors, legislatures, and assemblies of the other British slave colonies.

Antislavery Empire

Amelioration was not merely an important stage in the history of slavery and abolition. It was also an important stage in the history of the British Empire. As my final chapter will show, many of the reforms implemented during the era of amelioration continued to influence imperial policies in significant ways after 1834. Although government officials abandoned the idea that slavery itself was an institution capable of being reformed, they continued their endeavors to reform and regulate other forms of labor, namely immigrant indentured labor, in the post-slavery empire. New moral conflicts in other imperial arenas now met with many of the same responses and strategies undertaken during the era of slavery amelioration.

Slavery reform was tried early on in a gradual process of centralization of metropolitan authority.³⁷ As Christopher Bayly has shown, the initiative to govern empire according to more authoritarian and hierarchical styles of government, without independent legislatures or participatory government, dates to approximately 1780.³⁸ Trinidad, an early crown colony, fits

³⁶ Two notable works that specifically address amelioration in Trinidad are Noel Titus, *The Amelioration and Abolition of Slavery in Trinidad, 1812-1834: Experiments and Protests in a New Slave Colony* (Bloomington: AuthorHouse, 2009); Fergus, "The *Siete Partidas*."

³⁷ The relationship between amelioration and the move toward the crown colony is documented in Murray, *The West Indies*.

³⁸ Christopher Bayly, *Imperial Meridian: The British Empire and the World 1780-1830* (London: Longman, 1989).

this broader trend. It was, crucially, an important venue for the working out of this evolving imperial policy. In a post-American Revolution context, moreover, metropolitan administrators increasingly sought to govern imperial colonies according to evolving conceptions of benevolent empire.³⁹ According to this view, authoritarianism could and should ally with humanitarianism: the impetus to exert greater centralized, hierarchical authority was inextricably linked with the initiative to purge empire of scandal and abuse.⁴⁰

The Colonial Office was initially reluctant to expand the crown colony model to the older West Indian islands. Extending direct authority to new territories such as Trinidad, most of its members hoped to limit metropolitan intervention in colonial governance and reserve the crown colony model for only a small number of new territories. As Parliament endorsed the amelioration scheme, its members hoped initially to get the legislatures of Jamaica, Barbados, and the other old colonies to agree to the proposed reforms on their own terms. Repeated failures and breakdowns in negotiations between metropole and colony were what ultimately underscored the need for still greater centralization of imperial authority.

It was in the wake of failure that Parliament responded with an Act of Abolition. This Act was in many ways still limited and hesitant about interfering substantially with the traditional relationship between Britain and its colonies; once again, the imperial government looked to the legislatures of the old Caribbean colonies to hammer out specifics. It was only in light of continuing stagnation around labor and race relations that the British government moved

See also P.J. Marshall, who traces this trend somewhat further back, to the Seven Years War. *The Making and Unmaking of Empires: Britain, India, and America, c. 1750-1783* (Oxford: Oxford University Press, 2005); and Maya Jasanoff, *Liberty's Exiles: American Loyalists in the Revolutionary World* (New York: Knopf, 2011).

³⁹ On the relationship of antislavery to the American Revolution, see especially Brown, *Moral Capital*, epilogue.

⁴⁰ On this theme see also Nicholas Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain* (Cambridge, MA: Harvard University Press, 2006) and James Epstein, *Scandal of Colonial Rule: Power and Subversion in the British Atlantic during the Age of Revolution* (Cambridge: Cambridge University Press, 2012).

again, reluctantly, to implement more direct forms of imperial rule. This occurred famously in 1865 in Jamaica after the riot at Morant Bay demonstrated the total breakdown of politics and society in that colony along with a substantial humanitarian scandal.⁴¹

Some scholars, notably Jennifer Pitts, have emphasized the course of “liberal” empire as a civilizing mission aimed at reforming the nonwhite population throughout the empire.⁴² Yet, as the following chapters will show, the civilizing mission was a much broader project than this, one that encompassed white as well as nonwhite subjects. It was as much to restrain the uncivilized activities of *white* colonists that the Colonial Office stepped in to limit local authority and ultimately eliminate self-governance for the old colonies.

Certainly, the alleged benefits of British civilization were used to justify the expansion of British sovereignty in India and Africa, especially as the antislavery cause supplied the British Empire with a moral core. More than this, however, British government officials came to regard their fellow Britons with suspicion: colonial governors charged with barbarous torture, local legislative assemblies keen to maintain their free hand over their slaves, planters bent on extracting the maximum out over their overworked laborers. In the tropics, metropolitan Britons feared, hot climates could corrupt.⁴³

The history of amelioration is significant not only to the history of British slavery but also to the history of the larger British Empire because it supplied the template for future reform.

⁴¹ Catherine Hall, *Civilising Subjects: Metropole and Colony in the English Imagination, 1830-1867* (Chicago: University of Chicago Press, 2002). I will discuss this episode in the conclusion.

⁴² Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton: Princeton University Press, 2006); see also Catherine Hall, *Macaulay and Son: Architects of Imperial Britain* (New Haven: Yale University Press, 2012).

⁴³ See Seymour Drescher, *Abolition: A History of Slavery and Antislavery* (Cambridge: Cambridge University Press, 2009), 75-87.

Its influence survived in regions where exploitation, cruelty, and injustice remained issues that garnered domestic attention, prompting official metropolitan responses. Abolitionists themselves were often responsible for the new targets. Indeed, the former antislavery movement remained active in the years after abolition. In the sugar colonies, the problems inherent to indentured labor, which filled the labor void after slavery, invited responses similar to those that had been advanced during the attempted amelioration of slavery. The same would be true for conflicts with indigenous populations in Australia.

The new Protectors deployed in these domains were the eyes and ears of the imperial government, enforcing the law and restraining the arbitrary authority of local colonists. These officials represented a goal of limited regulation, seeking to ensure standardized practice and a central value of what the empire stood for. This goal would outlast the failed experiment of slavery reform. It was only after repeated breakdowns of this attempt to regulate and negotiate colonial labor patterns that the imperial government would move, reluctantly, to implement more centralized forms of imperial rule. At mid-century, one by one, the independent legislatures and assemblies of much of the nonwhite empire were abolished.

Chapter Plan

Chapter 1 will lay out the different forms that ideas about amelioration took in the late-eighteenth century, in the context of the rise of antislavery sentiment in Britain. It will highlight the ways that both proslavery and antislavery advocates mobilized concepts identified in both the French and Spanish empires as a means of making slavery more predictable and more humane. Of course, their goals were quite distinct: proslavery advocates hoped to ensure slavery's survival into the nineteenth century, while abolitionists were looking to pave the way toward a

safe, practicable policy of gradual emancipation. However, planter initiatives taken in the late-eighteenth century in Jamaica, Grenada, and the Leeward Islands signaled the beginning of the end of planter participation in this debate. After enacting these reforms, colonial legislatures grew increasingly obstinate about further change, fearing the slippery slope of reform that might lead to emancipation.

The second chapter illustrates how antislavery ideas about ameliorating slavery began to infiltrate government circles at the dawn of the nineteenth century. As Britain acquired new territories through the Revolutionary-Napoleonic Wars, it was up to the Colonial Office to consider anew questions of colonial governance, the metropolitan-colonial relationship, law, and slavery. Despite considerable vacillation in the early years following the capture of Trinidad, increasing numbers within the Colonial Office were coming to support a program of amelioration and reform that necessitated increased metropolitan oversight of colonial affairs. For Trinidad as well as British Guiana, St. Lucia, the Cape Colony, and Mauritius, this meant the decision not to grant each new colony its own independent legislature. Early experiments with limited slavery reform agendas, nevertheless, underscore the difficulties that amelioration advocates were up against in these contexts.

Chapter 3 traces the course of amelioration in Trinidad, the template for slavery reform. It highlights a complex process of negotiation of the amelioration policy between metropolitan and colonial officials; ultimately, this chapter demonstrates that the choice of Trinidad would be crucial to the British experiment with amelioration in that it brought certain features of the old Spanish law, such as the Protector of Slaves, into the official sketch. Given the absence of this figure from the initial parliamentary sketch for amelioration, the choice of Trinidad for the experiment would significantly inform British policy in this and other ways.

The fourth chapter sketches the course of amelioration in the British colonies beyond Trinidad, demonstrating the ways that metropolitan officials insisted on retaining key elements of the Trinidad law in its negotiation of the policy in the other colonies. Nevertheless, the recalcitrance of other colonies and their local legislatures convinced metropolitan officials that the experiment of amelioration as a means of “improving” the condition of the empire’s slaves had failed. This contributed to the parliamentary vote to abolish slavery in 1833.

A final chapter investigates the ways that ideas about amelioration and antislavery informed the post-emancipation empire, first through looking at apprenticeship (the post-emancipation period of forced labor for the slaves), and subsequently indentured servitude in the slave colonies. It will also consider the cause of aboriginal protection in Australia. It argues that ideas about crown protection of disenfranchised groups proliferated in the British Empire in the aftermath of emancipation. It also shows that this idea contributed significantly to the nineteenth-century liberal imperial ethos of regulatory government. This manifested itself in a gradual and at times reluctant process of centralization, culminating in the 1850s and 1860s in India and the Caribbean.

Above all, this dissertation seeks to demonstrate the significance of amelioration to the study of British slavery as well as to the wider nineteenth-century British Empire. Despite the often-cited declining economic significance of this chunk of the empire, in an era in which India was becoming the jewel in the imperial crown, I argue that the debate about Caribbean slavery, amelioration, and abolition – as well as the continued resonances of these issues post-emancipation – supplied a vital arena for the reconfiguration and re-imagination of empire. In this way, ameliorating slavery would become an important template for ameliorating empire.

Chapter 1. The Origins of Amelioration.

In late spring 1787, twelve men gathered at a print shop in London to rally for an end to the Atlantic slave trade.¹ Nine of them Quakers, the deeply religious group also included three Anglicans, among them Granville Sharp and Thomas Clarkson, who would prove to be two of the most virulent and influential opponents of Atlantic slavery. Their stories are well known. The Society for Effecting the Abolition of the Slave Trade, founded by these twelve men, would be at the forefront of what Adam Hochschild has called “one of the most ambitious and brilliantly organized citizens’ movements of all time,”² a movement that drew support among a burgeoning middle class, religious communities, and women. It resulted in hundreds of petitions to Parliament and made it fashionable to forego sugar in one’s tea.³ Twenty years later, the efforts of this campaign would culminate in the abolition of the British transatlantic slave trade. The recent bicentennial commemoration of the 1807 Act of Abolition serves to underscore just how deeply the memory of abolition in Britain is tied to national pride.⁴ It betrays, moreover, an often telescopic focus on the trade itself – as opposed to slavery – first endorsed by those twelve men in the print shop at 2 George Yard in London.

The focus on the abolition of the slave trade, however, was significant, for historical as well as historiographical reasons.⁵ The campaign that fought so hard and long for abolition in

¹ This episode is recounted in Hochschild, *Bury the Chains*, introduction.

² Hochschild, *Bury the Chains*, 3.

³ Hochschild, *Bury the Chains*, chapter 13.

⁴ James Walvin, “The Slave Trade, Abolition and Public Memory,” *Transactions of the Royal Historical Society (Sixth Series)*, 19 (2009).

⁵ See some of the most influential works on slavery and abolition, which end their examinations well before the

1807 has often been perceived as having been quiescent in the following decades, and it has sometimes confounded historians that the leaders of the abolitionist movement did not immediately, in the wake of their initial success, turn their attention to emancipation.⁶ There was a discernible gap between the abolitionists' early successes and the subsequent campaign to abolish slavery itself; the latter did not pick up in earnest until 1823. In fact, initial post-1807 abolitionist energies continued to focus on the trade: issues of enforcement plagued policymakers for several years, and the defeat of Napoleon in Europe brought new opportunities to campaign for an international ban on the slave trade.⁷

Why though, would a movement so focused – even from the beginning – on the evils of slavery as an institution apparently halt with the abolition of the trade? The preliminary focus on the slave trade was not, as has sometimes been represented, mere moderation for the sake of compromise or political expediency.⁸ The abolition of the trade, rather, was the critical first step in what most antislavery activists hoped would be a scheme for gradual emancipation. They believed that slaves needed to be “civilized,” ideally Christianized, prior to large-scale emancipation. Initial hopes were pinned on planters, whom it stood to reason would need to moderate their treatment of the limited slave population in order to encourage reproduction and decrease mortality rates in light of the end of the traffic in slaves. Both of these goals would

campaign to abolish slavery. Drescher, *Econocide*; Anstey, *The Atlantic Slave Trade*; Davis, *The Problem of Slavery in Western Culture*; Brown, *Moral Capital*.

⁶ For example, Hochschild, *Bury the Chains*, 309-312.

⁷ Bethell, *The Abolition of the Brazilian Slave Trade*; Murray, *Odious Commerce*; Rees, *Sweet Water and Bitter*; Huzzey, *Freedom Burning*.

⁸ See for example Seymour Drescher, *The Mighty Experiment: Free Labor versus Slavery in British Emancipation* (Oxford: Oxford University Press, 2002).

become imperative in ensuring a continuous labor supply.⁹ In addition to this hope, many eighteenth-century activists endorsed the adoption of new laws and regulations that would mitigate slavery's cruelties and prepare the slave population for its eventual freedom. This package of reforms came to be known as "amelioration."

Abolitionists actively endorsed amelioration, but they were not the only ones to recommend the implementation of ameliorative measures to reform slavery. In fact, amelioration (alternatively "melioration," as it was often but not always termed in contemporary debates) has been more commonly associated with planters and other proslavery groups, particularly the West India Committee, the London-based lobby group for merchants and absentee plantation owners with pecuniary interests in the Caribbean. These groups were primarily interested in reforming the treatment of slaves as a means of preserving the institution in a new era of heightened moralistic scrutiny.¹⁰ This meant purging the system of its "abuses," reinforcing the role of planters as benevolent masters, ensuring baseline standards of treatment, provisions, and work conditions.¹¹ The planters' ideological objection to amelioration rested in the contravention of their absolute dominion over their property; in the 1780s and 1790s, however, many forward-thinking planters and their advocates were prepared to make pragmatic concessions from this stance in order to ensure the durability of the entire system.

The late-eighteenth century itself was a time of considerable economic growth in the West Indies, particularly for sugar production.¹² Britain had been at the forefront of an initial

⁹ This argument is also taken up in Brown, *Moral Capital*, 325-6.

¹⁰ Ward, *British West Indian Slavery*; Luster, *The Amelioration of the Slaves*; Gaspar, "Ameliorating Slavery."

¹¹ Petley, *Slaveholders in Jamaica*.

¹² The shift toward sugar began around 1650, picking up pace in the eighteenth century. On the cultivation of "taste" for sugar and its relationship to imperial power dynamics, see Sidney W. Mintz, *Sweetness and Power: The*

sugar revolution in the mid-seventeenth century. Although eighteenth-century planters were confronted with increasing competition, particularly with Saint-Domingue, British outputs in the mid-eighteenth century were nevertheless staggering, and they brought the British West Indian planters considerable profit.¹³ The profit came, however, at a price with respect to the slaves themselves. Compared to other crops, such as coffee or cotton, sugar was especially labor-intensive. It required long hours, especially during the high season.¹⁴ It seems therefore unsurprising that it was during this era of record-level production that slavery – which had been tacitly and almost universally accepted in the British colonies for over one hundred years – came under new scrutiny.

This chapter will document the various schools of thought with respect to ameliorating slavery in the late-eighteenth-century British Empire. It will highlight the sources and inspirations for ideas about amelioration, and describe how both advocates and opponents of amelioration mobilized those ideas to divergent ends. Much of the intellectual history of amelioration in the British context was at its core a work-in-progress conducted in comparison with rival European slave powers. Most obvious, the French had attempted to codify slavery on an empire-wide scale in 1685, well before eighteenth-century developments in sugar production both revolutionized plantation slavery and prompted sustained moral scrutiny of slavery by Europeans. The French *Code Noir* was an early source of inspiration to British antislavery writers and activists in the 1770s and 1780s, but toward the close of the eighteenth century

Place of Sugar in Modern History (New York: Viking Penguin, 1985).

¹³ Historians have disagreed about the moment at which markets became so saturated by competition that the profitability of slavery began to decline. Decline by the late-eighteenth century has been emphasized by Williams, *Capitalism and Slavery* and more recently Ryden, *West Indian Slavery and British Abolition*. On decline in the 1820s, see Ward, *British West Indian Slavery* and Drescher, *Econocide*, chapter 9.

¹⁴ Mintz, *Sweetness and Power*; B.W. Higman, *Slave Populations of the British Caribbean 1807-1834* (Baltimore: The Johns Hopkins University Press, 1984), 188.

Spanish examples would gain ground, particularly among abolitionists who perceived their potential to encourage gradual emancipation. These models seemed to supply alternatives to typical British practice of slavery, suggestions for how to proceed with a project aiming to infuse slavery with a modicum of regulation and predictability.

Although abolitionists and planters were initially united in their interest in amelioration, the course and development of their proposals, as some became law in some places, reveal important distinctions. Those planters and their advocates who were attuned to the threat of abolitionism hoped to mitigate and standardize the institution in ways that would counter abolitionist claims of widespread abuse. Conversely, abolitionists and like-minded reformers hoped to infuse forced bondage with an ethos of improvement and civilization that would turn slaves into obedient free subjects. In general, planters were more wary of measures that limited their direct authority, while antislavery advocates considered some kind of reform of the traditional master-slave relationship to be necessary to effective, enforceable amelioration.

There was, moreover, a distinct moment of planter interest in amelioration, and this gradually disappeared over time – particularly as abolition itself gained serious traction in political circles. Under direct threat from the rising popularity of abolitionism, planters would increasingly come to fear conceding so much as an inch to antislavery sentiment. As the nineteenth century dawned, amelioration would cease to be a serious planter effort and would become known principally as a vehicle of gradual emancipation.

Abolition and Amelioration

Abolitionism became an organized political cause in Britain in the 1770s, from that point gaining steadily in popularity. Initially the domain of intellectuals like Clarkson and Sharp, the

movement quickly drew support across social and economic classes. Recent scholarship has credited the American Revolution with mobilizing antislavery sentiment in ways that would have been less possible before the war: not only did the revolution rid the empire of a substantial number of its slaves (and slaveholders), but it also inspired introspection about issues such as liberty – a traditional point of English pride that had been undermined by the arguments of the American colonists.¹⁵ In fact, the American war had considerably divided the British populace.¹⁶ Abolitionism, with its deep association with traditional English liberty, would reinvigorate British patriotism with a unifying rallying cry for freedom into the nineteenth century.¹⁷

Much of the root of British antislavery, which mobilized great swathes of the domestic populace in ways that other European intellectual antislavery movements did not, lies in information. Print culture and newspapers were revolutionized in the eighteenth century, and literacy rates grew significantly.¹⁸ Much of the information that was newly circulating about slavery came directly from the mouths and pens of those who had been involved, in one way or another, in the slave trade, and described their experiences in lurid detail. John Newton had been a ship captain involved in the transit before returning to England a changed man; his famous hymn, “Amazing Grace” reflected the repentance of his former ways and became an anthem of antislavery. James Stephen, the most prominent lawyer who would be involved in antislavery,

¹⁵ This point of view is best articulated in Brown, *Moral Capital*, but has been vehemently opposed in Drescher, *Abolition*, 212. Drescher points to the fact that antislavery publications declined in number during the war years. This fact, however, does not totally undermine Brown’s points – which are, first, that the postwar situation provided an environment conducive to antislavery; second, that issue of liberty itself was given renewed emphasis and scrutiny in the aftermath of this devastating military loss.

¹⁶ Kathleen Wilson, *The Sense of the People: Politics, Culture, and Imperialism in England, 1715-1785* (Cambridge: Cambridge University Press, 1995), chapter 4.

¹⁷ On the aftermath of abolitionism and its link to empire-building, see Huzzey, *Freedom Burning*.

¹⁸ William St. Clair, *The Reading Nation in the Romantic Period* (Cambridge: Cambridge University Press, 2004).

travelled through St. Kitts and Barbados. Another contemporary account that circulated widely was the experience of a former slave, Olaudah Equiano, an acquaintance of Sharp's who would involve himself extensively in the campaign to abolish the trade.¹⁹ By the late-eighteenth century, ordinary Britons had more exposure to the ugly details of slavery and the slave trade than ever before.

The movement was spurred in part by the publication of key scandals. The 1781 *Zong* massacre drew particular attention to the horrors of the so-called "Middle Passage" from Africa to the New World. In this case, the crew had thrown 132 sick Africans overboard to curb the spread of disease on board and to secure insurance money for the lost property in human beings—highlighting the brutal commodification of human beings. Despite Granville Sharp's zealous efforts to see the crew prosecuted for murder – thus recognizing the slaves as humans – the Chief Justice the Earl of Mansfield had ruled that the particulars of the case were no different than if it had been horses, not slaves, thrown overboard. The suit proceeded, therefore, not as a homicide trial but as a civil insurance dispute.²⁰

Abolitionists were also quick to draw attention to some of the most flagrant acts of abuse against slaves taking place in the West Indies. It became infamous, for example, that in Barbados it was not a felony for a master to murder his slave. In fact, such an act would only

¹⁹ His narrative, in which he claims to have been born in Africa and sold into slavery, has sometimes been criticized for its veracity. Vincent Carretta, *Equiano the African: Biography of a Self-made Man* (Athens: University of Georgia Press, 2005). It is possible that this text was written for more polemical than autobiographical reasons. Either way, the narrative sold several thousand copies. Olaudah Equiano, *The Interesting Narrative of the Life of Olaudah Equiano* (London, 1789).

²⁰ The slaves were insured at £30 per head. The total value for the slaves was the equivalent of more than half a million U.S. dollars in today's money. The decision to throw the slaves overboard was driven by a technicality in the insurance law: death by natural causes, such as illness, would not result in a payout, but the "perils of the sea" (e.g., wind and waves) were sufficient cause to claim the loss. Hochschild, *Bury the Chains*, 79-83.

warrant a fine of less than £12.²¹ As with the *Zong*, this dehumanization of the African slaves drove home, to abolitionists, the barbarity of slavery. Their opponents argued that such depictions were overblown, exceptional, and exaggerated – in short, deviations from the norm.²²

In the early years of antislavery, however, it was the slave trade itself received the most attention from abolitionists. Thomas Clarkson's reflections in 1823, which would come at a moment of renewed energy for the cause of antislavery, highlighted the reasons why he and other antislavery leaders chose initially to focus their energies on the eradication of the slave trade.

The choice, he recalled, had been

not on the ground *that Slavery was less cruel, or wicked, or impolitic, than the slave trade*, but for other reasons. It was supposed, that, by effecting the abolition of the slave trade . . . [the planters] would be compelled, by a sort of inevitable necessity . . . *to take better care of those whom they might then have in their possession.*"²³

The abolition of the slave trade was thus not an end in itself, but a means to an end, namely the "melioration" of slavery, which in turn was a prerequisite for total emancipation.

William Wilberforce first introduced a bill for the abolition of the slave trade – embarking on what would become an annual trend – in 1791. The timing was inauspicious. Though abolitionism had gained remarkable traction in the last decade, further progress was halted by the revolution in France, which spurred fears in Britain of the dangers of radical change. In the French context, metropolitan discussions of liberty, fraternity, and equality had prompted mass slave revolts in the West Indian colonies, ultimately leading to the liberation of

²¹ *The Horrors of the Negro Slavery Existing in Our West Indian Islands: Irrefragably Demonstrated from Official Documents Recently Presented to the House of Commons* (London, 1805), 1.

²² See Cropper and Gladstone, *The Correspondence*.

²³ Thomas Clarkson, *Thoughts on the Necessity of Improving the Condition of the Slaves in the British Colonies, with a View to their Ultimate Emancipation* (London, 1823).

Saint-Domingue from the French Empire.²⁴ Moderate-minded Members of Parliament were fearful of following suit. In 1792, the House of Commons passed a resolution professing that the trade ought gradually to be abolished, but that resolution, of course, lacked any legislative force.²⁵ The following year, Wilberforce's bill again failed, albeit only narrowly. Still, this would prove the closest he would come to obtaining passage until the British victory at Trafalgar, in 1805, would sufficiently quiet moderate fears of radicalism and rebellion.

The ultimate passage of a ban on the slave trade in 1807 was embedded in a debate about the sustainability of colonial slavery without the transatlantic trade.²⁶ Wilberforce and his allies repeatedly advanced the argument that better conditions for the slaves in the colonies were all that were needed to ensure the reproductive capacity of existing slave populations. Better conditions, moreover, would be the natural result of cutting off the labor supply, which would force planters to treat and provide for their chattel more effectively. Such improved treatment and increased fertility (alongside decreased mortality) would in turn make redundant the question of further imports.²⁷ Despite their hopes for ultimate emancipation, abolitionist leaders knew that it was critical to couch their initial arguments in terms that did not presume the inevitability of

²⁴ On the Haitian Revolution and its wider role in the age of revolutions, see James, *The Black Jacobins*; Dubois, *Avengers of the New World*; Fick, *The Making of Haiti*; Klooster, *Revolutions in the Atlantic World*.

²⁵ The intervention of the Scot Henry Dundas had moderated Wilberforce's bill by changing the call for "immediate" abolition to an open-ended "gradual" call. Though nominally supporting gradual abolition, Dundas's interference a victory for the opposition, since the provision for gradual abolition was open-ended and indefinite.

²⁶ D.P. Resnick has suggested that British abolitionists were much more strategic than their French peers, and much better at mobilizing economic arguments in favor of abolition in order to win the political argument. "The *Société des Amis des Noirs* and the Abolition of Slavery," *French Historical Studies* 7, no. 4 (1972).

²⁷ *Cobbett's Parliamentary History of England*, vol. 29 (London, 1806), 267-8. However, economic arguments often slipped into moral ones. Charles James Fox made the point that the economic arguments of the trade's champions proved the evils of slavery: if anything could aggravate the "national guilt" of the trade, it was the argument that the destruction of human life in the colonies rendered further trading an economic necessity. This revealed how debased the proslavery cause had become. *Cobbett's Parliamentary History of England*, vol. 29, 346-7.

emancipation in the aftermath of abolition.²⁸

They knew, too, that they needed to counter nationalistic and economic fears of what it would mean for Britain to give up so lucrative a trade. The worst threat was that France or Spain would reap the economic rewards of a British retreat from the trade, a possibility that was brought up regularly during the parliamentary debates.²⁹ The counterargument, advanced by Wilberforce and his fellows, was fervently patriotic: what glory would it be for Britain to lead the way in extinguishing so odious a trade! The other enlightened nations of Europe would, surely, eventually follow Britain's example – but Britain would forever retain principal credit for its leadership. Thomas Clarkson's *Essay on the Impolicy of the African Slave Trade* (1788) concluded in such patriotic terms. If the French were to take up the cause of abolition after the British, surely “then would the cause of humanity be essentially served.” But if they did not, “then would the highest political advantages result to us, who relinquished it.”³⁰

A 1787 letter to the treasurer of the Society for Effecting the Abolition of the Slave Trade posed the question thus: “what should be the choice of Britons; to have sugar in their tea, or to set nations free from the scourge, the chain, and the yoke?” Abolition would be beneficial to the British nation, moreover, because it would prove “to the American States . . . that we are no less friendly to liberty than they.”³¹ It would “prove to the world” the “equity and humanity” of Britons, as well as transmitting liberty and happiness “to nations yet unborn.” It was, in short, an

²⁸ They were, however, quite wrong, as the succeeding chapters will discuss.

²⁹ See for example Edmund Burke's summary of the opposition in *Debates in the British House of Commons, Wednesday, May, 13th, 1789, on the Petitions for the Abolition of the Slave Trade* (Philadelphia, 1789), 13-14; see also *Cobbett's Parliamentary History of England*, vol. 29, 295-6, 302.

³⁰ Thomas Clarkson, *An Essay on the Impolicy of the African Slave Trade* (London, 1788), 136.

³¹ Rev. Robert Bucher Nickolls, *A Letter to the Treasurer of the Society Instituted for the Purpose of Effecting the Abolition of the Slave Trade* (London, 1787), 14.

opportunity to prove the power and depth of English liberty in the aftermath of the American Revolutionaries' attack on this principle.

The parliamentary battle over abolition, which witnessed fierce resistance from the West India interest, underscored the need for moderate approaches to the issue. Both sides of the debate felt this acutely. Abolitionists were not immune to fears of what immediate emancipation might bring, and they could not dismiss out of hand the possibility that an empowered class of ex-slaves might, just as the planters feared, murder their former masters in their sleep. This threat would in fact be a continual problem for antislavery, as the most significant revolts in the history of British slavery – in Barbados in 1816, in Demerara in 1823, and in Jamaica in 1831-2 – came amid intense parliamentary debates about the abolition of slavery, in one form or another.³² The timing of these results credited proslavery arguments that antislavery inspired radicalism and rebellion.

Abolitionists, however, were not the only group to turn to amelioration as a practical and political tool. The West India Committee, which would prove the most influential political mouthpiece of the West Indian planters, turned to amelioration as a means of quelling abolitionist arguments that slavery was brutal and arbitrary. A counter-campaign of pamphlets and even plays sought to depict planters as benevolent masters who cared for the physical and spiritual welfare of their slaves.³³ The most vocal planters aimed to standardize and extend what they claimed was “typical” benevolence or indulgence.³⁴

³² For a thorough treatment of slave rebellions in the British West Indies, see Michael Craton, *Testing the Chains: Resistance to Slavery in the British West Indies* (Ithaca: Cornell University Press, 1982).

³³ An example is the musical *The Benevolent Masters*, which opened in 1789 at the Theatre Royal in Haymarket. The story depicted two black lovers, separated from Africa, who ended up residing on adjoining. In the tale, their masters Christianize them and redeem them of their sins. See Hochschild, *Bury the Chains*, 159-160.

³⁴ On proslavery ideas, see Petley, *Slaveholders in Jamaica*; Jack P. Greene, “Liberty and Slavery: The Transfer of

The early history of amelioration experiments in the “old colonies” (those colonies integrated into the British Empire prior to the Revolutionary-Napoleonic Wars), which were drawn up by planters and their advocates, would show a surprising degree of alignment between antislavery and proslavery proposals. They drew on many of the same concepts, and they were often practices that had been tried in either French or Spanish contexts, if not both. Only as the nineteenth century dawned would they begin to diverge substantially. Both antislavery and proslavery groups, then, would come to imagine competing visions of amelioration: the one designed as a means to gradual emancipation, the other designed to protect slavery and preserve the institution in perpetuity.

Britain in the World of Atlantic Slavery

The status of slavery in the British colonies was in some ways singular. Compared to French, Dutch, Spanish, or Portuguese slavery, British slavery remained uniquely unregulated in the late-eighteenth century. The official imperial attitude – perhaps best described as “looking the other way” – was epitomized in the famous *Somerset* decision in 1772. The plaintiff in that case, James Somerset, was a slave who had been purchased by his master in Boston before being taken back to England. When his master attempted to exit the country with his slave, en route to Jamaica, Somerset sued for his freedom. Chief Justice Lord Mansfield’s decision pronounced slavery “odious,” contrary to the tradition of English liberty, and sanctioned only by the existence of positive law in the individual slave colonies. It did not, Mansfield asserted, exist

British Liberty to the West Indies, 1627-1865,” in *Exclusionary Empire: English Liberty Overseas, 1600-1900*, ed. Jack P. Greene (Cambridge: Cambridge University Press, 2010).

in England.³⁵ His conclusion was deceptively simple: once Somersett had set foot on free soil, he could not be compelled to follow his master to the colonies.³⁶

The case was not as much of a victory for the antislavery movement as has sometimes been represented, either at the time or since.³⁷ Mansfield's ruling certainly did not result in the emancipation of all slaves currently residing in England, who numbered several thousand.³⁸ The case is more notable for its pronouncement about slavery in the colonies. Deemed beyond the purview of English law, Mansfield's decision suggests a willingness of metropolitan authorities to turn a blind eye to slavery in Britain's imperial dominions.³⁹ It further conveys a reluctance – refusal, even – to regulate, as doing so would ostensibly convey approval for an institution that was inherently contrary to the fundamentals of English law and English liberty.⁴⁰

³⁵ Eliga H. Gould, "Zones of Law, Zones of Violence: The Legal Geography of the British Atlantic, circa 1772," *The William and Mary Quarterly* 60, no. 3 (2003), 471.

³⁶ On the silence of the English common law on the subject of slavery, see Morgan, *Slavery and the British Empire*, 111-112.

³⁷ On the ways this case took hold of public imagination in England at the time (to considerable confusion), see James Walvin, *Black Ivory: A History of British Slavery* (Hammersmith: HarperCollins, 1992), 14-15; Drescher, *Abolition*, 99-104; George van Cleve, "'Somerset's Case' and Its Antecedents in Imperial Perspective," *Law and History Review* 24, no. 3 (2006).

³⁸ In fact, some slave sales continued to take place in England. See Morgan, *Slavery and the British Empire*, 156.

³⁹ Of course, slavery was but one domain in which English law did not extend to the colonies. Eliga Gould has described the British Atlantic periphery as a "region beyond the line," in which laws on a range of issues – from slavery to violence – did not fully extend. "Zones of Law," 474. This was a recurring theme – and scandal, as we will find – of British colonialism, which we will consider in chapter 2. Van Cleve argues that Mansfield's motivations were twofold: first, to prevent further litigation on slavery in England and place the issue in Parliament's hands; and second, to avoid intervening in the legal problem of slavery as it existed in the colonies. "'Somerset's Case,'" 605.

⁴⁰ Of course, there was a legitimate question of jurisdiction, as English common law had never applied wholesale to its overseas dominions. On the wide gulf between English common law and colonial law (and the variations therein), see T. Olawale Elias, *British Colonial Law: A Comparative Study of the Interaction between English and Local Laws in British Dependencies* (London: Stevens and Son, 1962). On the clash between European and indigenous law more broadly, see Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History 1400-1900* (Cambridge: Cambridge University Press, 2002). On the question of the legal justification for slavery in the colonies, see van Cleve, "'Somerset's Case.'"

For those who sought to purge slavery of some of its worst abuses, this was problematic. The blind eye that British jurisprudence essentially cast to colonial slavery meant that the institution was, except for the circumstances of local colonial laws, thoroughly unregulated.⁴¹ Colonial legislatures were left to manage their own “rules” about slavery, and only in the late eighteenth-century in the midst of the looming threat of antislavery would any of them be inclined to interfere substantively with the master-slave relationship. The pervasive mythology of English liberty, then, left colonial slaves uniquely vulnerable to the whims of the planter class. In contrast with rival European slave colonies, the authority of the British planter was almost entirely unchecked.

Although the English legal tradition was notably silent on slavery, as compared to its continental peers, Britain was not the only imperial slave power to mythologize free soil at home. France had its own “Freedom Principle,” under which any slave who set foot in France theoretically would become free⁴² – a parallel to the mythologizing that has followed the Somerset case ever since. Yet French pride in the principle of liberty at home had not prevented Louis XIV from promulgating the most extensive slave code in European imperial history. The French legal tradition was thus demonstrably more comfortable than the British with separating clear boundaries between domestic and imperial law.

The 1685 French *Code Noir* had regulated every aspect of plantation life. Many of its terms were harsh: masters were expressly permitted to whip, brand, and at times mutilate their slaves, depending on the severity of the infraction. The harshest penalties did require the

⁴¹ On the significance of the Mansfield decision to British and colonial jurisprudence on slavery, see William R. Cotter, “The Somerset Case and the Abolition of Slavery in England,” *History* 79 (1994).

⁴² Sue Peabody, “*There Are No Slaves in France*”: *The Political Culture of Race and Slavery* (Oxford: Oxford University Press, 1996), introduction.

involvement of a judge, a requirement designed to limit a master's arbitrary authority. The code denied slaves the right to own property. It was also clear about denying slaves access to the legal system: in the rare cases where slave testimony was admissible in a court of law, it was held to be distinctly inferior to the testimony of a free person. In spite of these measures, aspects of the law code appealed to reformers, both planter and abolitionist alike. At the core of the *Code Noir* was an emphasis on religious instruction: slaves were to be given a thorough education in the Catholic religion, and masters were required to see that their slaves were baptized. Marriage, though subject to a master's consent, was to be upheld as a sacred bond; slave spouses and their families were not to be separated by sale. The code, moreover, was clear about protecting the legal rights of emancipated former slaves. Adult masters were permitted to manumit their slaves, whether during their own lifetime or by testament. These ex-slaves were to be afforded the full rights of free subjects.⁴³

Although the French had the most comprehensive slave code, France were not the only European power with a tradition of regulating slavery. In fact, some historians have differentiated between "Northern" and "Iberian" forms of colonial slavery, pointing out that while France, Britain, and the Netherlands lacked the domestic tradition of slavery to inform the spread of the institution in the colonies, Spain and Portugal had maintained links to Roman slavery throughout the Middle Ages. The continued visible presence of slavery in these places, into the early modern era,⁴⁴ meant that slave law continued actively to evolve throughout Iberia.⁴⁵

⁴³ *Le code noir ou Edit du roy, servant de reglement pour le gouvernement & l'administration de justice & la police des isles françoises de l'Amerique, & pour la discipline & le commerce des negres & esclaves dans ledit pays* (Paris: Claude Girard, 1735).

⁴⁴ As Tamar Herzog has shown, there was also a forgotten tradition of African slavery in early modern Spain. "How Did Early-Modern Slaves in Spain Disappear? The Antecedents," *Republic of Letters: A Journal for the Study of Knowledge, Politics, and the Arts*, no. 1 (2012). In major cities such as Seville, sub-Saharan African slaves may have comprised as much as 10 percent of the population into the sixteenth century. Alejandro de la Fuente,

The institutional ties to ancient slavery, moreover, maintained vestiges of a system that was conceived neither as permanent nor as inherently race-based. The context of transatlantic African slavery beginning in the sixteenth century was a new one, but in the Iberian context these slaves had ostensibly inherited certain legal protections from a system that had been conceived in vastly different terms.

Neither Spain nor Portugal drafted an extensive code noir as the French had done. The closest attempt in the Spanish case would be a 1789 royal proclamation that was retracted under threat of considerable planter opposition. Nevertheless, slavery in the Iberian colonies evolved under a negotiated set of regulations and guidelines that was substantially informed by the medieval legal tradition. This meant that Iberian slavery was subject to certain regulations, though not in the comprehensive or deliberate manner of the French *code noir*.⁴⁶ In British debates, Spanish slavery was paramount in discussions of Iberian slavery (though the two were often lumped together), owing to lesser familiarity with Portuguese law and the related fact that no Portuguese colony fell to British rule during this era.

The primary law code governing slavery in Spain, subsequently also its New World colonies, was the *Siete Partidas*, a Castilian corpus of law addressing every aspect of social and economic life that was promulgated in the thirteenth century, though enacted only in the

Havana and the Atlantic in the Sixteenth Century (Chapel Hill: University of North Carolina Press, 2008); James Lockhart et. al., *Early Latin America: A History of Colonial Spanish America and Brazil* (Cambridge: Cambridge University Press, 1983), 17-19.

⁴⁵ France, like Spain and Portugal, also underwent a considerable reception of Roman law, though Britain did not. The difference was that the comparative absence of slavery in medieval and early modern France meant that the Roman laws on slavery were not adapted there. Watson, *Slave Law in the Americas*, chapter 5. On the shared legal past of continental Europe, see Manlio Bellomo, *The Common Legal Past of Europe 1000-1800*, trans. Lydia Cochrane (Washington: The Catholic University Press, 1995).

⁴⁶ Lucena Salmoral, *Los códigos negros de la América española*.

fourteenth.⁴⁷ Grounded in tradition, the *Siete Partidas* was less a “Spanish” law code than it was a translation of Roman law, which had undergone a slow but definitive reception in most of continental Europe throughout the Middle Ages.⁴⁸

The *Partidas* reflected the primary concerns and considerations of slavery as it had existed under the Romans.⁴⁹ This meant that it treated slavery primarily as the result of military conquest, which in ancient Rome had generally been conceived as temporary and even honorable. The *Partidas* accordingly acknowledged the humanity of those who had become slaves and emphasized the possibility of slaves regaining their freedom. Its provisions were not geared specifically to race-based slavery, and it addressed a broad socioeconomic status that could be impermanent. The *Partidas*’ emphasis on the potentially temporary nature of slavery – as a stage in a slave’s life, not a permanent condition – was a powerful aspect that sets it apart from much of the corpus of slave law as it developed in the early modern Atlantic world, responding to a much different set of historical circumstances.

The prevailing attitude in the Spanish tradition was that slavery was an unfortunate but necessary fact of life. Famously, the *Partidas* held that slavery was *contra razon de natura* (against natural reason).⁵⁰ It allowed for the possibility of manumission – although it chiefly recognized manumission as a process to arise as a direct result of a master’s goodwill.⁵¹ Another

⁴⁷ Printed in D. Marcelo Martínez Alcubilla, ed., *Los códigos antiguos de España, desde el fuero juzgo hasta la novísima Recopilación* (Madrid: Arco de Santa María, 1885).

⁴⁸ Roman law triumphed definitively in Spain in the fifteenth century. Bellomo, *The Common Legal Past of Europe*.

⁴⁹ On Roman slavery, see Sandra R. Joshel, *Slavery in the Roman World* (Cambridge: Cambridge University Press, 2010).

⁵⁰ Partida IV, título XXI, ley I. Printed in Alcubilla, ed., *Los códigos antiguos de España*.

⁵¹ Partida IV, título XXII, leyes I-XI.

law upheld the sanctity of contracts between masters and slaves, protecting slaves against subsequent attempts to alter the specifics of the agreement—a significant provision in advancing slaves’ efforts to purchase their freedom. These provided powerful precedents for subsequent Spanish-American practices relating to self-purchase and manumission. Moreover, although the *Partidas* generally affirmed that a master had almost total dominion over his slaves in most aspects of life, those aspects that touched on the spiritual realm were expressly beyond his authority: marriage and family were the domain only of the slave, and a master could neither oppose a marriage desired by his slave nor separate a husband and wife who had been lawfully united.⁵²

Many of the aspects both of the French *Code Noir* and the Spanish tradition had initial purchase with abolitionists, who were particularly inclined to reform slavery along religious lines. In fact, one of the common critiques of British slavery was that it had failed to Christianize: whereas the Catholic states of Europe had incorporated religious instruction, and alongside it the related institution of marriage, as a part of colonial slavery, Britain had done little to spread the gospel in its own colonies.⁵³ Indeed, many activists regarded the cause of both amelioration and abolitionism to be one of proselytization as much as civilization; they sought to save souls as much as they aimed to mold good subjects and protect human liberty. The Anglican priest and abolitionist James Ramsay summed up the project as he saw it thus: “What glory would it be to Britain . . . to enlarge the benevolent plan of France and Spain, for

⁵² Partida IV, título V.

⁵³ See Luster, *The Amelioration of the Slaves*, chapters 4 and 5; Beilby Porteus, “Sermon XVII,” in *Sermons on Several Subjects* (London, 1783), 381-409; Clarkson, *The Cries of Africa*, especially chapter VI; G.H. Rose, *A Letter on the Means and Importance of Converting the Slaves in the West Indies to Christianity* (London, 1823). Many abolitionists advocated for religious missions to be more involved in empire in general; see Wilberforce’s writings on India, e.g. *Substance of the Speeches of William Wilberforce, Esq., On the Clause in the East India Bill for Promoting the Religious Instruction and Moral Improvement of the Natives of the British Dominions in India* (London, 1813).

improving the condition of their slaves; and to open a way for the admission of reason, religion, liberty, and law among creatures of our kind.”⁵⁴

The difference for Britain, then, was the absence of metropolitan oversight. For most onlookers, France presented a more obvious point of comparison than Portugal or Spain. Despite prejudices and patriotic anti-French sentiment, France had long retained a reputation in England for sophistication and culture.⁵⁵ This could not be said of the Spanish, who had been associated since at least the sixteenth century for barbarism and backwardness, as embodied in their infamous Inquisition. So pervasive was anti-Spanish sentiment in early modern England that twentieth-century scholars have dubbed it the “black legend,” a prejudice that has survived into the modern era.⁵⁶ In spite of this, however, early attention to Spanish slave practices that were deemed “benevolent” would gain traction in British amelioration schemes as the nineteenth century unfolded. The link between Spanish practice and manumission seemed to advocates of antislavery and gradual emancipation to be particularly promising.

These were the models most obviously available to both proslavery and antislavery advocates who sought to reform British slavery in the late-eighteenth century. Many forward-thinking planters were prepared to embrace the idea of implementing something akin to the French *code noir*, with its explicit, if limited, regulation of the master-slave relationship. Abolitionists took these ideas as starting points, most interested as they were in finding ways to

⁵⁴ James Ramsay, *An Essay on the Treatment and Conversion of African Slaves in the British Sugar Colonies* (London, 1784), 294.

⁵⁵ For example Linda Colley, *Britons: Forging the Nation 1707-1837* (New Haven: Yale University Press, 1992).

⁵⁶ On the black legend and its origins, see Maltby, *The Black Legend in England*; Maria DeGuzman, *Spain's Long Shadow: The Black Legend, Off-Whiteness, and Anglo-American Empire* (Minneapolis: The University of Minnesota Press, 2005); Greer, et. Al., *Rereading the Black Legend*; Eldred, “Imperial Spain in the English Imagination.”

fold a plan for amelioration into a scheme for gradual emancipation. They would, moreover, be especially concerned about the gap between law and practice, and the ways that regulations might be best enforced. The difference in aims is clear. Most proslavery advocates were hoping to put an end, once and for all, to discussions of the legitimacy of slavery as an institution. For advocates of antislavery, that conversation was just beginning.

Inspirations

Despite anti-Spanish prejudices, it was a Spanish slave practice that became one of the first alternative slave models to come into the British abolitionist spotlight. In 1776 Granville Sharp first publicized within the Anglophone world “the Regulations lately adopted by the *Spaniards*, at the *Havanna*, and some other Places, for the gradual *enfranchisement of Slaves*.” He went on to describe a manumission policy that was primarily Cuban, based upon slaves hiring out their labor during their days off and earning wages that could in turn be spent securing their freedom. The practice rested upon a tradition that secured slaves a large number of days, many of them religious, to themselves. The Catholic calendar typically reserved nearly a third of days as non-working days – either Sundays or other religious or feast days – resulting in a comparatively high amount of free time in these slave colonies. The “Spanish regulations” in Cuba bolstered this allowance by allowing slaves to purchase their freedom by degrees, one day of the week at a time. These personal days could be used, among other ways, to earn wages that might be applied toward attaining full freedom. “This is such an encouragement to industry,” lauded Sharp, “that even the most indolent are tempted to exert themselves.” It was, Sharp noted, a powerful step toward the gradual abolition of slavery.⁵⁷

⁵⁷ Sharp, *The Just Limitation of Slavery*, 54.

Sharp had heard about the practice from a friend. Brook Watson, a Plymouth-born merchant and soldier who had grown up in Boston, had spent time during his teenage years in Cuba and the Caribbean as a crewman on one of his uncle's ships, prior to the brief British occupation.⁵⁸ Watson never had the occasion to return to Cuba as an adult, but his knowledge of Spanish slave practices even from his brief encounter with the island as a teenager survived in his memory for decades until he relayed the information to Sharp in the late 1760s or early 1770s.⁵⁹ He was sketchy on particulars, but painted a general portrait of a slave society in which manumission was an attainable goal.

Sharp's second-hand understanding of what the Spanish called *coartación* may have been loose, but it was correct in the essentials. *Coartación* referred to the purchase of a slave's freedom by degrees. A slave that was *coartado* had undergone a process of legal mediation, overseen by a judge and two appraisers who represented the slave and the master respectively to determine the price of freedom. The slave secured his or her *coartado* status by making an initial deposit. This entitled the slave to a fraction of wages for all work performed on the basis of how much money had been paid; in essence, the down payment as well as subsequent installments represented a slave's partial ownership of his or her own labor. After the deposit had been paid, moreover, the price for full freedom could not be altered, regardless of market fluctuations.

Knowledge of these "Spanish regulations" was gradually circulating—in part thanks to Sharp, who told his correspondents about them long before he ever put his knowledge of the

⁵⁸ Watson's encounters with the West Indies broadly and Cuba in particular earned him two legacies: his familiarity with Cuban slave policies one the one hand, and on the other the loss of limb for which he is most famous. In 1749 at the age of fourteen, Watson was swimming alone in a Havana harbor when a shark attacked him. After his rescue, his leg had to be amputated below the knee.

⁵⁹ Sharp's earliest conveyance of the information was in a letter to a friend in Philadelphia in 1772. In 1781 he cited the original conversation with Watson as having taken place "several years ago." GRO D3549 13/1/P23.

procedures into print. One of Granville Sharp's American contacts, the Philadelphia doctor Benjamin Rush, praised the "Spanish regulations" of Havana and quoted Sharp directly in a 1772 address on slavery, the slave trade, and the evils associated with them.⁶⁰ The address predated Sharp's publication by four years, and was the result of considerable correspondence between the two men.⁶¹ Sharp's "Spanish regulations" would gain traction in antislavery circles over subsequent decades and become a staple of abolitionist recommendations for amelioration.⁶²

The discussion amongst Anglophone abolitionists of these regulations highlighted not only the prospect of individual manumission, which had the virtue of rewarding industry and hard work among the slaves, but also the explicit limitations that the practice placed on forced labor. Regardless of what a slave might choose to do with his or her time, the law protected slaves in the Spanish dominions from being worked seven days a week.

Coartación was an evolved legal practice, not a traditional right enshrined in the *Partidas* or any other Spanish body of law.⁶³ It was native to Cuba, where it emerged over the course of several centuries. It appears not to have existed in precisely this form in the other slave colonies of Spanish America – though evidence does suggest that various distinct manumission practices proliferated throughout the Spanish slaveholding domains. From the early days of Cuban slavery, the practice of *coartación* was common enough to provoke legal distinctions between *coartados* ("partial" slaves) and *enteros*, whose slave status was uncompromised from the

⁶⁰ Benjamin Rush, *An Address to the Inhabitants of the British Settlements, on the Slavery of the Negroes in America* (Philadelphia, 1772), 20-21.

⁶¹ GRO D3549 13/1/P23, Sharp to the Bishop of Peterborough (quoting his letter to Rush), 30 March 1781; also D3549 13/1/W9, Sharp to Watson, 26 February 1781.

⁶² Another prominent abolitionist who endorsed the Cuban manumission policy explicitly was Beilby Porteus. See Porteus, *Sermons on Several Subjects*, 398-399.

⁶³ De la Fuente, "Slaves and the Creation of Legal Rights in Cuba."

vantage point of present and future owners. *Coartados* retained their status; they could be sold, but only as “partial” slaves. If they were purchased by other masters, those masters were legally obligated to observe the terms of their original contracts, entitling them to additional days off according to what they had paid and honoring their total manumission when the established price was presented.⁶⁴

Evidence for the frequency of this practice in Cuba has been hotly debated.⁶⁵ There is limited evidence of the existence of the practice before the British occupation of Havana in 1762, and Watson’s account as conveyed to Sharp – dating from his travels in the late 1740s and early 1750s – bolsters Alejandro de la Fuente’s contention that it existed far earlier than this. A statistical analysis of the practice is certainly impossible, given limited data, but de la Fuente has shown that the practice was the subject of notable colonial correspondence as well as royal proclamations as early as the sixteenth century. A 1529 *cédula real* had confirmed the right of a slave to instigate litigation on his or her own behalf.⁶⁶ There is evidence, too, that the tradition was stronger and more common prior to the emergence of a full-scale plantation economy in Cuba in the late-eighteenth and nineteenth centuries. Over time, planters became increasingly resistant, objecting – as would British planters under threat of similar legislation in the 1820s – to the encroachment on their own ultimate authority over the slaves. Evidence for the practice during the nineteenth century, however, is more readily available. Census information

⁶⁴ The practice was of Cuban origin. In Cuba, *coartados* had legal rights that the same class lacked elsewhere. Bergad, et. al., *The Cuban Slave Market*, chapter 6. Moreover, as de la Fuente has argued, the evolved practice was stronger before the emergence of the “plantation economy” in Cuba in the late-eighteenth century. As slavery became more integral to the entire island’s economy, planters became more resistant. “Slave Law and Claims-Making in Cuba.”

⁶⁵ See for example the statistical analysis in Bergad et al., *The Cuban Slave Market*, chapter 6; see also Frederick P. Bowser, “Colonial Spanish America.” Manumissions were often granted to less “useful” slaves, including the old and the young.

⁶⁶ De la Fuente, “Slave Law and Claims-Making in Cuba,” 358-9.

demonstrates, for example, that in the last years of slavery in Cuba, only a small fraction of those slaves who became *coartado* ever attained full freedom.⁶⁷

In fact, what the British would call “compulsory manumission” actually referred to several distinct, though related, practices that evolved out of those provisions of the *Siete Partidas* encouraging manumission and protecting contracts. Although self-purchase was widespread throughout Spanish America, many historians have argued that as a formal institutional process, *coartación* was uniquely Cuban. There is certainly less evidence that the “by installments” nature of the practice or the system of legal mediation were duplicated elsewhere.⁶⁸ The *Siete Partidas* had supplied critical starting points for the evolution of this practice: the sanctity of contracts and a general encouragement of self-purchases among them.⁶⁹ These principles would serve as the legal basis for *coartación*, though the implications of this practice went far beyond the intent of the *Partidas*. The *Partidas* had stopped far short of allowing a slave to instigate litigation to procure freedom, against the wishes of the owner.

A related Spanish practice was that of *papel*. This practice, also native to Cuba, referred to the forced sale of a slave whose master treated him or her cruelly. The *Partidas* had asserted that a slave who was being mistreated could be sold to another master. The abusive master would be forced to accept payment for the slave. However, the *Partidas* itself had not established a direct way for a slave to navigate the legal system; the implication was that a free person or legal advocate would have to instigate the suit. As was the case with *coartación*, the practice of *papel* emerged in Cuba in such a way that the slave could raise his or her own case

⁶⁷ De la Fuente, “Slaves and the Creation of Legal Rights in Cuba.”

⁶⁸ For example Bergad et al., *The Cuban Slave Market*, 131-142; Herbert S. Klein, *Slavery in the Americas: a Comparative Study of Virginia and Cuba* (Chicago: University of Chicago Press, 1967), 196.

⁶⁹ *Partida* IV, título XXII, leyes I-XI; *Partida* V, título V, ley XLV.

within the legal system.⁷⁰

British reformers who conflated a range of practices and dubbed them “compulsory manumission” highlighted the inability of a planter to resist the process, if the slave in question took his or her case to court. In fact, Spanish manumission practices extended well beyond that of the “compulsory” practice, and voluntary manumissions, whether by formal or informal agreement or by testament, were also commonplace.⁷¹ Nevertheless, it was the “compulsory” aspect of these practices that most enchanted British onlookers. Unsurprisingly, it would be the aspect of the practice that most repelled planters.

Compulsory manumission was particularly enticing to advocates of gradual emancipation, and it would gain significance in British debates in the 1820s. Of more immediate significance, however, was the concept of “protection” – an idea that cut across several of the European empires and traced its origins to Roman law. The most immediate evidence of this, for British abolitionists, could be found in the French *Code Noir*, which made provisions for an official whose duties extended to colonial slave protection and enforcement of the slave code’s provisions. As we have seen, the French case was at once most similar to the British in its treatment of slavery, insofar as France also lacked a notable domestic tradition of enslavement, but was also markedly different in its extensive regulation of slavery in the imperial context.

One of the first people to notice the tradition of slave “protection” was James Ramsay, an Anglican priest who had resided on the French island of Saint Christopher (now St. Kitts) from 1761 to 1777, several years prior to the cession of the island to Britain in 1783. This experience

⁷⁰ De la Fuente, “Slaves and the Creation of Legal Rights in Cuba.”

⁷¹ Manumission, alongside intermarriage and miscegenation, was a leading contributor to the high number of free people of color in the Spanish colonies – as British commentators were aware. Francisco A. Scarano, “Spanish Hispaniola and Puerto Rico,” and Matt D. Childs et. al, “Cuba,” in *The Oxford Handbook of Slavery in the Americas*, ed. Paquette et al., 21-45 and 90-110.

made Ramsay one of Britain's leading authorities on the French slave laws. Ramsay noted the ways that, in this French colony, numerous religious and secular elements had operated together to bolster the protection of the slave population. He particularly highlighted the role of Catholic religious missions. Priests, he noted, were charged with visiting slave plantations to make inquiries into the behavior and religious improvement of the slaves; they were also tasked with interceding in disputes on slaves' behalf from time to time.⁷²

Even more significantly, French slave colonies typically had a magisterial official whose duties included directly advocating for the interests of slaves. In Saint Christopher, Ramsay observed that the *procureur general*, or attorney general, had the authority to prosecute masters who seemed generally to neglect the welfare of their slaves, or otherwise to abuse them.⁷³ This function of the *procureur* had been adapted from the *Code Noir*, which included a provision allowing slaves to complain to this official in instances of abuse. Ramsay noted too that the *procureur* had important responsibilities in overseeing the manumitted slaves, a provision that certainly seemed wise according to the contemporary perspective that emancipated slaves required careful monitoring to ensure their smooth transition into society.⁷⁴ Although the *procureur* acted as an arm of the state, Ramsay's experiences in Saint Christopher showed him that in at least some instances, this figure saw himself principally as an advocate of slaves, not planters.⁷⁵

⁷² Ramsay, *An Essay*, 52-61.

⁷³ Ramsay, *An Essay*, 52-61.

⁷⁴ James Ramsay, *A Letter to James Tobin, Esq., Late Member of His Majesty's Council in the Island of Nevis* (London, 1787), 21-22.

⁷⁵ See also Samuel L. Chapman, "'There Are No Slaves in France': A Reexamination of Slave Laws in the Eighteenth Century," *The Journal of Negro History* 85, no. 3 (2000): especially 146.

Ramsay's plan for the improvement of the British slave colonies was therefore modeled on the French law.⁷⁶ He advocated for the organization of slave colonies around such a "judge" or "protector" who might mediate disputes between slaves and masters, serving as a true intermediary. Such an official would serve not only as a check on the authority of planters, but an arm of metropolitan authority regulating activities in the colonies. As we will see, these ideas anticipated some of the early experiments with protection in the British colonies, primarily in Jamaica, Grenada, and the Leeward Islands, which would take up the concept of protection in at least a limited sense. Those initiatives, however, would come not from abolitionists, but from planters sympathetic to the cause of slavery reform.

Although the *procureur* was codified and accessible to British onlookers familiar with French law, the concept of such a "protector" figure caused other abolitionist writers to draw parallels to still more appealing, in their eyes, Spanish offices. The Spanish Empire, it turned out, had an even greater tradition of "protective" offices, as British onlookers were gradually becoming aware. The *protector de indios* was the most well-known, an officer that had existed in the New World since the sixteenth century, and who had maintained a limited role as slave advocate. Writing in 1784, Beilby Porteus noted, "In South America, every Indian district has its protector to whom the wretched slaves may fly for refuge and relief."⁷⁷ Awareness of this Spanish institution is evident from a survey of other British writing on Spanish America.⁷⁸

⁷⁶ He also endorsed the adoption of a policy to allow self-purchase among slaves, which would suggest at least some familiarity with the Spanish tradition or with Sharp's work. He did not, however, cite this influence. Ramsay, *An Essay*, chapter 5 and p. 129.

⁷⁷ Beilby Porteus, *An Essay Towards a Plan for the More Effectual Civilization and Conversion of the Negro Slaves: On the Trust Estate in Barbadoes, Belonging to the Society for the Propagation of the Gospel in Foreign Parts* (London, 1817 [1784]), 199-200.

⁷⁸ *The History of the Voyages of Christopher Columbus, in Order to Discover America and the West-Indies* (Glasgow, 1761), 75; William Burke, *An Account of the European Settlements in America. In Six Parts*, vol. 1 (London, 1765), 131; William Robertson, *The History of America* (Edinburgh, 1780), 328-329.

Porteus's comment demonstrates an additional awareness of the ways that the "protector of Indians" might also serve as a slave advocate. Crucially, this figure represented a significant limitation on the liberty of colonists, who could be prosecuted for illegal treatment of slaves and natives.

As Porteus's observations suggest, the history of protection in the Spanish Empire began not with African slavery but with indigenous peoples. Critiques of the decimation of the native populations of the Americas, often at the hands of the invading Spanish, cast a significant shadow over Spain's early imperial triumphs. One of the most important early critics of Spanish colonialism was a Spaniard, the Dominican friar Bartolomé de las Casas, whose famous *Brevísima relación de la destrucción de las Indias* (*Short Account of the Destruction of the Indies*)⁷⁹ had often been credited with inflaming, if not inspiring, anti-Spanish polemics in the rest of Europe.⁸⁰ In spite of this legacy, Las Casas's reports inspired direct imperial reform in his own day. Out of them came the origins of a policy rooted in the idea of crown protection, holding that the crown itself must act to protect subject peoples from potential exploitation at the hands of pioneers and colonists.

Las Casas is regarded as the Spanish Empire's first *protector de indios*, and the deployment of an officer specifically tasked with the "protection" of the American natives soon became formal policy, developed by the Spanish Cardinal Cisneros, regent for the young King Charles V. The protector was to hear complaints of the natives, represent them at the court of law, and convey their grievances to the crown of Spain. The first occupants of this office, like Las Casas, were religious figures, notably the Franciscan bishop Juan de Zumárraga (appointed

⁷⁹ Bartolomé de las Casas, *Brevísima relación de la destrucción de las Indias* (Sevilla, 1552).

⁸⁰ Rolena Adorno, *The Polemics of Possession in Spanish American Narrative* (New Haven: Yale University Press, 2007), chapter 3.

in 1527) and the priest Hernando de Luque (appointed 1529). The legal aspect of this office developed gradually, as Indians came to participate increasingly in the legal culture of the colonies, and the office was gradually disassociated with the Church as it took on more secular characteristics.⁸¹

The *protector de indios* was simply the first of many such offices in Spanish America. Most notably, by 1766, the Spanish had developed an office of *protector de esclavos* in the South American colonies and it had served a similar function to the French version of this office. It was in that year that the Spanish *síndico procurador* (also an attorney general) was first tasked with acting, as the French *procureur* was to do, as slave advocate for each of the Spanish slave colonies. The Spanish *síndico* was also charged with making the regular visitations of plantations, a function that went beyond the typical demands of the French *procureur*. Protectors of the poor, orphans, and other disadvantaged groups also cropped up locally, such as in Trinidad during the late years of Spanish rule.⁸² The Spanish thus carried the notion of the “protector” officer somewhat further than the French.

It is no coincidence that both the French and the Spanish versions of the office of attorney general evolved to acquire similar functions with respect to slaves. The Roman legal tradition shared by France and Spain emphasized the “protective” role of the state in defense of certain categories of degraded or unfortunate subjects.⁸³ In both contexts, the office of the attorney

⁸¹ On the early evolution of this office, see Charles R. Cutter, *The Protector de Indios in Colonial New Mexico 1659-1821* (Albuquerque: University of New Mexico Press, 1986); and Constantino Bayle, *El Protector de Indios* (Sevilla: Escuela de Estudios Hispano-Americanos, 1945). On the way this office worked in practice, and on the ways in which Indians came to navigate the system, without being passive recipients of Spanish law, see Brian P. Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford: Stanford University Press, 2008).

⁸² Borde, *The History of Trinidad*, vol. 2, 226.

⁸³ “Protective” offices derived from Roman law existed primarily to protect certain degraded categories of the populace who were legally recognized as *miserables*: historically, these had included widows, orphans, and the poor. The idea was that the “state,” or the “crown” ought to protect these people who could not adequately defend their

general acquired a special function with respect to slaves that was consistent with the purpose of the office. It was a significant element of both the French and Spanish offices that the *procureur* or *síndico* was meant not only to mediate disputes but to levy charges against abusive masters as he saw fit. In that way, the official played an important role in enforcing existing slave laws.

The “protector” official was an integral part of what is perhaps the oldest draft for a comprehensive British slave code. The author was Edmund Burke, who sketched such a code in 1780⁸⁴ – seven years prior to the organization of the Society for Effecting the Abolition of the Slave Trade. For his part, Burke was a prominent critic of empire whose criticism of the institution of slavery paralleled his more famous (later) denunciation of British imperial corruption in India. However, Burke notably did not publicize his ideas about slavery at the time, probably because he was then MP for the prominent slaving port of Bristol. He seems, moreover, not to have considered antislavery to be a feasible political cause at the time of his first writing, for he later recalled that when he first wrote the code, the abolition of the slave trade seemed “a very chimerical project.”⁸⁵ In any case, he did not share his sketch with anyone until he attached it to a letter to the home secretary Henry Dundas in 1792, when the government was actively considering legislation to abolish the slave trade.

own interests, or survive, within society. This concept underwent extensive proliferation in the Spanish context especially. In the sixteenth century, American Indians were comprehended within this category of *miserables* in a way that implicitly assumed their status as subjects. These native subjects, moreover, were conceived of as “*niños adultos*” a category of minor children deserving of state protection who, unlike the children of Europeans, would never be viewed as adults under the law. Diana Bonnett, *Los protectores de naturales en la audiencia de Quito: siglos xvii y xviii* (Quito: Facultad latinoamericana de ciencias sociales, 1992); Bayle, *El Protector de indios*.

⁸⁴ For the original sketch: BL, Add MS 37890, Edmund Burke, Sketch of a Negro Code, ff. 3-10.

⁸⁵ Edmund Burke, “A Letter to the Right Honourable Henry Dundas, one of His Majesty’s Principal Secretaries of State, with the Sketch of a Negro Code (1792),” in *The Writings and Speeches of Edmund Burke*, ed. Paul Langford, vol. 6 (Oxford: Clarendon Press, 1980), 255-261. There was also some political cost for Burke. In 1780 he lost his parliamentary seat in Bristol. Although he had not published his code, his views on the slave trade were by then known. See Paul Langford, “Burke, Edmund (1729/30–1797),” in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

Burke's code reflects a basic familiarity with Spanish (and to a lesser extent, French) slave practices, although he did not acknowledge his debt to foreign practices or explain where he learned about them. The plan called for greater religious instruction of the slaves as well as a mitigation of physical constraints placed upon them. Burke stipulated that "his Majesty's Attorney General . . . shall by his office, exercise the trust and employment of protector of negroes within the island" and that he should be "authorized to hear any complaint" of the slaves "and enquire into the same."⁸⁶ His outline of this office reflected an understanding of the way this institution worked in the French and Spanish colonies. For Burke, the Protector figure was the legal instrument of amelioration who would both hear complaints and bring action against transgressors. Moreover, he held that the Protector should be authorized to order mistreated slaves to be resold to alternate masters, echoing the Spanish practice called *papel*,⁸⁷ although Cuba had a tradition for slaves being able to instigate the litigation themselves. Another clause echoed the Spanish practice of self-purchase:

And in order to a gradual manumission of slaves, as they shall seem fitted to fill the offices of freemen, be it enacted that every negro being thirty years of age and upwards, and who has had three children born of him in lawful matrimony, and who have received a certificate from the minister of his district, or any other Christian teacher . . . may purchase at a rate to be fixed by two justices of peace the freedom of himself or his wife or children, valuing the wife and children if purchase into liberty by the father of the family, at half only of their marketable value provided that the said father shall bind himself in a penalty of ___ for the good behavior of his children.⁸⁸

Burke's sketch did not credit either French or Spanish ideas as a source,⁸⁹ and indeed

⁸⁶ Burke, "A Letter to the Right Honourable Henry Dundas," 276.

⁸⁷ Burke, "A Letter to the Right Honourable Henry Dundas," 287-288.

⁸⁸ Burke, "A Letter to the Right Honourable Henry Dundas," 288. The penalty is left blank.

⁸⁹ It is difficult to pin down his sources definitively. No evidence other than Burke's own claim, penned in 1792,

none of Burke's musings on the subject prior to his 1792 letter to Dundas survive to supply further details. The contents of his plan, however, suggest strong familiarity with Spanish practices especially, and his ideas relating to self-purchase and forced sale strongly suggest a Cuban inspiration in particular. Notably, Burke attached many strings to these provisions, emphasizing Christianity and matrimony as prerequisites to freedom and participation in civil society.⁹⁰ These requirements reflect British preoccupations at the time about freeing slaves before they were "ready."

Nothing came of Burke's code, in part because he did so little to advocate for it (as evidenced in part by his failure even to share it with anyone for twelve years). Neither antislavery advocates nor government officials took up any serious effort to ameliorate slavery before the abolition of the slave trade. In 1816 the House of Commons arranged to have printed a comprehensive list of slave laws that had been passed in the various British colonies for further examination.⁹¹ Not until 1823, though, would the move to ameliorate slavery really take off, and many of Burke's ideas come to fruition belatedly. Until then, abolitionist ideas about amelioration remained only suggestions. In the meantime, planters and their advocates would also take up the mantle of amelioration – albeit for very different ends.

survives to corroborate the 1780 date for the initial draft of the code. The only copy that survives is his letter to Dundas. The code has, correspondingly, received little historiographical attention and is overlooked in most assessments of Burke's political career and leanings. See Ian Crowe, *An Imaginative Whig: Reassessing the Life and Thought of Edmund Burke* (Columbia, MO: University of Missouri, 2005), 196-202.

⁹⁰ This was not inconsistent with typical Iberian and Latin American practice, which often emphasized Christian faith as a prerequisite for full participation in civil society. See Lockhart, *Early Latin America*, 17-19 and 216-219.

⁹¹ "Return Made in Pursuance of an Address of the House of Commons to His Royal Highness The Prince Regent," in *Irish University Press Series of British Parliamentary Papers*, vol. 62 (Shannon: Irish University Press, 1971), 215-296.

The First Experiments

While antislavery advocates in Britain debated the best way to abolish the slave trade and ameliorate slavery, the colonial legislatures of the Caribbean were in the position of being able to do something about slavery immediately. What began as a debate among abolitionists, therefore, would first come into practice as the domain of planter experiments. Jamaica and Grenada were at the forefront of colonies passing legislation to regulate slavery in the late-eighteenth century. The “first wave” of amelioration efforts of the 1780s and 1790s can therefore be distinguished from the “second wave” in the 1820s. The first was a planter directive, the second authored primarily by abolitionists.⁹²

One of the most influential planters to devise a scheme for amelioration was Edward Long. Long had been born in Cornwall and had studied law before sailing for Jamaica in 1757, where he would remain until 1769. His family’s fortune had been tied for generations to Jamaica, where his father owned a sugar plantation. A member of the Jamaica Assembly between 1761 and 1769, Long returned to England thereafter as a result of ill health, but he did not stop advocating for the interests of the sugar colony. For most of this time he was an active member of the London-based West India Committee, the core of the planter lobby.⁹³

His plan for amelioration, drafted in 1774, was modeled on the 1685 *Code Noir*, which he perceived to be an impressive if sometimes insufficient document.⁹⁴ He was not, for example, convinced that the mere letter of the law could protect slaves from instances of cruelty. Noting

⁹² On these themes, see Gaspar, “Ameliorating Slavery,” 8; Luster, *The Amelioration of the Slaves*.

⁹³ Kenneth Morgan, “Long, Edward (1734–1813),” *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

⁹⁴ He reproduced the entirety of the *Code Noir* as an appendix to his three-volume history of Jamaica. Edward Long, *The History of Jamaica. Or, General Survey of the Antient and Modern State of that Island: With Reflections on its Situation, Settlements, Inhabitants*, vol. 3 (London, 1774), 921-934.

that the condition of the slaves of the British West Indies was often unfavorably compared to that of the slaves on French islands, Long's work made a point of highlighting the cruelty sometimes inflicted by French masters, who often overworked and over-punished their slaves in spite of the law. "What are we to think of the edicts and ordinances of any country," he mused, "where so horrid a monster [as a violent planter] is suffered to live with impunity; and of how little efficacy is the celebrated *Code Noir*, in giving protection to the French Negroes?"⁹⁵ With a definite skepticism of what he viewed as unpatriotic abolitionist propaganda, Long cautioned that the letter of the law was not the same as practice. Any scheme for the amelioration of the condition of the slaves, he argued, ought to have in mind appropriate mechanisms for enforcement – a requirement of which the *Code Noir* often fell far short. In this way he anticipated many abolitionist objections to the planter-initiated reforms of the old colonies.

Long's *History of Jamaica*, a political tract filled with a mix of scientific racism, anthropology, and botany, advocated a range of colonial reforms effecting both statutory amelioration and what he called the greater "creolization" of the slave labor force. For Long, "creolization" meant cultural assimilation without any racial implications: in short, he presumed that newly-arrived African slaves posed a greater danger to society than those who had lived in the Caribbean for a period of years or been born there. He based his opinion partly on research into the Jamaican Maroon War of 1739. Wary of the dangers new arrivals, Long advocated policies to promote the natural increase of the colonial slave population.

The *Code Noir* was proof enough, for Long, that merely legislating ameliorative measures was insufficient. A reformed Jamaica slave law should instead, according to Long, limit the authority of the planters by regulating punishment of the enslaved, and enforcing

⁹⁵ Long, *The History of Jamaica*, vol. 2, 440-441.

compliance with various legal penalties. A corps of white servants, Long suggested, might be deployed as informants to help monitor the treatment of slaves.⁹⁶ In a subtle way, therefore, Long called for the introduction of officers who would essentially be charged with a limited task of slave “protection,” by inspecting plantations to ensure that existing laws were being upheld.

Long also endorsed the use of religion as a means of social control, joining abolitionists in calling for more concerted attempts to spread Protestantism among the slave population. In fact, during the early years of amelioration efforts, many planters were quick to endorse greater religious instruction (particularly if it was supervised by the masters themselves, not third-party missionaries), in spite of the historical fears that religious missions were disruptive to the authoritarian nature of a slave society. Not least, this provided a way to counter widespread critiques of the slave regime for its lack of Christianization.⁹⁷

Promulgated in 1788, Jamaica’s consolidated slave law came directly out of Long’s proposals. The law’s provisions included a mandate that slaves receive an acre of land to grow their own food, a number of protections for the old and the infirm, Christian instruction for the enslaved, and a limit of ten lashes on the extent of corporal punishment.⁹⁸ The law was also scrupulous about injuries to slaves: mutilation of a slave would result in the loss of the perpetrator’s property in the slave; to kill a slave was deemed a felony.

The law had several aims. The first was that slaves be afforded the means to provide for their own maintenance – a provision expected to encourage industriousness, although the law was clear about minimum allowances of food, shelter, and clothing masters would be required to

⁹⁶ For a helpful summary and analysis of Long’s proposals, see Claudius Fergus, *Revolutionary Emancipation: Slavery and Abolitionism in the British West Indies* (Baton Rouge: Louisiana State University Press, 2013).

⁹⁷ Luster, *The Amelioration of the Slaves*, chapters 4 and 5.

⁹⁸ Luster, *The Amelioration of the Slaves*, chapter 2.

supply regardless of the ability of slaves to provide for their own subsistence. In a similar vein, minimum standards for the maintenance of the old and infirm enslaved population were enshrined. Finally, the law's authors embraced the principle that the enslaved population ought to receive religious instruction: masters were now required to educate their slaves in the Christian religion as well as to provide for the baptisms of slaves' children. Together, most of these reforms were aimed at making slave labor more efficient, at promoting the sustainability of the labor force and maintaining slaves' health to ensure greater productivity in the cane fields.

The law also included a special "council of protection" tasked with investigating slave complaints of maltreatment; slaves, moreover, gained modest access to law courts. The establishment of the council was meant to be the law's prime mechanism of enforcement. It was an important feature of the new law that slaves were allowed to bring suits against their masters to the parish court, subject to the discretion of the parish magistrate. They were permitted to testify in courts in a narrow range of cases concerning slave abuse. If the magistrate felt there was a case, he would set up a panel (the council of protection) to investigate the claims and call witnesses. The council of protection was criticized at the time and later for lacking sufficient teeth to enforce the provisions of the law.⁹⁹ It had no authority of its own: called only at the discretion of the magistrate, the power to punish was reserved for the attorney general. Most of the provisions of the law, moreover, dealt not with abuses against slaves but with crimes committed by slaves, and the Jamaican courts continued to prosecute slaves far more often than masters in the aftermath of the new law. The law was nevertheless reissued with only a few small changes in 1792.¹⁰⁰

⁹⁹ See *Slave Law of Jamaica: with Proceedings and Documents Relative Thereto* (London, 1828), 191-225; *The Anti-Slavery Reporter*, vol. 4 (London, 1832), no. 82 (1831).

¹⁰⁰ Luster, *The Amelioration of the Slaves*, chapter 3.

Another colony was prepared to go somewhat further with the principle of protection of slaves. The formerly-French colony of Grenada, acquired by Britain in 1763 (and again in 1783, after a several-year period of French occupation during the American Revolution), became the first British colony to embrace an officer known as “guardian of slaves.”¹⁰¹ According to the provisions of a planter-endorsed 1784 law, known as the Grenada Guardian Act, each parish in the colony was to receive three “guardians” responsible for enforcing the provisions of the new law. Under the terms of the act, the colony’s guardians were expected to visit the colony’s districts to inspect plantations and hear the complaints of slaves.

Like the Jamaica law, the Grenadian legislation also included welfare provisions for the old and infirm, which included the standardization of clothing, food, and shelter requirements. Planters were generally not to be allowed to work their slaves during the night or outside normal work hours, with a few exceptions. Fines were imposed for the mutilation of slaves. Finally, female slaves who had borne six or more children were to earn personal exemptions from labor, and – related – planters whose plantations experienced such natural increase were to be rewarded with tax rebates.¹⁰² These last provisions highlighted one of the key goals of the legislation: the promotion of natural increase among the enslaved population. Although most planters and their advocates still opposed the ending of the slave trade, it was simply a matter of good economic policy to make the slave population of the Caribbean islands self-sustaining where possible.

There were of course serious limitations to the Grenada Guardian Act. The guardians of slaves were planters, and they often ignored slave complaints. The Jamaican planter and

¹⁰¹ See *Irish University Press Series of British Parliamentary Papers Returns and Papers Relating to the Slave Trade 1816-1818*, vol. 62 (Shannon: Irish University Press, 1971), 87-95.

¹⁰² The provisions of the Grenada Guardian Act are outlined and analyzed in Fergus, *Revolutionary Emancipation*, 44-45.

politician as well as amelioration (though proslavery) advocate Bryan Edwards lamented that the Grenada law – as well as the Jamaica law – did not fully admit the evidence of a slave against a white person in the law courts.¹⁰³ Edwards’ objections, however, did not resonate with his peers. The Guardian Act would ultimately be reissued and reaffirmed just four years later as “An Act for the Better Protection and Promoting the Increase and Population of Slaves.”¹⁰⁴

The principles of guardianship, however, were not long to endure in this colony. By the 1820s, abolitionists claimed that it had long fallen into disuse. The British commissioners of enquiry who investigated slavery in all of the colonies in the mid-1820s found no evidence of the operation of the act during their visit to the island in 1824.¹⁰⁵ Although it had been championed by a few of the colony’s more forward-thinking planters in the local legislature, the idea of a slave intermediary would prove to be anathema to most slave-owners as it interfered substantially with their own authority. Indeed, this provision of the abolitionist amelioration agenda would be hotly contested in the other colonies in subsequent decades.

The Leeward Islands passed similar legislation to that of Jamaica and Grenada in 1798, the last significant moment of planter participation in the cause of amelioration. The new law applied to the five colonies of Antigua, St. Christopher, Nevis, Montserrat, and the Virgin Islands. Embracing similar initiatives to those that had been passed in Jamaica and Grenada, the Leeward Islands legislation prioritized rewarding childbirth, monogamy, and the integrity of the family.¹⁰⁶ Like the Jamaica and Grenada laws, this legislation was designed to seize the initiative

¹⁰³ Bryan Edwards, *The History, Civil and Commercial, of the British Colonies in the West Indies* vol. 2 (London, 1803 [1793]): 171-173.

¹⁰⁴ *Irish University Press Series of British Parliamentary Papers*, vol. 62, 87-95.

¹⁰⁵ *The Anti-Slavery Reporter*, vol. 1, no.11 (April 1826).

¹⁰⁶ Gaspar, “Ameliorating Slavery.”

of amelioration reform and ensure that the regulations of slavery were ones that could be made amenable to the planting interest, if not serve this interest directly.

Perhaps unsurprisingly, then, these slave laws would not provide models for the future of amelioration as envisioned by abolitionists. Antislavery advocates were adamant that they did not go far enough. Burke called the planter legislation “arrant trifling,” complaining that the provisions of these laws lacked enforcement mechanisms.¹⁰⁷ In fact, the wave of planter-initiated amelioration legislation did little to quell discussions of the cruelties and abuses inherent to the system of slavery. This failure had another result: by the early-nineteenth century, planters had ceased to be serious advocates of change. It also bolstered their resistance to the second wave of amelioration proposals that occupied metropolitan discussions of slavery beginning in 1823. By then, many of the old colonies felt that they had done their part and resisted the introduction of further reform measures.

As the eighteenth century drew to a close, amelioration ceased to be a serious planter initiative and instead became the primary domain both of abolitionists as well as government officials who favored reforming colonial administration. Although the politically-savvy West India Committee would continue to participate in proposals and debates about the amelioration of slavery in the nineteenth century, it did so almost entirely without the support of the colonies, their legislative bodies, or the prominent planters who resided there.

This reluctance on the part of the planters stemmed in part from the fact that the agenda of amelioration was visibly changing. After consenting to a range of reforms, planters grew increasingly wary of the dangers of giving into to the demands of antislavery advocates. After all, amelioration had always been part of the abolitionist scheme for gradual emancipation – and

¹⁰⁷ Burke, “A Letter to the Right Honourable Henry Dundas,” 261.

the planters knew it.

Competing Visions for Amelioration in Trinidad

By the final years of the eighteenth century, planter-endorsed visions of amelioration were well-established, but abolitionists were still working out what a desirable ameliorative scheme for gradual emancipation might look like. They admired some aspects of planter-initiated slave laws, particularly those parts that had encouraged marriage and religious instruction. They remained, however, concerned about issues of enforcement. As Burke had complained, most planter reforms had been “totally destitute of an *executory* principle.”¹⁰⁸ Generally distrustful of planters and their advocates, many abolitionists would come to endorse avenues of greater metropolitan oversight and decreased authority for the colonial legislature as a means of enforcing change. Moreover, they remained particularly interested in ways that amelioration could be used to serve the ultimate goal of gradual emancipation. To this end, the Spanish manumission practices first noted by Sharp looked especially promising.

The imperial and global contexts for slavery, moreover, were fast changing. Of most immediate relevance to antislavery debates, the French Revolution had pulled Britain into a global war. The acquisition of conquered territories always presented an opportunity to clarify and experiment with the law, on a range of issues ranging from property ownership and inheritance law to slaveholding. Typically, a colony’s previous laws were to prevail until metropolitan officials elected to proceed with introducing new ones. Until such time as the colony was granted a legislature, moreover, policy emanated directly from the Privy Council, giving a small number of metropolitan officials free rein to shape practices in the colony. The

¹⁰⁸ Burke, “A Letter to the Right Honourable Henry Dundas,” 261.

Spanish island of Trinidad fell to the British in early 1797 under just such circumstances.¹⁰⁹

Given the new opportunity for the metropole to weigh in on questions relating to slavery, Trinidad would be the site of competing interests that would highlight the final divergence in the ends of planter visions of amelioration on the one hand, and the aims of antislavery activists on the other.

In 1797, much of Trinidad was an uncultivated wilderness. The eastern extremities of the Spanish Empire in the Americas had been historically less significant to Spain's commercial interests than mainland territories such as Mexico and Peru. Trinidad – just off the coast of Venezuela and administered from the *Audiencia* of Caracas – had symbolic importance to the Spanish for its placement as an apparent gateway to the legendary “El Dorado” on the South American mainland.¹¹⁰ Its commercial possibilities, however, had remained uncertain for centuries. Only in the 1780s and 1790s had Spanish officials come to view the island as worthy of development, in part to be used as a base between Spain's mainland and island colonies. Sugar had been introduced in 1787, the labor-intensive crop spurring the need for further importation of slaves.¹¹¹

But Spain had had little success in populating the island with white subjects. A royal

¹⁰⁹ An alliance was formed between Spain and France after French troops defeated Spain in 1795, drawing Spain into the war. The battle for Trinidad was not long. The commanding officer of British forces, Lieutenant General Sir Ralph Abercromby, attributed the swift defeat to the “decayed” nature of the Spanish population in Trinidad. Most historians agree that the Spanish forces did not put up a strong resistance. Some have attributed the lack of resistance to Governor Chacón's suspicion of French revolutionary principles and his admiration of the British constitution. Others have noted that the island seemed to many onlookers unlikely to remain British after the eventual peace; Chacón, perhaps, hedged his bets and decided against a bloody battle in the hopes that the island would eventually be returned to the Spanish crown and to his own command. Naipaul, *The Loss of El Dorado*, 132-136; Borde, *The History of Trinidad*, vol. 2, chapter 13; Lord James Dunfermline, *Lieutenant-General Sir Ralph Abercromby KB, 1793-1801: A Memoir* (London, 1861), 57.

¹¹⁰ Naipaul, *The Loss of El Dorado*, 204.

¹¹¹ Land in Trinidad was fertile, and the island had long been a producer of cocoa. Newson, *Aboriginal and Spanish Colonial Trinidad*, chapter 10.

cédula of 1783 had made extensive tax-free land grants to Catholic immigrants who were subjects of nations in alliance with Spain. Most of those who actually accepted the grants were French, as steady numbers of new arrivals hailed from relatively nearby St. Domingue, Martinique, and Guadeloupe.¹¹² This immigration accelerated in the wake of revolutionary developments, both on the European Continent and in the Caribbean, as fearful slave owners fled their established plantations for the promise of cheap, fertile land and new beginnings in Trinidad.

The 1783 *cédula real* both rewarded the introduction of new slaves and encouraged the immigration of people of color. White immigrants, according to the proclamation's provisions, would receive a land measure of four and two-sevenths fanegas (about 6.8 acres) in addition to half that sum for each slave that was introduced to the colony. In keeping with an imperial policy that was comparatively liberal toward free people of color, nonwhites would receive half as much land as that allotted to whites, including half the amount allotted as a bonus for importing slaves. After five years of residence, all new – free – arrivals would receive the full rights of naturalized subjects of the crown of Spain, including eligibility for public office and military posts, regardless of race.¹¹³

It was in this colonial context that the Spanish in 1789 drafted a new *cédula real* respecting slavery, which would become famous within British abolitionist circles. A Trinidad planter, recently emigrated from a French colony, had authored the slave code, which was designed to apply to the empire as a whole. The instruction outlined the obligations of masters to slaves, establishing baseline standards of care, provisions, treatment, and medical attention that

¹¹² For the provisions of this *cédula*, see Borde, *The History of Trinidad*, vol. 2, 185-193.

¹¹³ Borde, *The History of Trinidad*, vol. 2, 185-193.

must be given to slaves.¹¹⁴ It mandated that under no circumstances could slaves be subjected to corporal punishment of more than twenty-five lashes.¹¹⁵ In addition, slaves were to receive a religious education.¹¹⁶ This corpus further codified the “protector of slaves” function of the *síndico procurador* that by now had already been introduced in the empire; this official was to be responsible for mediating the relationship between master and slave and for ensuring the enforcement of the law.¹¹⁷

The code was highly specific about the obligations of masters to slaves. But it notably did not institutionalize the practice of self-purchase that existed in so many of the Spanish slave colonies, instead leaving policies of “compulsory manumission” to the legislatures of the individual colonies.¹¹⁸

As a result of the 1797 conquest, British abolitionists were to become acutely aware of the details of the 1789 instruction. Indeed it would be the clearest body of law, available to the English, that outlined the details of slavery in the Spanish dominions – specifically, the new colonial possession of Trinidad. But for all that British onlookers paid attention to the “benevolent” particulars of the Spanish laws respecting slavery, they did not realize that they were doing so during a moment of significant transformation. The 1789 instruction did not

¹¹⁴ *Real Cédula de su Magestad sobre la educacion, trato y ocupaciones de los esclavos en todos sus dominios de Indias, é islas Filipinas baxo las reglas que se expresan* (Madrid: Viuda de Ibarra, 1789), capítulo II.

¹¹⁵ *Real Cédula de su Magestad*, capítulo VIII.

¹¹⁶ *Real Cédula de su Magestad*, capítulo I.

¹¹⁷ *Real Cédula de su Magestad*.

¹¹⁸ The intended law was the culmination of a wave of local legislation in the preceding years. Local slave codes had been negotiated in Louisiana and Santo Domingo in the 1760s, the result of colonial and planter energies. The 1780s would witness increasing metropolitan legislation on colonial slavery, including an attempt to write a comprehensive *code noir*. The first attempt at a slave code the 1784 Carolino Code, which was revised into the 1789 version. See Lucena Salmoral, *Los códigos negros*.

remotely capture the actual conditions of slavery in the Spanish dominions, not least because planters resisted its provisions from the first, especially those limiting the methods and the extent of permissible punishment. As sugar production took off in Cuba and Puerto Rico, slavery became increasingly integral to local economies.¹¹⁹ Planters, who increasingly saw regulation as a threat to their livelihood, succeeded in preventing the implementation of the 1789 instruction throughout the Spanish dominions. In the face of such resistance, the instruction was shelved in 1795.¹²⁰

The fact that the code was shelved, however, did not quell abolitionist enthusiasm, or the assumption by British officials that this was the colony's most authoritative articulation of the status of slave law at the time of the capitulation.¹²¹ At times, many commentators seemed unaware that the code had never technically been operative.

Indeed, in Trinidad at least, V.S. Naipaul has suggested that although the *Audiencia* in Caracas had never formally sanctioned the 1789 code, "in Port of Spain in 1790, before the great French rush, the Spanish practice was milder than the code."¹²² This statement echoes similar arguments by historians, who insist that the 1789 code was more illustrative of existing practices

¹¹⁹ In short, Cuba and Puerto Rico were being transformed from "societies with slaves" to "slave societies." See the distinction in Ira Berlin, *Many Thousands Gone: the First Two Centuries of Slavery in North America* (Cambridge, MA: Belknap Press of Harvard University Press, 1998). This, of course, is the problem with analysis, such as Tannenbaum's that has held that Iberian forms of slavery were essentially more "benign" than their counterparts. Such a generalization does not account for significant variation across space and time. *Slave and Citizen*. For critiques of Tannenbaum, see Davis, *The Problem of Slavery in Western Culture*, chapter 8; de la Fuente, "Slave Law and Claims-Making in Cuba."

¹²⁰ For a short analysis of the transformation of Cuban society in particular, see also Franklin Knight, *Slavery and the Transformation of Society in Cuba 1511-1760* (Mona, Jamaica: The University of the West Indies, 1988).

¹²¹ The 1789 code is reproduced in Borde, *The History of Trinidad*, vol. 2, 194-202. This version translates the code into English and, while the provisions are accurate, the date of the *cédula* is misdated as 1785, not 1789. *Irish University Press Series of British Parliamentary Papers: Correspondence Returns and Other Papers Relating to the Slave Trade 1801-15*, vol. 61 (Shannon: Irish University Press, 1971), 465-469; TNA CO 295/36, Woodford to Bathurst, no. 73, 7 February 1815, ff. 5-6.

¹²² Naipaul, *The Loss of El Dorado*, 116.

than it was mandating anything wildly new. Likely owing to the comparatively small population of slaves as well as the small scale of plantations in Trinidad even at the end of Spanish rule, Trinidad had a reputation for mildness in its slave regime. Spanish Governor Don José María Chacón's administration of the island, moreover, had been notably liberal with respect to the personal liberties reserved to the free people of color. He had also expanded the number of "protector" offices on the island, appointing a "protector of the poor" in addition to two elected fathers of orphans and an official appointed to protect the interests of those who were absent from the colony.¹²³ Broadly, Chacón's regime had employed greater toleration toward non-Spanish, non-Catholic, and other minority groups than was legally mandated.

Following the capture of Trinidad, commanding officer Sir Ralph Abercromby had promptly handed the administration of the island to his Welsh lieutenant-general, Thomas Picton. Picton was chosen because he was one of Abercromby's only subordinates who could speak or read any Spanish.¹²⁴ The new governor was prepared to reorient the island's slave policy to one more conducive to rapid economic development, something he succeeded in doing before metropolitan officials even began paying attention to the island's administration.

In addition to French and Spanish immigrants, British planters and merchants from Britain and neighboring Caribbean islands arrived in steady numbers in the years after the capitulation, lured by promises of cheap land and fertile soil. In 1797 the island's slaves numbered about 10,000. Over five years this population nearly tripled, amounting to 28,427 in 1802.¹²⁵ White planters remained a distinct minority. Numbering only 2,148 at the time of the

¹²³ Borde, *The History of Trinidad*, vol. 2, 226.

¹²⁴ Early in his career Picton had been stationed in Gibraltar. Frederick Maitland's letter to Picton, dated 24 August 1804, reproduced in Thomas Picton, *A Letter Addressed to the Rt. Hon. Lord Hobart* (London, 1804), 62.

¹²⁵ CO 295/13, f. 305.

capture, the white population was far outnumbered by the 4,476 free people of color, an anomaly for a British possession given the comparatively low rates of both manumission and miscegenation in the British colonies.¹²⁶

Picton lost little time in revising the 1789 slave instruction thought to have been in force. The new slave code limited traditional “indulgences” granted the enslaved population in the name of efficiency. Article V raised the legal limit for whipping from twenty-five to thirty-nine lashes, and forbade accidental death or mutilation on pain of a penalty of a mere \$50. This was substantially less than the Spanish penalty of \$200. Article IX acknowledged the “long custom” of allowing Saturdays for slaves as a day of rest, but asserted that slaves were “too lazy” for this to continue. Perhaps more to the point, Picton’s code claimed that this policy resulted in considerable “losses” to the colony’s production capacity. Indulgent masters who continued to observe this tradition would henceforth face fines. Working hours, moreover, were lengthened, and the traditional holidays of the Catholic calendar eliminated.¹²⁷

By the standards of its day, however, Picton’s was not a wholly reactionary slave code.¹²⁸ While it cut back on some of the more generous provisions of the Spanish code, it also retained or extended several aspects of the Spanish code that ameliorationists admired. As in the Spanish code, mothers of three children earned extra days of rest, while mothers of seven were totally exempted from labor. Slaves were to be given small plots of land to cultivate food for themselves and for their families. The code set minimum standards for masters to feed, clothe,

¹²⁶ AJL, Map 1797-1800, *The Population of Trinidad 1797*.

¹²⁷ CO 295/14, Thomas Picton, “Ordinance: for Regulating the Treatment of Slaves,” 30 June 1800, ff. 49-55.

¹²⁸ Picton had help in drafting the code, from the Martinique-born landowner Saint-Hilaire Bégorrat, who would remain an ally during his time in Trinidad. Naipaul wrote of the two codes: “The Spanish code had reduced a Negro to his needs. The new code was concerned only with the needs and the fears of the Negro’s owner.” Naipaul, *The Loss of El Dorado*, 166.

and provide for their chattels, a provision that extended also to the old and infirm. Finally, the code advocated converting slaves to Christianity, on the principle of providing for a slave's spiritual as well as material welfare.

Picton's code was variously interpreted as benevolent or harsh, depending on one's perspective. It is true that in placing some restrictions on planter authority, the new code provided protections for slaves that were not yet in place everywhere in the British West Indies. As we have seen, many of these provisions had been implemented variously in some of the old colonies. Picton's code was consistent with the main thrust of planter-based amelioration, which was intent on encouraging productivity and self-sufficiency among the slaves as well as promoting good health and reproduction rates, which would protect the labor force from the threat of the trade's abolition. For these reasons, some nineteenth-century historians singled out Picton's code for its reputed mildness.¹²⁹

However, antislavery advocates were now looking into the Spanish system of laws, and particularly the 1789 royal instruction, with increased scrutiny. In Trinidad the "benevolent" practices of the Spanish *ancien régime* were thrown into sharp relief against those of British planters and their advocates and the limited version of amelioration that they endorsed. In that vein Picton's code seemed notable to abolitionists for its regressions, for the fact that punishments had been increased and indulgences reduced.¹³⁰ In short, things seemed to be moving in the wrong direction.¹³¹

¹²⁹ See Joseph, *History of Trinidad*, Book II, chapter 12.

¹³⁰ Bridget Brereton attributes the code's "harshness" (as well as many of Picton's crimes as governor) to the influence of Bégorrat. Bridget Brereton, *A History of Modern Trinidad 1783-1962* (Kingston: Heinemann, 1981), 36. See also A. Meredith John, *The Plantation Slaves of Trinidad, 1783-1816: A Mathematical and Demographic Enquiry* (Cambridge: Cambridge University Press, 1988), 101-103.

¹³¹ As we will find in chapter 2, there is evidence of substantial discontentment with Picton's rule – both in Trinidad

Around this time, a “white legend” about Spanish slave legislation was solidifying within abolitionist circles, and references to Spanish laws and practices were beginning to outstrip comparisons to the French. This “white legend” ran counter to traditional depictions of Spain as backward and oppressive and held that Spanish slave laws and practices were unusually benign as compared to their counterparts. It was a mythology specific to slavery, and it never fully outstripped the black legend in general discourses about Spain. It was also, of course, based on many false assumptions about the nature of Spanish slavery in practice.

Nonetheless, evidence of newfound admiration of Spanish slave policies can be found in the writings of Britain’s most prominent abolitionists and politicians. By 1807 Wilberforce took it as a truism that “in both the Spanish and Portuguese colonies, the Slaves are far better treated, and the breeding system much more encouraged, than in those of other European nations.”¹³² Of the colonies of Spain and Portugal, James Cropper claimed in 1823: “Their system of treatment [of slaves] is more mild; they encourage emancipation, and have vast numbers of free labourers.”¹³³ By 1824, foreign secretary George Canning would conclude that the slave laws of the Spaniards were “incomparably the mildest” of all of Britain’s European peers.¹³⁴ It was this conclusion that would result in the choice (by government officials) of Trinidad as a prime locale for experimentation with British slave laws, a role we will see played out in chapters 2 and 3.¹³⁵

and in Britain – on this subject.

¹³² William Wilberforce, *A Letter on the Abolition of the Slave Trade; Addressed to the Freeholders and Other Inhabitants of Yorkshire* (London, 1807), 307.

¹³³ Cropper and Gladstone, *The Correspondence*, 4-5.

¹³⁴ HC Deb, 16 March 1824, vol. 10, 1096.

¹³⁵ By the dawn of the nineteenth century, the legend of Spanish benevolence was so dominant that it had come to inflect both sides of the abolitionist debates. The 1810 travel narrative of political journalist William Walton, which sympathized with plantocracy, confirmed that Spanish slaves were governed by a “lax regimen,” one that was detrimental to the economic success of Spanish American plantations. In fact, the very problem with the Spanish

For many antislavery advocates both within and without government circles, the capture of Trinidad clarified the political battle ahead. The years ahead would only underscore just how different was the abolitionist vision of amelioration (and indeed, containment of slavery) was to be from anything the planters were willing to endorse. Governor Picton, as we will find in chapter 2, was hailed variously as hero or villain – depending on the perspective of the person talking. From 1797 onward, abolitionists prioritized the revival and reinvention of the protector as well as more liberal manumission policies.

The capture of Trinidad in 1797 brought a new Caribbean slave colony to the British Empire just as politicians were pondering afresh the ways that they might contain and ultimately abolish slavery.¹³⁶ Trinidad would add a new ingredient to the debate: should slavery be newly sanctioned, on an island with limited reliance on slavery, where few British planters had already staked their livelihoods in the system?¹³⁷ If so, under what laws and regulations?

It was partly an accident of history that caused Trinidad to become the island through which Spanish laws on slavery became a direct part of the British Empire, within the domain of experimentation and revision—and their understanding of “Spanish” versus “Trinidadian” or “Cuban” law, moreover, was not nuanced. But following the capture of Trinidad, Spanish law would become the rallying point of antislavery advocates who favored amelioration as a means to gradual emancipation, and inspired a new vision of amelioration that would come directly to rival the competing programs of planter-endorsed amelioration that had characterized the reform

slave regime, argued Walton, was that “humanity far more than policy has been attended to.” This meant that slaves were overly indulged and plantations run less efficiently than they should have been. William Walton, *The Present State of the Spanish Colonies*, 2 vols., (London, 1810), pp. 140-141.

¹³⁶ This, of course, was not unlike the conflict over slavery in United States history over the question of westward expansion.

¹³⁷ The expansion of slavery is considered and opposed in James Stephen, *The Crisis of the Sugar Colonies, or, An Enquiry into the Objects and Probable Effects of the French Expedition to the West Indies* (London, 1802).

efforts of the late-eighteenth century.

With its limited population and vast tracts of uncultivated land, Trinidad in 1802 may have looked like a blank slate to many British onlookers. The trouble was that many people had many different ideas about what to do with it. To abolitionists, the colony presented an opportunity to experiment with abolishing the slave trade, introducing industries that did not require slave labor, and ameliorating the existing slave regime prior to full emancipation. It offered the chance to embrace a foreign set of regulations to make the institution more humane in the short term. To planters, Trinidad promised the chance of a fresh, cheap start, giving them the ability to acquire land and slaves at much lower prices than they could elsewhere. For them, the colony represented the expansion, not the retrenchment, of colonial slavery. They were prepared to endorse aspects of “amelioration” only insofar as these accorded with their own visions for perpetuating the practice of slavery. As the debate over abolition expanded into a new colonial theatre, the gulf between the two sides of the debate was widening.

Chapter 2. An Uncertain Constitution.

The 1802 Peace of Amiens, which would prove to be but a brief interlude in the global war, confirmed Spain's cession of Trinidad to Britain. The formal integration of a new sugar colony into the empire seemed theoretically to promise metropolitan officials the opportunity to make decisions afresh about the legal status of this slave colony. Abolitionists saw this as the chance to curb the spread of slavery where it was not yet entrenched. British planters, they argued, had not yet staked their livelihoods on the future of slavery and sugar production on the island. But their hopes were offset by the rapid establishment of the island's Anglophone plantocracy.¹ By the time of the peace, Britain had already had five years to populate the island with settlers and slaves; Picton's rule, moreover, had made its mark, earning him the respect of French and Spanish settlers who had never known such stability on the island.

The formal integration of Trinidad into the British Empire came at an important historical juncture for the antislavery movement. Since 1792 a majority in the House of Commons had been on record as being committed to the gradual abolition of the slave trade, although Wilberforce's most recent annual bills to abolish the transit immediately had known diminishing success in the wake of the French Revolution. The acquisition of a new slave colony, as abolitionists quickly pointed out, was an opportunity to make good on the professed commitment to eradicating the slave trade gradually by at least limiting its expansion into new territories. As a result of these pressures, the peace treaty was followed by a series of parliamentary debates concerning the future of slavery, free labor, and land cultivation on the island.

We have already seen that the acquisition of Trinidad highlighted important divergences

¹ As we saw in Chapter 1, the slave population tripled between 1797 and 1802.

between proslavery and antislavery ideas about slavery reform. On the one hand, Picton's regime had seen the implementation of a planter-inspired amelioration scheme on the island that might have compared favorably to the old slave colonies. Yet on the island of Trinidad, in light of its Spanish heritage, these "reforms" seemed to some onlookers to be more regressions than improvements. This divergence in outlook signaled the end of a cause over which both proponents and opponents of slavery had been briefly able to agree. As the peace settlement loomed, proslavery and antislavery advocates were as opposed as ever, each side harboring opposite ambitions for the new colony.

This chapter will demonstrate that Trinidad brought the disagreements of strong partisans regarding the future of slavery to the forefront of metropolitan imperial policy. As it became time for the island's laws and customs to be decided and articulated anew, metropolitan authorities had to make definitive choices about the course ahead. Politicians and administrators were confronted with the rare chance to legislate for an island that in many ways remained – at least in theory – a blank slate.² For the moment, British metropolitan officials were unencumbered by a legislature capable of putting up a resistance.

A parallel debate raged about the appropriate style of colonial government, not only for Trinidad but also for other territories newly integrated into the British Empire during the same era. The first new slave colony to fall permanently to British hands during the era of antislavery, this was the first opportunity for administrators of this era to work out new conceptions of "ideal" colonial rule. As Members of Parliament and officials within the Colonial Office debated the course ahead for Trinidad, many of them concluded it might be best to retain a

² By "blank slate" I mean both that British laws and customs had not yet been affirmed on the island, a situation that reserved considerable power for the imperial government, and also that the island was largely undeveloped (in 1797, if somewhat less so in 1802).

measure of imperial oversight going forward. As Trinidad merchants and planters found to their surprise and displeasure, it was no longer an automatic assumption that a conquered territory would be granted an independent elected assembly.

Trinidad therefore became a site for the negotiation and articulation of a range of ideas – both metropolitan and colonial – about slavery, empire, and colonial governance. Should the slave trade be abolished to new territories? Should slavery itself be encouraged or discouraged in territories where it was not yet economically entrenched? What privileges ought to be granted to free people of color? What legal avenues ought to be available to slaves? Should new territories receive legislatures? Should they receive other traditional English liberties? In 1802, there was little agreement within Parliament or the Colonial Office on any of these issues. The official policy regarding all of these issues, during the early years of British rule in Trinidad, would prove consequently muddled.

After a protracted period of indecision, Trinidad would become the model for the British “crown colony,” a colonial possession ruled directly from Whitehall. A local governor, whose authority was envisioned primarily as an expression and extension of metropolitan authority, would assist. That the island was to be governed directly through orders in council reinforced its status as an island for experimentation within the British slave colonies.

That “experiment,” however, would prove precarious in the early years of British rule, when metropolitan officials were far from united about what policies to pursue. Indeed, the first years of British rule in Trinidad would highlight the confused state of affairs within the Colonial Office. The disastrous first decade of British administration in Trinidad after the Peace of Amiens illuminated the need for clarity of vision. This would be many years in coming. The legal jumble that prevailed after the capitulation, culminating in ex-Governor Picton’s trial for

misrule, reflects both the divisions within the Colonial Office over slavery reform as well as the different directions that, in 1802, seemed possible to administrators and politicians.

Meanwhile, a colony that was to be governed according to the existing corpus of “Spanish” civil and criminal laws, as British officials understood them, presented both challenges and possibilities. The content of these laws remained an open question, as few officials spoke or read any Spanish. The ambiguity meant that the island’s laws could be interpreted to divergent ends. The island’s local administration often interpreted them in ways that bolstered their own authority over the enslaved and nonwhite populations. For metropolitan administrators, however, this malleability would prove paradoxically the advantage of the “Spanish” law. Indeed, the island’s Spanish legal heritage was in many ways to be a boon to British abolitionism, so easily could it be subjected to revisions in favor of amelioration. Slavery reform would ultimately be adapted to – and informed by – the Spanish laws, both as they had existed in Spanish Trinidad, and as British reformers imagined them to have existed.

Picton’s Trinidad

Thomas Picton has tended to divide historians as much as he divided his contemporaries.³ Often noted for his repressive regime, he was at least a proficient administrator, memorable for his rare ability to establish order during the early years of British rule on the island.⁴ At the time of the capture, Trinidad was in many ways mired in uncertainty: its diverse settlement patterns,

³ Among his detractors are Naipaul, *The Loss of El Dorado* and Epstein, *Scandal of Colonial Rule*. Complimentary accounts include Robert Havard, *Wellington’s Welsh General: a Life of Sir Thomas Picton* (London: Aurum Press, 1996); Joseph, *History of Trinidad*; and H.B. Robinson, *Memoirs of Lieutenant-General Sir Thomas Picton, G.C.B. etc., Including His Correspondence, from Originals in Possession of His Family*, 2 vols. (London: Richard Bentley, 1836).

⁴ Indeed, the rarity of Picton’s skill would be demonstrated in the years that followed, ca. 1803-1813, which were characterized by unstable local governments and inept administrators.

compounded by the global war as well as by the perceived revolutionary threat to slave society, rendered the local situation unpredictable for planters, who could not know what the peace settlement would look like.⁵ Planters migrating from neighboring colonies saw a potentially advantageous, but also risky, opportunity in the vast swathes of cheap and fertile land. Picton's rule, if controversial, brought them stability as well as peace of mind.

Contemporary accounts describe the governor variously as gentleman and brute. A gruff Welsh officer, his rough manners sometimes startled. Some years before arriving in Trinidad he had suffered an injury to the throat at the hand of an Irishman, which left him permanently hoarse.⁶ He was known for his violent temper, arbitrary rule, and a mixed-race mistress who had borne him four illegitimate children. These characterizations were fodder for his enemies, but other accounts were more flattering. A fellow military officer conceded an "abruptness of manner" as well as a "rigid countenance and appearance," but affirmed "there was never a man more thoroughly kind-hearted and benevolent" than Picton.⁷

Following the capitulation, Abercromby had instructed Picton to rule according to his "conscience" and followed this up with only a brief circular stipulating that the island's Spanish legal system was to remain in place until such time as directions to the contrary arrived from London. The result was not legal clarity; to the extent that any of Picton's subordinates understood any Spanish, it remained uncertain which law books applied. The Articles of Capitulation did not help. These peace terms had provided simply for the transfer of the island to the British, with Spanish subjects allowed to remain in residence and exercise their Catholic

⁵ On this point, see Epstein, *Scandal of Colonial Rule*, chapter 3; James Millette, *Society and Politics in Colonial Trinidad* (Curepe, Trinidad: Omega, 1985 [1970]), chapter 1.

⁶ The duel may have been the result of a land dispute. Havard, *Wellington's Welsh General*, 6.

⁷ Robinson, *Memoirs of Lieutenant-General Sir Thomas Picton*, vol. 2, 405.

faith, provided they swore oaths of fealty to George III.⁸ All this left wide open the question of how the island was to be administered or how far it was to be Anglicized in the future.

Since Spanish times, the primary administrative and municipal council governing local affairs was the *cabildo*, a small body of landowners. Under the Spanish the authority of this body had been broad: it administered the local jail, controlled the police, elected the chief judge, oversaw markets, and assessed taxes. Its members consisted of six *regidores* (aldermen); two *alcaldes* (chief magistrates), elected annually by the *cabildo*'s members; an *alferez real* (standard bearer); an *aguacil mayor* (chief constable); a *fiel executor* (controller of weights and measures); an *alcalde mayor provincial* (chief magistrate); and a *depositor general* (controller of funds). The offices of *syndic procurador* (attorney general), *escribano* (secretary or scrivener), and eight lesser *alcaldes barrios* (regional deputy magistrates) completed the *cabildo*.⁹

Following the British capture, all of these officials answered to Picton. The governor bestowed favor on his subordinates through his choice of appointments. He increased the formal number of *regidores* in the *cabildo* from six to ten. Despite the Spanish titles, most of the occupants of these offices were either British or members of the French landed elite.

The *cabildo*'s two primary *alcaldes* presided over the two largest courts. The also had his own tribunal, which he administered with the help of an *asesor*, or judicial advisor. The *alcaldes barrios* served in each of Port of Spain's eight divisions. A network of commandants of quarters was responsible for the maintenance of law and order throughout the island, with jurisdiction over twenty-eight administrative districts. In spite of this complex array of legal offices and courts, legal knowledge was in short supply. It emerged at Picton's trial, heard at the

⁸ Epstein, *Scandal of Colonial Rule*, 103; Millette, *Society and Politics*, 36-46.

⁹ Claud Hollis, *A Brief History of Trinidad under the Spanish Crown* (Trinidad and Tobago: Rhodes, 1941), 11; Titus, *The Amelioration of Slavery in Trinidad*, 3.

King's Bench during the winter of 1806, that it was not necessary to possess any formal legal training (or even to read or write) in order to become an *alcalde*.¹⁰ The theory was that *asesores* would fill the gaps in knowledge, advising the governor as well as the other court officials who administered law.

The *alcaldes* and the governor had both civil and criminal jurisdiction, although in Spanish Trinidad, capital sentences had been subject to the confirmation of the *Audiencia* in Caracas.¹¹ Without the oversight of Caracas, the British governor had greater power than any of his Spanish predecessors – and until 1801, there is little evidence that British metropolitan officials were paying any attention to the administration of the island.¹² As Don Christoval de Robles, a prominent Spanish resident of Trinidad, advised Picton, the British governor was now “supreme political, criminal, civil, and military judge.” He was “only answerable to God and your conscience.”¹³

We have already seen that Picton oversaw a period of considerable population growth, adding to the influx of mostly French immigrants who had immigrated during the last years of Spanish rule. He encouraged continued migration to the colony but did not respond to all of the newcomers with equal enthusiasm. He was unhappy about the high influx of free people of color, many of them French, whom he perceived as a republican threat. In a letter to Lord Hobart, the colonial secretary, Picton remarked that this group in particular was “a dangerous

¹⁰ Epstein, *Scandal of Colonial Rule*, 104.

¹¹ Thomas Picton, *Réglement, pour servir d'instruction aux commandants des differents quartiers de la colonie* (Trinidad, 1802).

¹² An alternative legal interpretation existed that Caracas's oversight ought to have passed to the crown, rather than to the governor. (Though this certainly did not correspond with practice.) See Fullarton, *A Refutation of the Pamphlet which Colonel Picton Addressed to Lord Hobart, by Colonel Fullarton, F.R.S.* (London, 1805), 43.

¹³ Quoted in Robinson, *Memoirs of Lieutenant-General Sir Thomas Picton*, vol. 1, 56-57.

class, which must gradually be got rid of.”¹⁴ He was similarly unimpressed with the poor Spanish immigrants, known as “peons,” who poured in from the restive South American mainland and appeared poised to stir up trouble.¹⁵ In general, Picton noted that there were only “six or seven” Spaniards of any respectability on the island.¹⁶ He was, however, happy to encourage the immigration of royalist émigré French planters with their slaves.¹⁷

Picton responded to the perceived dangers of the foreign and nonwhite classes with an iron fist. He did not officially declare martial law during the early years of his governorship, but this was the practical state of affairs. Until the formal establishment of civil government in 1801, he ruled with the authority of a military governor, taking decisive action against crime and rarely going to the trouble of holding a trial or court-martial to confirm guilt.¹⁸ A sergeant in the Royal Artillery, charged with raping a free black woman, was swiftly convicted and hanged the day the accusation reached Picton.¹⁹ Picton’s penchant for establishing order gained him the loyalties of

¹⁴ CO 295/2, Picton to Hobart, 18 February 1802, ff9-10; CO 295/2, Picton to Hobart, 21 May 1802, f. 97.

¹⁵ Primarily, they labored on the plantations, but they were described by one contemporary as “a wandering lot” not much disposed to settling down. CO 295/13, “Mr. Gloster’s Observations for a New Constitution for Trinidad, Most Humbly Submitted to the Right Honorable Lord Castlereagh,” 28 December, 1805, ff. 305-309.

¹⁶ CO 295/2, Picton to Hobart, 18 February 1802, ff. 9-10.

¹⁷ Ever interested in the political developments of the Spanish mainland, Picton was also in regular correspondence with Francisco de Miranda, the Venezuelan revolutionary. He hoped for revolution on the South American mainland, seeing the promise of further military glory if Britain entered the fray against Spain. Evidence of Picton’s interest in the brewing revolutions in Spanish America can be found in his letter book, preserved at the British Library, Add MS 36870. See also Naipaul, *The Loss of El Dorado*, chapter 5.

¹⁸ Martial law was a common transitional form of rule in the West Indies, both facilitating the acquisition of new territories and reasserting authority in the wake of rebellion threats. In the nineteenth century, it came under increasing scrutiny as a form of colonial rule, as the erosion of rule of law seemed to compromise ideologies of liberal and enlightened empire. This culminated in the fallout over the Morant Bay rebellion in Jamaica in 1865, during which the governor had controversially asserted martial law. See Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires 1400-1900* (Cambridge: Cambridge University Press, 2010), chapter 4.

¹⁹ One persistent version of the story held that, after the execution, another man had admitted guilt. [William Fullarton], *Sixteen Cases of Cruelty in Consequence of His orders, or Countenanced by Him* (London, 1802), 4-6; Pierre F. McCallum, *Travels in Trinidad* (Liverpool, 1805), Letter X, 153; Letter XII, 183; Letter XIII, 187-8.

French and Spanish landowners who had lamented the upheavals of the late Spanish years during the war.²⁰

By contrast, the governor made himself notorious among the free people of color. Coming to see Chacón's administration as a kind of "golden age,"²¹ this class resented its loss of privileges under Picton. Evening gatherings were now to require the permission of one of the commandants of quarters. The free-colored militias that had been assembled under Chacón were disbanded and reorganized into units under white supervision. Picton's own mixed-race mistress, Mrs. Rosetta Smith, only made matters worse. The free people of color broadly resented Mrs. Smith for her extravagance as well as her free rein over the jailhouse. Prisoners were reputedly admitted and released at her pleasure.²²

Free people, even those of color, could and did articulate their grievances under Picton; slaves, by contrast, seldom had the resources to speak for themselves. Yet slaves, like every other class on the island, saw significant changes to their condition under Picton's rule. As we saw in Chapter 1, Picton revised Trinidad's Spanish slave code in 1800 in accordance with contemporary planter-endorsed schemes for amelioration. The details of the new slave code, which emphasized efficiency of production at the expense of the slaves' traditional "indulgences," were intended to address the challenges of a new frontier with virgin soil.

²⁰ Writing in 1838, E.L. Joseph sided with the governor: "All things considered, it is scarcely to be wondered at that Picton committed some violent acts in the government of Trinidad; but taking into account the inadequate force he had, and the jarring materials of the colony, it is marvelous how he preserved the island to his sovereign. Preserve it he did, and improved it to a pitch of prosperity it never obtained before, nor regained for ten years after he left it." Joseph, *History of Trinidad*, 208.

²¹ See Epstein, *Scandal of Colonial Rule*, 100.

²² Fullarton, *A Refutation*, 41; Naipaul, *The Loss of El Dorado*, chapter 6. One of the most infamous stories about Mrs. Smith was an episode in which she tried to buy a house from one Mrs. Griffiths, who verbally agreed but appeared to have changed her mind. Upon learning of this disappointment, Mrs. Smith reputedly flew into a rage and, with Picton's approval, put the house under siege until Mrs. Griffiths was effectively forced out. See the account in Naipaul, *The Loss of El Dorado*, 175-6.

Perhaps unsurprisingly, given that planters and abolitionists were beginning to disagree about what constituted an ameliorative slave policy, this era gave rise to divergent accounts of the relative brutality or benevolence of the slave regime.

Beginning in the late-eighteenth century during the last years of Spanish rule and continuing into Picton's regime, both residents and travelers perpetuated a local legend that Trinidad masters were unusually benevolent toward their slaves. The Loppinot estate *La Reconnaissance* is a prominent example. The Count of Loppinot, a French army general, fled revolutionary Haiti and resettled in 1800 in east Trinidad, in a region now known as the Lopinot Valley, with his family and one hundred slaves. Loppinot at the time and since has been regarded as a benevolent slave master, a "father" to his slaves. A persistent mythology has maintained that his slaves voluntarily left Haiti and fled with their master to Trinidad.²³

The Loppinot family lore is consistent with some accounts of Trinidad circa 1800,²⁴ but serves as a stark contrast to others, including those that would be raised several years later by Picton's enemies. For slaves, alleged crimes such as witchcraft, sorcery, and conspiracy met with horrific mutilations and executions without trial.²⁵ Surviving plantation account books suggest that slaves were frequently driven to running away. In accordance with the French *Code Noir* (revealing the influence of Picton's French planter friends on his administration), mutilation became a routine punishment for this offense, typically involving the cutting off of ears. Runaways were perceived as such a significant societal threat that mutilation could be carried out

²³ AJL, Loppinot family papers MS; Anthony de Verteuil, "La Reconnaissance," in *Great Estates of Trinidad* (Port of Spain: Litho Press, 2000). De Verteuil himself seems to affirm this impression about Count Loppinot and his slaves.

²⁴ See de Verteuil, *Great Estates of Trinidad*.

²⁵ [Fullarton], *Sixteen Cases*. One slave had allegedly been ordered to assist in the mutilation and execution of his wife.

without the master's knowledge or consent.²⁶

Beyond deliberate violence inflicted on the enslaved, mortality also struck the slave population hard. This was particularly true during the early years of sugar production, when slaves faced the hardships of clearing and preparing land for new cultivation. A surviving account book from an estate called the Buenos Ayres, belonging to a Scotsman who arrived shortly after the capitulation, is a case in point. In the two years between November 1799 and December 1801, thirteen male and nine female slaves out of a total of forty slaves on the plantation died (a mortality rate of 55 percent over two years).²⁷

This is much higher than the (also high) rate of slave death on the new sugar colonies more broadly. B.W. Higman's magisterial study of slave populations across the British Caribbean has shown that during the (very slightly later) period 1807-1834, the population decline owing to mortality in the new colonies was 25.3 percent – over the whole era. This was followed by a rate of decline of 10.8 percent in Jamaica, a figure in turn higher than the 4.4 percent in the rest of the old colonies.²⁸ Spikes in mortality such as occurred on the Buenos Ayres estate in 1799-1801 were partly an aberration, but generally in keeping with the high-risk nature of slave labor in the new colonies. High rates of decline in these colonies required the steady purchase of new slaves in order to maintain the size of the labor force.²⁹

²⁶ See the account in [Fullarton], *Sixteen Cases*, VI. In this case, a slave died as a result of the blood lost when his ears were cut off.

²⁷ LSE, Trinidad Account Book, Miscellaneous Collections 0266.

²⁸ Higman, *Slave Populations of the British Caribbean*, 72-3.

²⁹ Of course, the white population was not immune. Trinidad gained an early reputation among British colonists as an insalubrious island. Trinidad seems to have had a particularly notorious reputation among white travelers for disease. See NAS, GD113/5/451 for Major George Scott's comments on being posted to Trinidad, which he understood to be "no healthy quarter." See also BL, Add MS 36499, Cumberland Papers, ff. 93-105, letter dated 23 May 1802 on the number of deaths witnessed by the letter-writer upon his arrival.

One factor mitigating slave mortality was that some planters recognized the vested economic interest they had in the health and welfare of their chattels. Slaves were expensive enough and labor conditions sufficiently severe that planters often hoped to spare their own slaves the brunt of the hard labor of clearing the land, presumably so that their labor could be exploited to the maximum once the land was ready for cultivation. The Buenos Ayres account makes frequent reference to the employment of hired help, both slaves hired from other plantations and Spanish peons. An 1813 letter from Sir Alexander Cochrane (an admiral who had been granted two Trinidad estates for his services in the West Indies) to two acquaintances considering investing in Trinidad property encapsulates a sentiment in favor of conserving slave labor. “It is far better,” Cochrane advised, “to give a little for a place on which the land has been cleared and provisions planted, than to set about to cultivate new lands.” A wise piece of advice gained from experience, perhaps, but Cochrane’s next insight was even more revealing. New lands, he wrote, “ought never to be done by your own negroes, but by [hired] peons as it is attended always by a great mortality.”³⁰

Despite the heavy mortality, the slave population had nearly tripled from 10,000 in 1797 to over 28,000 in 1802, the result of new settlement and heavy importation.³¹ Accordingly, the rumored end of the war was a matter of concern for the island’s free inhabitants, many of them newly-arrived British subjects who had begun to stake their livelihoods on the future of the island. Many worried that Britain would relinquish the island as part of the peace settlement. In spite of Trinidad’s potential for trade advantages with the South American mainland, the island’s

³⁰ NLS, MS 2297, A. Cochrane to Messrs Buscharin and King, 10 May 1813.

³¹ CO 295/13, f. 305.

economy was not stable enough to ensure metropolitan recognition of its promise.³² The possibility of peace prompted a petition in the spring of 1800 from the *cabildo* to the King in favor of both continued British rule and Picton's retention as governor. The *cabildo* praised the governor's hard line on crime as well as his sponsorship of public works, deeming his leadership indispensable to the island's peace and stability.³³

We have already seen, by contrast, that the free people of color resented Picton's innovations. Another group objecting to Picton's regime was the predominantly-Anglophone merchant class. This class, composed of new migrants who had arrived after the 1797 capitulation, sought the assurance of their rights as "freeborn Englishmen." These rights and privileges famously varied in scope from metropole to colony, but were particularly lacking on an island ostensibly being governed according to Spanish law. In most of their written correspondence these merchants referred to this corpus of law and tradition as the "British constitution."³⁴ In particular, they sought a legislative assembly to be elected on the basis of a limited franchise, to exclude free people of color, as was the custom on other British islands. They hoped this assembly would be granted the authority to assess levies and raise duties of its own initiative. Broadly, they advocated for the introduction of British civil and criminal laws; they specifically prayed for the introduction of trial by jury.³⁵

The preponderant grievance for the nascent merchant class was the leniency of the

³² On Trinidad's trade advantages, see for example Stephen, *The Crisis of the Sugar Colonies*, 179-83.

³³ CO 295/5, *Cabildo* to the King, 10 May 1800, ff. 169-170. The *cabildo* commended Picton's code, arguing that it "ameliorated" the condition of the slaves as well as rooting out the evil of "maronage" (slave disobedience) and the threat of disorder and upheaval incited by the rebellion in Saint-Domingue.

³⁴ CO 295/3 ff.149-151.

³⁵ CO 295/8, Downing Street to Hislop, 2 February 1804, ff. 13-17; CO 295/10, ff. 23-43.

Spanish law respecting debt. Because property (land or slave) could not be seized in the event of bankruptcy under Spanish law, it emerged that a person to whom a debt was owed often had little or no recourse. As became notorious, a landowner could borrow beyond his means without fear of losing his estate or his slaves. Many of the local merchants had discovered this fact too late, and to their peril. They sought confirmation of British laws on debt in order to ensure greater security going forward.³⁶

In mid-1801, in anticipation of peace, Picton was appointed civil governor and promoted to brigadier-general. He was directed to form his own advisory council. To this council Picton appointed many of the officials already serving in the *cabildo*, who would continue to serve in dual capacities. Hobart confirmed that Spanish laws were to continue in force, except for laws regarding trade and navigation, which would be adapted to British policy.³⁷

For a British conquered territory to be administered according to a mix of British and local jurisprudence was the norm, not an exception.³⁸ The provost marshal observed that in some British colonies taken from France, French laws had been briefly retained. “Why should not the colonial council,” he inquired, “enact such edicts, laws, or *arrêts* of the former Spanish government as it pleases?”³⁹ As metropolitan officials investigated the Spanish legal tradition with respect to slaves and nonwhite people, this philosophy would gain popularity.

³⁶ CO 295/5, ff. 171-3; Titus, *The Amelioration and Abolition of Slavery in Trinidad*, xix.

³⁷ CO 296/3, Hobart to Picton, 29 June 1801, f. 21.

³⁸ See Benton, *Law and Colonial Cultures*; and Benton, *A Search for Sovereignty*.

³⁹ CO 295/8, ff. 131-167.

Crown Colony

The peace treaty with France and Spain brought the future of Trinidad into metropolitan focus. Where previously proslavery and antislavery advocates had battled in pamphlet wars over the future of slavery in a new colony, it was now up to the imperial government to take a stand.

These issues were also linked a change in administration, as Henry Addington had replaced William Pitt as Prime Minister. If Pitt had been lukewarm about the practicality of abolishing the slave trade, he was nevertheless committed to the object in principle. Addington, however, was opposed in both practice *and* principle.

The formal integration of Trinidad into the empire raised the prospect of rapid expansion of both slavery and the slave trade. In 1802 the British crown possessed uncultivated land on several West India islands, principally Jamaica, St. Vincent, Grenada, and Trinidad.⁴⁰ Although Pitt had demurred on selling these crown lands to prospective proprietary investors – who would, it was assumed, develop them using slave labor – Addington lacked his predecessor’s ideological opposition to the spread of slavery. With the peace treaty under negotiation, Addington announced his intention to begin selling some of this property.

George Canning, a moderate opponent of the slave trade and a protégé of Pitt’s who detested Addington, made it his business to oppose these plans.⁴¹ He focused his energies on Trinidad, given that this newest of British colonies seemed to offer the most fertile, desirable land. He estimated that the thorough cultivation of government lands on the island, if they were

⁴⁰ Not all of this land was relevant to the discussion. For example, the crown property in Jamaica, mostly in the mountains, was not considered suitable for sugar cultivation.

⁴¹ This entire episode, along with Canning’s complicated motivations (which involved his private opposition to Addington and his desire to force a public split between Pitt and Addington), is sketched in a helpful article by Patrick Lipscomb. See Patrick C. Lipscomb, “Party Politics, 1801-1802: George Canning and the Trinidad Question,” *Historical Journal*, 12 no. 3 (1969).

given to the production of sugar, would require the importation of “a million” additional slaves (an apparent bit of hyperbole).⁴² Given the House of Commons’ public commitment to the “gradual” abolition of the traffic in slaves, encouraging the slave trade to Trinidad would be hypocritical. “It seems to me,” argued Canning, “as if Providence had determined to put to the trial our boasts of speculative benevolence and intended humanity, by putting into our power a colony where, if we pursue our old course [of allowing the traffic in slaves to continue], it must purely be for its own sake, without the old inducements or the usual apologies.”⁴³

Canning argued that the sale of crown lands ought to be prevented – or at least delayed – until Parliament had settled how best to cultivate the island and what the most appropriate labor force might be.⁴⁴ Moreover, he proposed that Trinidad be reserved as an island for “experiment,” a site for pursuing alternative labor sources. It might be possible to promote white European immigration or to utilize free colored and native populations in promoting new industries.⁴⁵

Canning, of course, was joined by abolitionists who naturally favored any measure to limit the spread of slavery. A particularly virulent opponent of the sale of crown lands in Trinidad was the prominent abolitionist lawyer James Stephen. Stephen cautioned against the further importation of slaves to Trinidad, urging instead measures that would encourage the immigration of free blacks from other colonies.⁴⁶ Like Canning, he hoped a “happy system of colonization,” with alternatives to slavery, might be found. Trinidad was poised, he noted, to

⁴² *Cobbett’s Parliamentary History of England*, vol. 36, 442-445.

⁴³ *Cobbett’s Parliamentary History of England*, vol. 36, 868.

⁴⁴ Similarly, western expansion forced the slavery issue to the forefront of political debates in the United States.

⁴⁵ *Cobbett’s Parliamentary History of England*, vol. 36, 871-4.

⁴⁶ Stephen, *The Crisis of the Sugar Colonies*, 187-9.

become “a farm of experiment” for free labor.⁴⁷

By 1802, abolitionism was not merely the domain of politicians and intellectuals. Several months prior to the Parliamentary debate, Hobart had written to Picton, acknowledging that public opinion was an obstacle to encouraging the slave trade to Trinidad. He wondered whether it might be possible to induce the South American natives to come to Trinidad to work. In the same letter, he solicited Picton’s opinion on encouraging white labor “for the purpose of bringing the hilly and most healthy parts of the Country into early cultivation.”⁴⁸

The question for policymakers was: if slaves were not to be imported, what were the alternatives? Might there be sources of labor other than slaves; might there be products to cultivate other than sugar? These questions were intertwined, as both touched on deep-seated prejudices about labor and race. Most considered Europeans unsuited to harsh labor in tropical climates; this sort of hard toil was, by the same accounts, the “natural” domain of Africans.⁴⁹ The cultivation of sugar, or other West India staples such as coffee or tobacco, thus called for the importation of some kind of nonwhite labor force, whether African or (increasingly) Asian. White migration was encouraged only insofar as alternate industries were developed.

Respecting white migration, one proposed source was the poor Scottish Highlanders, along with Protestant dissenters in both Scotland and Ireland.⁵⁰ In his *Travels in Trinidad*, P.F. McCallum pronounced the Highlanders “a hardy race, that will vegetate in any climate, and less

⁴⁷ Stephen, *The Crisis of the Sugar Colonies*, 202.

⁴⁸ CO 295/2, Hobart to Picton, 18 February 1802, ff. 40-44.

⁴⁹ CO 296/4, “Hints for the Cultivation of Trinidad,” ff. 75-78.

⁵⁰ CO 295/3, ff13-19; CO 295/6, f. 30.

given to intemperance than others.”⁵¹ But few Scots were ever induced to migrate to Trinidad. “White labor” alternatives to sugar cultivation never got off the ground.

The other major labor source that was explored as a consequence of these debates was Chinese immigration, reflecting an emerging consensus among colonial policymakers that the Chinese were a particularly industrious people, with the propensity for hard labor in tropical climates that Europeans lacked.⁵² Many advocates of Chinese immigration argued that the Chinese, with their putative greed for money, would work harder than their African counterparts. Little came of the plans, however. The few Chinese people who arrived in Trinidad, mostly as indentured servants, quickly abandoned the island.⁵³ Serious efforts to encourage the immigration of non-white, non-African labor would not resume until after the abolition of slavery in 1834. As we will see in chapter 5, the next targeted racial group would be South Asians; the success of immigration policies favoring Indian laborers would transform Trinidad’s demographics in the second half of the nineteenth century.

As far as limiting the slave trade to Trinidad was concerned, the 1802 debates accomplished little. The political pressure did prompt Addington to announce that crown lands in Trinidad would not be sold after all. Instead, the government would make a point of investigating alternative sources of labor and production for the island. In principle, then, the government accepted the conception of Trinidad as a “farm for experiment.”⁵⁴ But it turned out

⁵¹ McCallum, *Travels in Trinidad*, 28.

⁵² For the Colonial Office’s position, see CO 296/4, “Hints for the Cultivation of Trinidad,” ff. 75-78.

⁵³ James Epstein, “Freedom Rules/Colonial Fractures: Bringing ‘Free’ Labor to Trinidad in the Age of Revolution,” in *The Peculiarities of Liberal Modernity in Imperial Britain*, ed. Simon Gunn et al. (Berkeley: University of California Press, 2011); Epstein, *Scandal of Colonial Rule*, chapter 6.

⁵⁴ Trinidad’s role as an experimental colony, both under British and Spanish rule, is also explored in Gelien Matthews, “Trinidad: A Model Colony for British Slave Trade Abolition,” *Parliamentary History* 26 (2007).

to be a hollow victory for antislavery activists.⁵⁵ That vast tracts of government land remained uncultivated and unsold did little to curb the slave trade to the island, which continued to supply existing plantations and settlements along the island's more densely populated regions.

Although metropolitan authorities did not agree on a labor policy for Trinidad, the suggestion that metropolitan officials intervene more stridently in colonial affairs had its own result. By drawing attention to the measures to be taken to limit the spread of slavery, Canning and his allies had made a powerful argument for retaining metropolitan control over local political affairs in the colony. The question before Parliament was whether or not Trinidad should have an elected assembly, whether or not it should be governed according to the same model that prevailed in the older Caribbean colonies.

Canning's position resonated strongly with a disparate group of actors, beginning with abolitionists. Stephen was among reformers⁵⁶ urging that Trinidad's new constitution not include the "fatal error" of a legislative assembly. For

I know not . . . a source of greater political evils in our small West India Islands, than their having been separately complimented with a pigmy model of the British Constitution. That noble machine, believe me, does not work upon so small a scale. It is however sufficiently evident, that in the first rude stage of colonization, the settlers must be peculiarly unfit to form such an Assembly . . .⁵⁷

This stance also appealed to Picton, who no doubt hoped to maintain his own extensive powers. Given Trinidad's racial and ethnic diversity, "An elected assembly," Picton warned

⁵⁵ *Cobbett's Parliamentary History of England*, vol. 36, 876-881.

⁵⁶ In contrast to centuries past, conventional colonial wisdom now favored caution when it came to representative government. The drive to assert greater metropolitan authority throughout the empire dates from the Seven Years War, with its demands for greater defense mechanisms. The American Revolution subsequently spelled the end of the older idea of an empire of equals, which had implications for whites as well as nonwhites. After the Revolution, British officials tended to feel that they had erred in granting the North American colonists too many, not too few, liberties. This changed vision supplied the basis for a new model of empire that, if broadly more inclusive, reserved greater ultimate authority for the crown. Marshall, *The Making and Unmaking of Empires*, for example 373-379.

⁵⁷ Stephen, *The Crisis of the Sugar Colonies*, 190.

Hobart in June 1802, “will unavoidably introduce a question which cannot fail to generate the seeds of lasting Fermentation in a Country composed of such Combustible materials.” Naturally, it seemed to him “expedient” to bar the numerous free people of color from exercising the right to vote, but he nevertheless feared that doing so would make them dissatisfied and “liable to be affected in their loyalty.” So while an elected assembly was out of the question for Picton, he urged the continued use of a “severe” police force to keep the peace on the island.⁵⁸

For the time being at least, Trinidad was denied an independent legislature. In terms of colonial governance, it was to become a trend, with the nearby provinces of Dutch Guiana soon integrated into the empire in a similar manner.⁵⁹ The decision to limit self-government in the West Indies, moreover, fits within the wider trend of British imperialism during this era. As Christopher Bayly has pointed out, the period 1780 to 1830 was characterized by a “series of attempts to establish overseas despotisms,” which were characterized by aristocratic military government, the patronage of indigenous landed elites, and hierarchies based on racial subordination.⁶⁰

James Epstein has suggested that Thomas Picton’s authoritarian rule can be viewed specifically within this vein, not as an aberration, but as an example of typical imperial policy during this era.⁶¹ Contrary to Epstein’s narrative, however, metropolitan authorities never wholly sanctioned Picton’s activities. On the one hand favoring the authoritarian colonial structures that centralized power in the hands of a few, metropolitan authorities increasingly sought to supervise

⁵⁸ Picton to Hobart, 28 June 1802, CO 295/2, ff. 145-146.

⁵⁹ James Millette, *The Genesis of Crown Colony Government: Trinidad 1783-1810* (St. Augustine, Trinidad: Moko Enterprises, 1970).

⁶⁰ Bayly, *Imperial Meridian*, 8-9.

⁶¹ Epstein, *Scandal of Colonial Rule*, 91-92.

the exercise of that power. The consolidation of authority made it more vital for authorities to ensure that colonial governors would conform to metropolitan initiatives. Picton was too much of a wildcard, as the decision to reduce his authority was to reveal.

Although a victory for abolitionists like Stephen, the decision not to grant Trinidad a legislative assembly was not an endorsement of antislavery aims. It was, instead, a measured affirmation of the impetus to experiment with *possible* alternatives to slavery, on a trial basis. For the time being, metropolitan officials could avoid committing themselves one way or the other. Addington announced plans to proceed with an experimental “commission” government in Trinidad with the purpose of investigating the best means of cultivating the land.

By 1802, some reports of Picton’s “arbitrary” rule seem to have reached the metropole. The nature of precisely what had been conveyed is unclear, but Picton was worried. In May of that year he wrote to Hobart complaining that he was being “attacked by a conspiracy of all that is rascally and Infamous on the island.” He had in mind a group of free people of color and other revolutionaries who he believed were set against him.⁶²

Hobart responded to these concerns by stating that this was the first he had heard of any local dissatisfaction with Picton. His dispatch nevertheless brought news of the governor’s demotion. In accordance with Addington’s instructions, the colony was to be administered by a triumvirate commission, with Picton retained as one of three joint administrators.⁶³ First Commissioner was to be William Fullarton, a colonel who had served in East India. Picton was to serve as Second Commissioner. The Third Commissioner was Samuel Hood, a naval officer.

⁶² CO 295/2, Picton to Hobart, 20 May 1802, ff. 93-96 and Picton to Hobart, 21 May 1802, f. 97.

⁶³ CO 295/2, Downing Street to Picton, 5 July 1802, ff. 140-142.

These three men were exhorted to survey the island with a view to its future cultivation.⁶⁴

Despite a rough, theoretical division of powers among the three commissioners – civil, military, and naval – the instructions were not clear about the ultimate power hierarchy. Specific duties were not outlined, and there were no provisions about what was to be done in the likely event of a disagreement among the three men.

The logic behind the decision to appoint three officials is murky. The stated reasoning in the official dispatch was that “from the union of civil, military, and naval talents, combined in the persons selected, advantages must arise which could not be expected from the labours of one person.”⁶⁵ Nevertheless, the decision, when viewed in light of the men chosen for the job (as well as the novelty of triumvirate rule in British history), has baffled historians. Between the First and Second Commissioners, Addington and Hobart could hardly have chosen two men less likely to work well together.

The Ill-Fated Triumvirate

When he set foot in Port of Spain as First Commissioner in January 1803, Colonel William Fullarton had a reputation as an imperial reformer that reached from the Scottish Lowlands to Calcutta. Born in Ayrshire in 1754, he had had a long career both as a politician and as a military man. First elected to Parliament in 1779, he subsequently served as a colonel in the East India Company, battling Haidar Ali in Mysore before involving himself in the British administrative reforms of India. He was an upper-class gentleman whose character and tastes

⁶⁴ CO 295/3, Downing Street to Fullarton, Picton, and Hood, 1 October 1802, ff. 2-19; CO 296/4, “Hints for the Cultivation of Trinidad,” ff. 75-78.

⁶⁵ CO 295/2, Downing Street to Picton, 9 July 1802, ff. 140-142.

had been perfected on a traditional Grand Tour of Europe during his teenage years.⁶⁶ His manners were prim and his costume, a new style of imperial dress with a red collar, cuffs, and buckled shoes, was finished with a dress sword and walking stick. He took snuff.⁶⁷

He left India, but, as the formative influence on his political ideas, India never left him. His treatise, *A View of the English Interests in India*, portended his alliance with Edmund Burke in the prosecution of Bengal governor Warren Hastings and chief justice Sir Elijah Impey for corruption and misrule.⁶⁸ Fullarton was a supporter of British imperialism, but he did not believe that the British constitution was universally superior to indigenous laws. He came to Trinidad with the instincts he had honed in India, intent on rooting out corruption and abuses of British power. Yet for all his grand intentions, in the hostile climate of Port of Spain, he would last just six months.

The choice of Fullarton in the head executive role appears indicative of reforming impulse within the Colonial Office. He was on record as having populist instincts, though they had been muted somewhat since the radicalization of the French Revolution.⁶⁹ Picton, by contrast, had made plain his opposition to change. He objected to the introduction of white

⁶⁶ For an account of Fullarton's origins, see Epstein, *Scandal of Colonial Rule*, chapter 2.

⁶⁷ Naipaul, *The Loss of El Dorado*, 204.

⁶⁸ A proponent of Enlightenment "ancient constitution" theory of Indian history, Fullarton felt that stability needed continuity and the restoration of India's traditional institutions. He blamed the East India Company for unsettling the fabric of Indian society, but simultaneously maintained that, already involved, the British would have to maintain a military presence in India. He nevertheless staunchly advocated returning greater sovereignty to the indigenous rulers. See William Fullarton, *A View of the English Interests in India; and an Account of the Military Operations in the Southern Parts of the Peninsula, during the Campaigns of 1782, 1783, and 1784* (London, 1787).

⁶⁹ In 1792 he represented Ayrshire at the Scottish convention of the Society of the Friends of the People, a Whig organization seeking broad-based electoral reform. Though revolution on the continent moderated Fullarton, this affiliation had secured him a lifelong enemy in Henry Dundas, the most important Scottish politician of the era, to the detriment of his parliamentary career. When Fullarton was appointed to the Trinidad commission with an apparently worthless assurance that he could keep his seat in Parliament, Dundas pounced, having him unseated immediately for holding an office of profit. Michael Fry, "Fullarton, William, of Fullarton (1754-1808)," in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

laborers, being a strong proponent of theories about racial differences with respect to sustainability in the tropics. He argued that Europeans required a three-year period of “seasoning” to accustom themselves to the harsh tropical conditions of the island before they could work well and avoid frequent illness.⁷⁰ As Second Commissioner, Picton was intended to head the military, a job for which he was suited.

The Third Commissioner, with primarily naval oversight, was a political unknown: Commodore Samuel Hood, cousin of the more famous admiral by the same name,⁷¹ had gained his reputation as a naval officer, having served alongside Lord Nelson in the Mediterranean. Hood’s arrival was delayed, in part because the Third Commissioner, currently stationed in Barbados, did not seem over eager to take up his post.⁷²

According to Picton’s friends, Fullarton arrived with a single-minded vendetta against the former governor.⁷³ Whatever Fullarton’s own private feelings, however, the Colonial Office had not come down staunchly on the side of reform; that was evident from Picton’s retention alongside Fullarton. Although the commission was ostensibly appointed to investigate the island and its suitability for various types of cultivation, Fullarton was given no mandate to effect

⁷⁰ CO 295/10 ff. 23-43. During the same era, slaves were also thought to require a period of months or years of “seasoning” after their arrival in the New World. Morgan, *Slavery in the British Empire*, 86.

⁷¹ Hood’s illustrious first cousin, once removed, was well known for his naval service in the American Revolution and in the French Revolutionary Wars; he was also a mentor of Nelson’s.

⁷² Fullarton met Hood during a stopover in Bridgetown, Barbados, *en route* to Trinidad, but found the naval officer unwilling to accompany him to Trinidad until he had finished his work in Barbados. CO 295/10, Fullarton to Hobart, March 1804, f. 62.

⁷³ This was an issue in a subsequent libel case against Edward Alured Draper, a British military officer who went to some lengths to vindicate Picton in his book, *An Address to the British Public: On the Case of Brigadier-General Picton, Late Governor and Captain-General of the Island of Trinidad* (London, 1806). The libel suit concerned a conversation alleged to have taken place in late 1801, in which John Sullivan had advised an Irish doctor headed to Trinidad that a letter of introduction from Picton would do him little good since the former governor was likely soon to be recalled. Sullivan’s libel suit was ultimately successful. See *State Trials*, XXX, 959-1130.

change. Instead, the triumvirate commission was a baffling concession to both sides, with the decision-making itself deferred to a future date.

There was an immediate disagreement. On his first day, Fullarton took his seat at a joint meeting of the council and the *cabildo*. He began by stating his desire to cooperate with Picton and Hood in carrying into effect the “wise, liberal and enlightened instructions” that had been put to the commission “for the future welfare and prosperity of the colony.”⁷⁴ Two days later, hoping to capitalize on Fullarton’s conciliatory overtures, the secretary to the commission Joseph Woodyear urged the First Commissioner to agree to a proclamation affirming that “all laws, usages, and employments” of Picton’s term would continue in full force. Fullarton agreed, but soon had a change of heart. He feared tacitly endorsing Picton’s regime. He withdrew his affirmation – but it was too late. The printer had already published the proclamation, and the damage to appearances was done. The First Commissioner had no recourse but to order the proclamations pulled down from where they had been hung.⁷⁵

Fullarton quickly became a regular weekly attendee of the meetings of the *cabildo*, apparently to Picton’s consternation.⁷⁶ His first “discovery” was the condition of the jailhouse. When Fullarton investigated the jail personally, he found “such a scene of wretchedness, disease, famine, and exquisite misery, tantamount to torture, as had never been witnessed under a British government.” Alerted by the provost marshal, Fullarton noted that the Spanish law was being subverted in that prisoners were being confined without a specified offence or crime.⁷⁷ His

⁷⁴ Fullarton was mortified when the *Courant* took this to imply his approbation of Picton’s actions as governor. CO 295/10, Fullarton to Hobart, March 1804, f. 63.

⁷⁵ CO 294/10, Fullarton to Hobart, March 1804, f. 64.

⁷⁶ CO 295/10, Fullarton to Hobart, March 1804, f. 66v.

⁷⁷ Epstein points out that Fullarton’s narrative, beginning with the “shock” of discovery, is a classic Gothic literary

second objection was that the jailer had an undue amount of discretion in inflicting punishments. The law required the governor's approval for punishments, but this was not always observed in practice. Fullarton was appalled when one of the *alcaldes*, the Martinique-born creole Saint-Hilaire Bégorrat and personal friend of Picton's, impressed upon him that torture was the only effectual means of apprehending the criminals.⁷⁸ For his part, Bégorrat was a zealous prosecutor of slave poisonings, a flurry of which had recently occurred in Port of Spain.⁷⁹

When Fullarton granted a free French woman of color's request for a temporary stay in Trinidad to settle an estate, it was the last straw for Picton. Picton had previously banished the woman from the island under suspicion of republican sympathies. He now regarded Fullarton's move as a direct challenge to his own authority.⁸⁰ A spectacular shouting match took place, which irredeemably fractured relations between the two men.

Fullarton promptly launched further inquiries into Picton's actions as governor, announcing his intention before a meeting of the council to investigate all the island's criminal cases since the 1797 capitulation. On 18 February 1803, Picton responded with a letter of resignation. This did not result in his immediate withdrawal from government, since it remained for Lord Hobart to accept his resignation, no small formality given the slow travel of correspondence across the Atlantic. In the meantime Picton continued to serve as Second

trope. Epstein, *Scandal of Colonial Rule*, 134. If not insincere, Fullarton was certainly aware of the way he was presenting his case against the former governor to the British public.

⁷⁸ CO 295/10, Fullarton to Hobart, March 1804, ff. 65v-66r.

⁷⁹ Mass slave poisonings were a common form of homicide in the Caribbean. In this case, Fullarton informed Hobart that the French slaves were exacting revenge upon the plaiunter population by poisoning whole gangs of slaves (as well as mules). One overseer was said to have lost between sixty and ninety slaves to poisonings. CO 295/4, Fullarton to Hobart, 3 March 1803, ff 60-65. On Bégorrat's involvement in slave poisoning prosecutions, see Naipaul, *The Loss of El Dorado*, 179-180 and 192-193.

⁸⁰ CO 295/4, Fullarton to Hobart, 3 March 1803, ff. 60-65; CO 295/5, Brigadier-General Picton's Address to the Council, ff. 130-134.

Commissioner. On 22 February, the Third Commissioner arrived, only to find his fellow commissioners barely speaking to each other.

Both the First and Second Commissioners sought an alliance with Commodore Hood, but Picton succeeded.⁸¹ Hood's own conduct, from his late arrival to his own resignation just over a month later, suggests little interest governing. He took offense at the First Commissioner's investigations of the Picton's conduct, and seems to have interpreted the commission's role as one more of support rather than one of challenge to Picton's authority.

Fullarton soon found himself outnumbered. At the beginning of March, Fullarton complained of "secret meetings of the cabildo" involving both Picton and Hood, that seemed to be rallying Picton's supporters and aiming to discredit Fullarton. Most of the Second and Third Commissioner's charges against Fullarton were claims that his defense of criminals was likely to incite a slave rebellion.⁸²

But Fullarton was troubled by what he found in Trinidad, particularly when it came to race and slavery. Fullarton objected to Hobart that the planters "very generally consider any attempt to do justice, or even to hear the complaint of a negro, or Mulattoe, as a direct injury and violation of the rights of Europeans. They conceive themselves to have an absolute right to beat, maltrete [*sic*], or imprison any black or colored person, without assigning any reason." He had plenty of anecdotes to substantiate this impression: a French gentleman who was incensed that a mulatto had been released from prison after a week, despite the fact that a crime had never been specified; a baker who "flew into a paroxysm of rage" when his neighbor complained to the

⁸¹ Havard suggests that Picton and Hood were more likeminded than Fullarton and Hood, the two having similar tastes when it came to politics, war, and women. Havard, *Wellington's Welsh General*, 39-40.

⁸² CO 295/4, Fullarton to Sullivan, 7 March 1803, ff. 86-91. Similar accusations were to come up repeatedly during Fullarton's tenure in Trinidad, lodged by the planting class whose methods Fullarton was calling into question.

authorities about the disturbing excesses of his floggings, which had killed one slave and mutilated another.⁸³

To compile his case against the former governor, Fullarton returned to the jailhouse and demanded the archive records of punishments, which the court scrivener, Francisco de Castro, supplied. Duly recorded was a range of extracted confessions and punishments that had been authorized by Picton. Fullarton resolved to see Picton tried for his crimes.

Fullarton presented his list of charges against Picton at a meeting of the council on the 24 March. There were twenty-nine in all,⁸⁴ ranging across torture, mutilation, hanging, beheadings, and burnings – and all were alleged to have been carried out without proper trials. Many of them involved slaves and free people of color who had been charged with poisonings or witchcraft. Between 1801 and 1802 such cases had been handled by “commissions” of questionable authority that had dispensed with the usual legal formalities. Hood, whom Fullarton “had frequently seen . . . misled from his own former opinions and better principles by the Brigadier,” sided with Picton, denouncing the accusations as libel.⁸⁵

For admitting Fullarton to the archives, Picton had de Castro dismissed from his post and thrown in jail. When Fullarton heard of this, he stormed over to the prison and demanded the scrivener’s release. It was a violent scene – Fullarton apparently brandished his walking stick – although his efforts would not succeed in freeing de Castro for some months.⁸⁶ Fullarton moved,

⁸³ CO 295/4, Fullarton to Hobart, 3 March 1803, ff. 60-65.

⁸⁴ William Fullarton, *A Statement, Letters, and Documents, Respecting the Affairs of Trinidad: Including a Reply to Colonel Picton’s Address to the Council of that Island* (London, 1804), 179-180.

⁸⁵ CO 295/10, Fullarton to Hobart, March 1804, 69v-70r.

⁸⁶ CO 295/4, ff. 224-5; CO 295/5, ff.112-119; [Fullarton], *Sixteen Cases of Cruelty*.

nevertheless, that Picton be recalled immediately to London to stand trial.⁸⁷

A few of the charges were investigated in the months that followed, but most of them were eventually dropped.⁸⁸ It was the torture charge that stuck. The alleged crime was

the application of torture to extort confession from Louisa Calderon, a girl under fourteen years of age, respecting a robbery supposed to have been committed by Carlos Gonzalez against Pedro Ruiz, stated to have been frequently employed as an agent by General Picton. The Torture is stated to have been applied two successive days in presence of Mr Begorrat, with such severity that the Girl fell down in appearance dead, and there was no Physician or Surgeon to assist.⁸⁹

Picton had his allies. In general, these were the landowners who benefitted from his strict policies on the slave and mixed-race populations, and men with whom Picton also had a personal rapport, such as Hood and the attorney general, Archibald Gloster. Several members of the council, originally appointed by the former governor himself, stepped forward in his defense. Their reluctance to indict their friend – and in some cases themselves – can be presumed. Indeed, few officials in Trinidad welcomed Fullarton’s inquiries.

Soon after levying the charges, Fullarton left Port of Spain by boat, ostensibly to do a survey of the island as required by the instructions of the commission. Picton and Hood seized their chance, issuing a proclamation on 27 April that Fullarton had abandoned his post, contrary to the King’s orders, thereby abdicating. Hood then resigned and left, returning to Barbados where he would man the renewed war effort against the French.⁹⁰ The result was the restoration

⁸⁷ CO 295/4, ff. 155-8.

⁸⁸ The Privy Council applied to the Trinidad *cabildo* for more information on seven of the charges, including the Calderón case, which was the only charge that progressed past this stage. CO 295/11, Downing Street to Hislop, 8 August 1805; and Hislop to Castlereagh, 13 December 1805, ff. 214-219; CO 295/13, ff. 252-273; CO 295/14, ff. 62-68. Had the execution of Hugh Gallagher advanced to a trial, Picton would have been on trial for his life. Epstein, *Scandal of Colonial Rule*, 19.

⁸⁹ CO 295/4, f. 155v.

⁹⁰ J.K. Laughton et al., “Hood, Sir Samuel, First Baronet (1762-1814)” in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

of one-man rule under Picton, which Hood fully supported.

When Fullarton attempted to return, he found his arrival blocked. During his trip he had intercepted the news of Hobart's acceptance of Picton's original resignation, information by now unwelcome to the Second Commissioner. The standoff was only resolved when news arrived from Barbados, where the commander-in-chief of the West Indies had recalled Picton for reassignment.⁹¹ That evening, on 14 June 1803, Picton left Port of Spain. He would never return. Mrs. Smith remained, and their four children, though ultimately remembered in Picton's will, would never see their father again.⁹²

On 26 June Fullarton issued his own proclamation, countering Picton and Hood's of April, announcing that the actions of his fellow-commissioners had violated the King's authority.⁹³ His own time, though, was running out. He found himself besieged by the various interests of the colony: landed, merchant, white, colored, slave. He also had a slew of accusations levied against him by Picton and Hood that he now had to dispute. But news soon came from London that a new governor, Thomas Hislop, was to be appointed to take over the duties of the commission, and the triumvirate disbanded. Fullarton's post was rendered obsolete, and now he too abandoned the colony forever.

The commission had been a debacle. If the Colonial Office's intention had been a change in course, it only had ended up magnifying the legal uncertainties on the island. Fullarton's reputation as a reformer appears to have recommended him to those who appointed him; many historians, like his own contemporaries, have taken for granted that he was appointed for the

⁹¹ Havard, *Wellington's Welsh General*, 49.

⁹² NLW, Picton Family #40, Sir Thomas Picton's will, dated 9 July 1815, Proved 15 July 1815.

⁹³ CO 295/5, "A Proclamation, by William Fullarton," 26 June 1803, f. 335.

purpose of challenging Picton.⁹⁴ It is easy to see the argument of many of Picton's allies, who felt that Fullarton had arrived with his mind made up. The swiftness with which he moved against the Second Commissioner would seem to confirm that *someone* had put him on alert with respect to the complaints that had been lodged against the former governor.

Yet the choice of Fullarton alongside the known quantity that was Picton begs the question of who could possibly have hoped these two men would collaborate well. What, moreover, was the point of appointing Fullarton to challenge Picton, if the latter was also to remain? The mystery may simply reflect the confused state of the Colonial Office and its muddled aims as they stood in 1802. The pairing of these two men may reflect an ill-considered compromise. Insofar as the Colonial Office was itself a monolithic entity in 1802, it was willing to flirt with, yet not actively endorse, parts of the antislavery agenda. Yet the mixed commission was no solution at all; it confirmed only that men of diametrically opposed philosophies do not typically work well together.

But the consequences of the triumvirate, and Fullarton's role on it, did not end with the dissolution of the commission. Fullarton's immediate object, upon his return to London, was the prosecution of Picton – and with it, the publication of a colonial scandal.

Scandal in London

Fullarton's return to London marked the beginning of a campaign that would last until his death in February 1808. He immediately set out to publish his accusations, launching a pamphlet war with the former governor.⁹⁵ Fullarton was to be an active behind-the-scenes voice for the

⁹⁴ Epstein, *Scandal of Colonial Rule*, 88; Joseph, *History of Trinidad*, 218-219. Joseph claims that Fullarton was appointed "for the purpose of driving [Picton] into a resignation" (218).

⁹⁵ For example, Picton, *A Letter Addressed to the Rt. Hon. Lord Hobart*; Fullarton, *A Statement, Letters, and*

prosecution, procuring witnesses and sensationalizing Picton's abuses as governor to the best of his ability. He and his wife opened their London home to the case's most remarkable witness, a young creole girl called Luisa Calderón who allegedly had been brutally and illegally tortured at Picton's command. She was brought to London at their expense.

While commanding forces in Tobago, Picton received word of the cruelties newly associated with his name. By the time he arrived in London in late 1803, meaning to address these accusations personally, daily prints were referring to him as the "blood-stained Governor of Trinidad." Drawings of the torture began to circulate, bringing the spectacle of Luisa Calderón's torment into the limelight.⁹⁶ By order of the Privy Council, Picton was arrested in London in December on the basis of several of Fullarton's charges against him, including torture and murder. The arrest was made on the basis of several depositions, including Luisa's. Picton's uncle bailed him for a practically unheard-of sum of £40,000.⁹⁷

It took more than two years to obtain sufficient evidence to proceed to trial. The Calderón case was separated out from the other charges and transferred to the King's Bench because it involved torture rather than murder. The case was subsequently returned to Port of Spain on a writ of mandamus for more information. In February 1806, with the written evidence (namely court records) and witnesses from Trinidad secured, the case proceeded to trial.⁹⁸ Picton was charged under the Colonial Governors Act, a little-used statute that allowed for colonial

Documents.

⁹⁶ Robinson, *Memoirs of Lieutenant-General Sir Thomas Picton*, vol. 1, 136-139.

⁹⁷ Robert Havard, "Picton, Sir Thomas (1759-1815)," in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004); CO 295/13, Picton to Camden, 17 January 1804, ff. 13-14.

⁹⁸ Epstein, *Scandal of Colonial Rule*, 18-19.

officials charged with misrule to be tried for their crimes in England.⁹⁹

The alleged victim, Luisa Calderón, was a free woman of mixed Spanish and African heritage. Her precise age was a matter of dispute. She was evidently quite young, barely of sexual maturity, when in 1799 or 1800 she went to live with Pedro Ruiz, a tobacco dealer, as both mistress and housekeeper. In December 1801 when the torture took place, she was between thirteen and fifteen years old. Several of the parties involved in the debate and trial believed her precise age significant, since Spanish law, as most understood it, prohibited torturing a minor of less than fourteen years.¹⁰⁰

Luisa's age excited much comment when the case was heard in London. The counsel for the prosecution, William Garrow, said simply: "Although it may to us in this country appear singular, that she should be in such a situation in that tender period of life, yet in that hot climate where the puberty of females is much accelerated, it is common for them to become mothers at the age of twelve."¹⁰¹ This statement savored of the familiar charge that tropical climates provided a natural inducement to debauchery, and Luisa's situation added shock value to the trial, which quickly became a sensation in the London newspapers.

While still living with Ruiz, Luisa had taken up with Carlos González, a mulatto

⁹⁹ To be tried in England, though, it needed to be deemed a misdemeanor, not a felony. Epstein, *Scandal of Colonial Rule*, 18.

¹⁰⁰ Naipaul believed that she was fifteen at the time of the torture and that the story that she was thirteen was a fabrication advanced by Fullarton with the help of his lawyer, Pedro Vargas, who supposedly argued that the case against Picton would be stronger if they got Luisa and her mother to lie about her age. Naipaul claimed that a baptismal certificate was then falsified (see Naipaul, *The Loss of El Dorado*, 247-8), a supposition that is based on the testimony of the vicar general, Pedro Reyes Bravo, who did not believe the testimony of Father Joseph Maria Angeles, the priest who baptized Luisa (possibly motivated by personal disagreement). Bravo alleged that the ink looked "fresh," and that the document itself had been filed out of order. Both facts rendered the document suspicious and contributed to the judge's dismissal of this line of argumentation. It was also an irrelevant point when it came to Picton's trial: if Luisa's age had been a factor, the burden fell not on him as governor but upon her interrogators, the jailor, and Bégorrat to establish her majority. *State Trials*, XXX, 261-5, 268-9, 444, 730-5, 847.

¹⁰¹ *State Trials*, XXX, 452.

tradesman. In December 1801, Ruiz accused González of having broken into his house and robbed him of \$2,000. The charge was likely false: according to several witnesses at Picton's trial, Ruiz had a history of fabricating such charges against his enemies.¹⁰² In any case, witnesses to González's movements that day put him in near enough proximity to Luisa that it seemed probable that, had he robbed Ruiz, Luisa would have known about it. Continuing to deny the theft, González later admitted that he had entered the house and "had the carnal connection" with Luisa.¹⁰³ When interrogated, Luisa denied knowing anything.¹⁰⁴ The authorities assumed the girl was covering for her lover.

It was suspected that Luisa might have had her own involvement, beyond just covering up for Ruiz. Given Luisa's refusal to admit anything, the prosecutor, Picton's friend Bégorrat, had applied to the governor for permission to extract a confession forcibly. He received a note back in Picton's handwriting. It said: "Inflict the torture on Luisa Calderon."¹⁰⁵

She was warned. If she confessed, she would avoid the torment. If she persisted in her refusal to cooperate, however, she would be subjected to the torture, and any loss of life or limb "must be on her own head."¹⁰⁶ She was made to watch as two African women accused of witchcraft were tortured to extract their confessions.¹⁰⁷ Yet Luisa continued to protest her own innocence, as well as her ignorance of González's actions.

¹⁰² *State Trials*, XXX, 409.

¹⁰³ *State Trials*, XXX, 288. Luisa later admitted a sexual relationship between her and González as well.

¹⁰⁴ *State Trials*, XXX, 287.

¹⁰⁵ TNA KB 33/10/1, "Trial of Thomas Picton: Exhibit B", 11. Originally rendered in French, and confirmed to be in Picton's handwriting, the original read: "*Appliquez la question à Luisa Calderon.*" *State Trials*, XXX, 466.

¹⁰⁶ KB 33/10/1, "Trial of Thomas Picton: Exhibit B", 12.

¹⁰⁷ *State Trials*, XXX, 453.

The torture was a form of picketing. An old British military punishment, it involved balancing one foot on a sharp wooden point. The wrist on the other side of the body was hauled up by a pulley, balancing the weight of the victim between the spike on one side and the pulley on the other. The only way to limit the pain to the foot, which was left bare, was to lean as much weight as possible on the opposing wrist, which was also painful. Luisa was subjected to this, with her free arm and leg tied together behind her. The prosecution, with polemical flair, later denied that it was proper to call this practice “picketing”: for according to Garrow, in the military practice, “mercy has assigned for the sufferer a means of reposing or raising himself by the interior of his arm, by which the agony to the foot is diminished.” He quipped, “Not only for the sake of correctness, but for the sake of humanity, I hope this practice will not receive the appellation of *Piqueting*, but that of *Pictoning*, that it may be described by the most horrid name by which it can be known, and be shunned as a disgrace to human nature.”¹⁰⁸

The first day, Luisa was tortured for nearly an hour.¹⁰⁹ This was enough for her to confess that she had been privy to González’s guilt, but still Bégorrat was dissatisfied. She denied knowing what had become of the money. The second day, she was tortured for twenty-two minutes. After fainting twice, she was taken down.¹¹⁰

Luisa’s confession secured González’s conviction, and he was banished from the island. Luisa was thrown in jail for another eight months, where she spent most of her days chained in irons called *grillos*, which left permanent marks on her wrists and rendered her unable to walk

¹⁰⁸ *State Trials*, XXX, 453. The allegation that Picton’s torture was different from the traditional “picketing” does not appear to have been elaborated or defended elsewhere.

¹⁰⁹ *State Trials*, XXX, 290.

¹¹⁰ *State Trials*, XXX, 463-4.

properly for some time afterward.¹¹¹ Finally Bégorrat decided she had suffered enough and dismissed her without explanation.¹¹²

At the trial, Luisa's presence served as a boon to the prosecution in public opinion:¹¹³ she was a star witness, with her whispered testimony, halting English, and modest white attire highlighting her presumptive innocence at the hand of an errant, violent governor. It cannot have hurt that she was young and attractive. Her testimony made Picton look brutal: she shuddered at the memory of the torture and had the scars to prove its severity.¹¹⁴

The trial ultimately boiled down to the single question of whether the law in Trinidad at the time of the Spanish capitulation had sanctioned torture. Fullarton's lawyer and the chief witness for the prosecution, Pedro Vargas, the only authority on the law who could understand Spanish, asserted that it did not. Although the domestic Spanish code the *Siete Partidas* appeared to sanction torture, the prosecution denied that this code had ever had authority in Trinidad or in Spanish America generally. Garrow convinced the judge that only the 1680 *Recopilación de Leyes de los Reynos de las Indias*, explicitly written for the colonies, applied. Vargas claimed the *Recopilación* did not sanction torture; the defense was unable to demonstrate where it did. Asked to decide whether or not they believed torture to have been part of Trinidadian law at the time of the capitulation, the jurors gave their opinion that it was not. They

¹¹¹ *State Trials*, XXX, 459-3.

¹¹² *State Trials*, XXX, 461.

¹¹³ The trial was covered in a range of newspapers, with particular regularity and depth in the *Morning Chronicle* and the *Times*.

¹¹⁴ A colorful account of her testimony is recorded in [John Fairburn], *Inhuman Torture!!: Fairburn's Edition of the Trial of Thomas Picton, Late Governor of Trinidad* (London: [1806]).

were then directed to issue a verdict of guilty.¹¹⁵

Calling for a retrial, the defense immediately went to work digging up evidence that torture *had* been the law of Spanish Trinidad. In addition to scouring the relevant legal books, counsel for the defense Robert Dallas gathered evidence from the local landed elite. Francisco de Castro, who had previously testified that torture had *not* been the law of Spanish Trinidad, had a sudden memory. On reflection he came up with an instance of a slave, accused of murder, for whom torture had been authorized by local authorities in 1791 as a means of compelling a confession. As an example it was problematic: the prosecution challenged whether this instance had ever been authorized by the *Audiencia* in Caracas, whose permission would have been required to perform it; all parties acknowledged that the torture had never taken place, as the slave in question had escaped the jail. As evidence it was not definitive, but it did cast doubt on the prosecution's contention that torture had been unknown in Spanish Trinidad.¹¹⁶

The second trial, culminating in 1808, further scrutinized the Spanish law books. By now the defense had uncovered that the *Recopilación* did – contrary to the previous verdict – sanction torture, if only by its statement that where laws were not promulgated to the contrary, the laws of Castile applied to the colonies.¹¹⁷ The result for Picton was a special verdict, which exonerated Picton only in the narrowest of terms.

The new ruling was in fact incomplete: the jury found that the laws of Trinidad in 1797 had sanctioned torture, but remained uncertain as to the legal justification that a *British* governor

¹¹⁵ *State Trials*, XXX, 540.

¹¹⁶ *State Trials*, XXX, 569-576, 606-726.

¹¹⁷ *State Trials*, XXX, 842. The application of Castilian law is expressly provided for at the beginning of book 2 of the *Recopilación*. *Recopilación de leyes de los reinos de las indias; mandadas imprimir y publicar por la majestad católica del rey Carlos II, nuestro señor, va dividida en cuatro tomos, con el índice general, y al principio de cada tomo el especial de los títulos que contiene* (Madrid: Boix, 1841[1680]), vol 1, 145 (*Ley II, tit. 1*).

might have to invoke it. The case languished at the King's Bench and was never decided.¹¹⁸ The indecision, perhaps, highlighted the uneasiness over the case as felt by both legal participants and public onlookers. It did not reflect well on British imperial administration if Picton could not be convicted. English laws might be more enlightened than Spanish ones, but this mattered little if they did not extend to the colonies.

Perhaps Picton's partial victory felt more complete with the knowledge that Fullarton had died earlier that year, alone and miserable in a London hospital under suspicious circumstances.¹¹⁹ For his own part, Picton was free to remake his fortune elsewhere (and he had to, given his legal expenses).¹²⁰ He soon turned to the European continent and the ongoing war against Napoleon for new military glory.

Where, then, does the Picton trial fit in relation to continuing debates about the future shape of Trinidad? Picton's crimes were linked to a colonial society in which the norms of appropriate conduct were not yet established. They posed the troubling question of how a *British* governor could be responsible for such a flagrant abuse of civilized norms.¹²¹ The trial fueled a debate about the relative benevolence of Spanish versus British colonial laws with respect to race, crime, and slavery. Many of Picton's adversaries advanced the interpretation that Spanish

¹¹⁸ A note in the *State Trials* indicated that if it had, the verdict would likely have gone against Picton, but that the punishment by this time would have been so slight that it would have "reflected but little credit on the prosecution." *State Trials*, XXX, 955.

¹¹⁹ Some felt that he had taken his own life, or rather "hurried it along."

¹²⁰ Havard, "Picton, Sir Thomas." His friends among the planters of Trinidad offered to help, but he refused to accept the funds they raised, instead insisting that they be spent on the improvement of the colony.

¹²¹ A link can be drawn between this and the trial of Warren Hastings. Hastings's trial, like Picton's, hinged on a range of issues from the subversion of local law to torture; like Picton, Hastings was ultimately acquitted. In both trials, stories of imperial improprieties raised questions about the nature of British colonial rule and what it stood for. Dirks, *The Scandal of Empire*. On Picton's trial, see Epstein, *Scandal of Colonial Rule*.

barbarism had corrupted the liberal justice of the British constitution.¹²²

Yet this construction, while a significant aspect of the trial and its notoriety, is misleading. It was not a straightforward matter of a British governor condoning practices that had previously been sanctioned under a Spanish regime. Picton's crime had been a "new process," a British style of torture¹²³ (or military punishment) introduced to the colony on Picton's own initiative.¹²⁴ Moreover, the trial had revealed that torture, if technically licit under the Spanish, had not been resorted to before Picton's regime.¹²⁵ As Lord Ellenborough advised the jury, torture may have been an acknowledged law of Trinidad, but it "certainly had not been acted upon there within the memory of man."¹²⁶

The scandal had a striking impact on British imperial policy. At one level, it prompted more direct metropolitan involvement in colonial affairs. But rather than provoke British administrators to Anglicize the island's laws, the decision to keep Trinidadian law nominally Spanish gained traction in the years immediately following the trial.¹²⁷ The "British constitution," metropolitan officials were increasingly convinced, presented no obvious relief to

¹²² Such as P.F. McCallum, whose *Travels in Trinidad* may even have been explicitly commissioned by Fullarton. See Epstein, *Scandal of Colonial Rule*, 159-163. McCallum's work is peppered with derogatory references to the Spanish, and he particularly laments the "extraordinary" circumstance of a British governor fighting to prevent the introduction of the British laws and constitution. McCallum, *Travels in Trinidad*, 157.

¹²³ As Lynn Hunt has shown, the history of torture in Britain is more complex than these portrayals. Trial by jury had theoretically replaced torture as a means of procuring confessions and determining guilt in the thirteenth century, but torture remained a prominent feature of witchcraft and sedition cases into the seventeenth century. Many of these laws remained on the books and were used in the New World. *Inventing Human Rights: A History* (New York: Norton and Company, 2007), 75-6.

¹²⁴ *State Trials*, XXX, 864-865, 870.

¹²⁵ *State Trials*, XXX, 464, 467, 505-506, 508-509.

¹²⁶ *State Trials*, XXX, 864-865, 870.

¹²⁷ Epstein, *Scandal of Colonial Rule*, 75.

the abuses of a slave regime, either to the enslaved or to the free people of color.¹²⁸

For all that the story of Luisa Calderón's torture was told, mended, and at times manipulated in a patriotic context to make Picton's crimes appear more Spanish than British, this case underscored a broader conversation that was going on among British politicians and intellectuals about the laws of Spain and the Spanish Empire.¹²⁹ The abolitionist movement had highlighted the disparity among different imperial laws, between and among competing empires, regarding the legal status of the slaves, the permissibility of planter violence, and the liberties afforded free nonwhite peoples. The integration of Trinidad into the empire had brought these issues into sharper focus both by providing a functional example of an alternative slave model and also by providing the opportunity for officials to make decisions afresh about the legal status of slavery on one island. The growing consensus among intellectuals that Spanish imperial laws were unusually "benign" toward people of color in general and slaves in particular was now gaining traction among metropolitan administrators, complicating the attractiveness of introducing a range of myriad English liberties to benefit the white population exclusively. Torture was problematic, but in other ways, Spanish laws with respect to both race and slavery remained attractive to those who favored reforming colonial rule.

The Spanish legal tradition, sometimes championed by British onlookers for its humanity while at other times criticized for its brutality, provided a range of opportunities for those intellectuals and politicians who were intent on imperial reform (as well as, on the other side of

¹²⁸ A related point was the defense's argument that Luisa and González would have met a harsher fate in London. Luisa may have been tortured, but despite the outcome of her testimony, both she and González escaped with their lives. In London, they almost certainly would have been executed. *State Trials*, XXX, 481-2.

¹²⁹ Gabriel Paquette draws attention to this trend, which he sees as beginning in 1763, in his article, "The Image of Imperial Spain in British Political Thought, 1750-1800," *Bulletin of Spanish Studies* LXXXI, no. 2 (2004). Looking outward to alternative imperial models and strategies was an important aspect of British imperial thought during an era in which new territories and new peoples were coming under British control.

the coin, for colonists like Picton intent on justifying harsher rule). Everyone knew that the Peace of Amiens had sanctioned the continuation of the Spanish legal tradition in Trinidad. In terms of specific laws and policies, though, what should this look like? The Picton trial was a battle among metropolitan officials, colonial officials, abolitionists, and planters over the mastery of a broader narrative about Spanish law and practice. Picton's ultimate acquittal in 1808 seemed to confirm an older vision of a barbarous Spanish Empire that sanctioned brutality. But as long as the specific contents of the laws of Spanish Trinidad remained murky, metropolitan reformers could marshal aspects of that legal tradition to their advantage.

Searching for Law and Order

The primary questions of governance for Trinidad were twofold. On the one hand, what should the colonial structure of governance look like? Should it be modeled according to the old Caribbean colonies in which considerable power was exercised locally; or should Whitehall continue to govern the colony through orders in council? On the other hand, what should be the prevailing composition of the island's laws? If "British" laws were not to be introduced in full, what mix of Spanish and British precedent would prevail? How were the laws pertaining to individual liberties, property, slaveholding, and criminal and civil law to be distinguished?

As matters stood, the absence of legislative assemblies in the crown colonies posed advantages for metropolitan officials when it came to implementing new and unpopular policies. A case in point is the abolition of the slave trade. Just before the passage of the celebrated 1807 abolition bill, Trinidad was briefly the focal point of another experiment to limit this traffic. In 1805 an Order in Council banned the trade to Trinidad and five other so-called "conquered" colonies: Demerara, Berbice, Tobago, St. Lucia, and Surinam. It had been far easier to pass this

targeted Order than it would have been to effect comprehensive legislation across the slave colonies; however, this particular ban appears to have achieved little. The following year Parliament deemed it necessary to follow the Order with an Act of Parliament in hopes of bolstering enforcement.¹³⁰

These bans, though, were superseded in March 1807 with the passage, at long last, of Wilberforce's abolition bill, which went into effect on 1 January 1808. In spite of some early frustrations in enforcement,¹³¹ the British trade in slaves was fully stanchd within a few years.¹³² It was a remarkable turnaround for an empire that, in 1807, was responsible for importing by far the highest number of African slaves to the Americas.¹³³ In the case of the slave trade, therefore, legislation for the conquered territories turned out not to be a serious test. What might have happened, had not Wilberforce's broader motion succeeded in 1807, is a matter for conjecture.

In the minds of advocates of reform (whether of slavery or of colonial rule more broadly), the crown colony model posed the advantage of making it easy for the Colonial Office to pass new laws. The problem with this model was that governance could also be a burden, particularly where geographical realities meant that it might take months for correspondence to pass between

¹³⁰ Claudius Fergus, "The Trinidad Question and Britain's First Slave-Trade Abolition Legislation," *The Arts Journal* 3: 1 (2007); Matthews, "Trinidad," 94-96.

¹³¹ For the difficulties enforcing abolition (and a skeptical account of Britain's motives), see Marika Sherwood, *After Abolition: Britain and the Slave Trade Since 1807* (London: I.B. Tauris, 2007), especially chapter 5.

¹³² Although British abolitionists hoped that the end of the slave trade would encourage the amelioration of the condition of slaves in the West Indies, such that the population might sustain itself, this was never fully realized. Slave populations stabilized somewhat, but continued in a pattern of general downward decline through the abolition of slavery in the 1830s. Ward, *British West Indian Slavery*.

¹³³ Estimates put the number of human beings imported under the British flag to more than three million. For data on the slave trade, see the comprehensive work put together online by David Eltis. *Voyages: The Trans-Atlantic Slave Trade Database*, Accessed 1 September 2012, <http://www.slavevoyages.org/tast/assessment/estimates.faces>.

metropolitan and colonial hands. In the case of Trinidad, the island often required more concerted direction from London than the Colonial Office was prepared to supply.

Meanwhile, in the absence of a clear metropolitan policy on a range of legal issues, Trinidad had descended into chaos. The Picton trial had exposed the serious problem with administering existing law on the island, namely that few lawyers or officials could read or understand the contents of the island's laws. The King's Bench cast considerable doubt on which law books applied.¹³⁴ The new governor, Thomas Hislop, wrote London that he had been forced to suspend temporarily the execution of sentences until the source of his authority was confirmed.¹³⁵ An alarmed attorney general Archibald Gloster bemoaned how:

If the officers of justice act, and happen, either to mistake, or not to understand the Spanish Law, their lives or properties may be the forfeit of their errors or misapprehensions, and if, which is most probable, they refuse to act and incur hazardous responsibility again, this novel sight will be presented: a British colony where British Laws don't extend, and where crimes of all descriptions may be committed without trial, and consequently without punishment. How long such a society can possibly exist is left to the consideration of His Majesty's Ministers.¹³⁶

Just as Gloster portended, challenging the existing law code became a popular means of defense against prosecution. A merchant accused of fraud escaped his Trinidad prosecutors and fled to England; he pleaded his case up to the House of Lords that as a British subject he could not be tried under the laws of Spain or any country other than those of the United Kingdom.¹³⁷

Accordingly, in Hislop's Trinidad, crime went unpunished. This was especially true

¹³⁴ CO 295/14, Hislop to Windham, 3 May 1806, ff. 94-99. The governor observed that the magistrates were in an uproar over the Picton verdict. Of the law of Trinidad, Hislop contended that they had always been the laws of Spain, and that "Local Laws for the Government of this colony never did exist."

¹³⁵ CO 296/2, Hislop to Downing Street, 4 May 1806, f. 8.

¹³⁶ CO 295/15, Archibald Gloster, 5 March 1806, ff.84-85.

¹³⁷ CO 295/11, ff. 182-183; CO 295/13, ff. 18-19; CO 295/16, ff. 124-127.

when a person of color was the victim. The code of laws regarding slaves was particularly uncertain: the Spanish *cédula* of 1789 had never been sanctioned; neither had Picton's 1800 code received royal assent. The authority of both was dubious, a situation that effectively rendered slaveholders a free hand. In multiple high-profile cases, slave-owners successfully claimed they had violated no law when they mutilated or beat their slaves to death.¹³⁸

Most onlookers had assumed that a significant portion of British law and custom would be introduced into the colony in the years following the peace settlement. At the outset of the Picton trial, in early February 1804, Downing Street had written to Hislop of the "great anxiety of His Majesty's ministers to introduce into the island of Trinidad, with the least possible delay, so much of the Laws of Great Britain as may be judged expedient for the security of the persons and properties of His Majesty's subjects." The same letter cautioned that no elected assembly would yet be introduced, nor would "British laws and customs as they prevail in our old colonies" be appropriate.¹³⁹ The letter nevertheless strongly implied that Trinidad would eventually gain formulations of laws similar to those in place in other colonies.

The message coming from London in favor of greater metropolitan oversight of colonial affairs, without the encumbrance of a local legislature, was an approach simultaneously being developed elsewhere in the empire, even among white Anglophone populations. We have seen that with respect to Trinidad, this policy had significant (if ambivalent) links to the antislavery movement, specifically the initiative to explore alternative models of labor and cultivation. However, the letter to Hislop confirms that the particulars of criminal and civil laws to be extended to Trinidad were still nebulous. Other aspects of the "British constitution," including

¹³⁸ See Naipaul, *The Loss of El Dorado*, 310-312.

¹³⁹ CO 295/8, Downing Street to Hislop, 2 February 1804, ff. 13-17.

other traditional English “liberties” as well as civil and criminal law, were up for debate.

In Trinidad, however, the decision not to grant the colony a legislature in particular ran up against the expectations of British subjects who preferred a model of government reserving greater autonomy to the colony, as was customary on the old islands. A stream of petitions during the early years of British rule bears witness to the dissatisfaction of this growing group of planters and merchants. White Trinidadians were ill-disposed to wait for such a time as the Colonial Office might deem them suited to traditional English liberties, which for them very much included the privilege of an elected assembly alongside myriad other rights, such as trial by jury and freedom of press. Increasingly, Trinidad whites were conceiving of these liberties as a total package, such that the “British constitution” denoted an elected assembly combined with a range of other customary rights and legal practices.

Gloster presented perhaps the most vehement call for British laws and customs on a range of issues including taxation, governance, and “traditional” liberties. He maintained that these laws were vital to the future of the colony, to support credit and increase trade in the island, which was currently hampered by an inability to levy taxes. Only a modest 3.5 percent duty on imports and exports, still carried out on the basis of Abercromby’s orders, was currently sanctioned to supply the local government’s income. Gloster endorsed these changes “not only to raise Taxes, to carry on the common Expenditures, but also, that such a Form of Government, or New Constitution should to a certain extent introduce British laws, for the support of Credit and increase of Trade.”

Cautious about the implications of self-government in a majority nonwhite, non-Anglophone, and non-Protestant population, Gloster advocated the introduction of an executive council of resident proprietors, with “the admission of foreigners to a certain extent,” headed by

the governor, as a short-term experiment and potential precursor to an independent assembly. Such a practice, he felt, would satisfy French and Spanish desires for inclusion while minimizing their direct influence on local affairs.¹⁴⁰

Part of the metropolitan hesitation in changing the laws, as Gloster knew, was that Trinidad was so decidedly non-Anglo in its composition. By the end of 1808, British inhabitants composed only a plurality of the free population (4,123 compared to 1,945 Spanish and 2,664 French inhabitants).¹⁴¹ Over half of plantation owners remained French.¹⁴² In denying self-rule to the non-Anglophone, predominantly nonwhite population of Trinidad, the Colonial Office was following an exclusionary policy it employed elsewhere. Nowhere were English liberties considered suitable for everyone.¹⁴³ Even Quebec, with its Francophone population, did not receive an assembly until late in the third decade of British rule.

Early imperial experiments in Trinidad ranging from alternative forms of labor and cultivation to a preemptive ban on the slave trade had had limited results. Much of the difficulty, as we have seen repeatedly in this chapter, was the lack of a consistent or unified imperial policy among London-based officials. The Picton trials had underscored the need for clearer direction. By the end of the first decade of the nineteenth century, government policy was beginning to cohere around a firmer plan for Trinidad's administration and law. The change of course would

¹⁴⁰ CO 295/13, "Mr. Gloster's Observations for a New Constitution for Trinidad, Most Humbly Submitted to the Right Honorable Lord Castlereagh," 28 December, 1805, ff. 305-309. See also CO 295/15, ff. 84-85.

¹⁴¹ HL, *Papers Relating to the Island of Trinidad* [1810], no. 3.

¹⁴² As evidenced by the Trinidad slave registers of 1813 (see chapter 3). TNA T 71/501-2, Trinidad slave registers, 1813.

¹⁴³ In general, the liberal model was that native populations had to be "made ready," gradually over time, for the full enjoyment of their liberties. Some historians have cast doubt on how serious this concept ever was when it came to nonwhite racial groups ever earning the right to participate more fully in their own government. See in particular Catherine Hall, *Civilising Subjects*; Greene, *Exclusionary Empire*; Simon Gunn et al., *The Peculiarities of Liberal Modernity in Imperial Britain* (Berkeley: University of California Press, 2011).

initiate a new local rivalry.

The Chief Oidor

After years of prevarication on the question of how many British laws and customs to introduce to Trinidad, the Colonial Office appointed George Smith as chief justice in 1808, the year Picton was acquitted. Smith set foot in Trinidad the following year, instructed to confirm the precedence of Spanish law on the island.

Smith was an ambitious colonial officer and protégé of Lord Castlereagh who had formerly served as judge in Grenada, and who had at one point hoped to bring all of the smaller West Indian colonies under one judicial administration, headed by himself.¹⁴⁴ He was instructed to enforce the island's Spanish legal codes in accordance with the "spirit of English justice and mercy."¹⁴⁵ He arrived with an array of Spanish titles that reaffirmed the island's position as a British island administered according to Spanish precedent.¹⁴⁶

Allowed to write the terms of his own commission, Smith wrote himself into three Spanish offices: Chief *Oidor*, first *alcalde del crimen*, and *fiscal*. These offices comprised a range of judicial and legal functions, giving him power to rival that of the governor. The Spanish titles were more than mere symbolism. Unlike his new colleagues, Smith was a trained lawyer who was versed in the Spanish language and in Spanish law. From the first, he vehemently opposed Anglicizing the island's laws, believing the emphasis in British jurisprudence on personal liberty to be unsuited to the prejudicial policies of a slave society.

¹⁴⁴ John McLaren, *Dewigged, Bothered, and Bewildered: British Colonial Judges on Trial, 1800-1900* (Toronto: University of Toronto Press, 2011), 220.

¹⁴⁵ HC Deb, 13 June 1811, vol. 20, 620.

¹⁴⁶ CO 295/20, ff.202-221; CO 295/21, ff. 87-88.

Upon his arrival in Trinidad he insisted that the language of the court be Spanish, and maintained a Spanish style of dress when in the courtroom. He revived older institutional forms of the Spanish law and appointed several Spanish lawyers directly from Caracas.¹⁴⁷

In an arrival reminiscent of Fullarton's, Smith immediately galvanized landowners against him for his endorsement of Spanish law. His demeanor, however, was far less conciliatory than that of the late Scottish reformer. John McLaren writes that Smith's major flaw was "advanced egotism,"¹⁴⁸ probably a necessary trait in someone who united so many offices under himself. His manner was abrupt and he had a tendency to ruffle feathers. He was irritable and partially deaf, a handicap that left him disposed to shouting. By his own admission he "treated roughly" an *alcalde* who challenged his authority soon after his arrival in Trinidad.¹⁴⁹ He quickly declared himself "at high war" with Attorney General Gloster and his brother, the deputy registrar. It did not help that Smith's position naturally superseded that of the Attorney General as well as several other prominent local personalities. Throughout Port of Spain, there were complaints that he preferred to be addressed as "Highness and Most Powerful."¹⁵⁰

When he arrived, Smith was most struck by the lawlessness into which Trinidad had descended. Debts went unsettled and martial law was the rule each year at Christmastime,¹⁵¹ for want of more effectively policed society. He was thoroughly unimpressed by the English population, concluding that "the most reputable men in the community are certainly to be found

¹⁴⁷ McLaren, *Dewigged, Bothered, and Bewildered*, 220-222; HC Deb, 13 June 1811, vol. 20, 611.

¹⁴⁸ McClaren, *Dewigged, Bothered, and Bewildered*, 226.

¹⁴⁹ CO 295/22, Smith to Cooke, 28 October 1809, ff. 117-124.

¹⁵⁰ Naipaul, *The Loss of El Dorado*, 314-315.

¹⁵¹ This had been the rule since the discovery of a local slave plot for a rebellion planned for Christmas Day 1805. On the slave conspiracy and its discovery, see Epstein, *Scandal of Colonial Rule*, chapter 7.

among the Spaniards and the French.”¹⁵² No doubt his dismissal of the virtues of his own countrymen did little to commend him in their estimation.

However difficult Smith’s personality, his arrival introduced to Trinidad a legal clarity that had been unknown since Picton’s trial. In confirming the supremacy of Spanish laws (as he understood them) on the island, he brought a hitherto-lacking degree of order. He was quick to clamp down on crime, prosecuting abusive slave-owners for brutality but also unruly slaves for disorderly conduct. His actions likewise brought about financial stability. Although British creditors had long lamented the leniency of Spanish law respecting debt, their difficulties procuring remunerations had intensified during Hislop’s tenure, given the lack of any official sanction of either the British or the Spanish laws on credit. Since the legal confusion had made it virtually impossible to prosecute debtors, Hislop’s Trinidad had become a haven for them. Smith took debtors to court; many creditors received payments for the first time in years.¹⁵³ As to the general state of social stability, Smith wrote to London in October, several months after his arrival, that he would “let the facts [i.e., his own successes] speak for themselves.”¹⁵⁴

Smith had abolitionist friends in London, such as James Stephen, but he was not opposed to the institution of slavery. He did come to Trinidad with instructions to pursue reform of four kinds: the establishment of the Church of England and the propagation of religious instruction; the ready supply of provisions for the slaves; the protection of the rights of slaves as under the

¹⁵² CO 295/22, Smith to Cooke, 28 October 1809, ff. 117-124.

¹⁵³ Millette points out that, moreover, “debtors” and “creditors” were not the same people they had been at the beginning of the decade. Local merchants had come to invest in plantations, taking advantage of opportunities to avoid repaying debts. The confused system of laws had compounded the initial turmoil under Picton. Millette, *Society and Politics*, 238-239. Naipaul noted that by now “a British constitution meant much more than rule of law. It meant . . . cancelling all debts.” Naipaul, *The Loss of El Dorado*, 319.

¹⁵⁴ CO 295/22, Smith to Cooke, 28 October 1809, ff. 117-124.

Spanish law; and the improvement of the condition of the free people of color.¹⁵⁵ Couched in these terms, his appointment represented an acknowledgement of the potential of the island's Spanish heritage to advance the position of both slaves and people of color.

Both Smith and the Colonial Office recognized that they needed only to embrace those aspects of the Spanish law that seemed favorable to reform, that a malleable Spanish corpus of laws (combined with the absence of a legislative council) had more potential than the conventional formulation of governance in the old Caribbean colonies for reforming both slavery and race relations in the colony. Torture, which had not been used since Picton's day but was still awkwardly on the books as per the outcome of the trial, was quietly ignored on the grounds that only criminal punishments that were recognized in England would be permissible on the island.¹⁵⁶ The Spanish laws and customs prevailing on the island were to be limited by the test of what would be legally defensible in England.

Smith was convinced that an elected assembly would lead to Trinidad's ruin. The problem, as he saw it, was the fundamental incompatibility of the British constitution and its promise of liberty with the oppressions of a slave society. It was incomprehensible to him that the British constitution should be the law of the land on an island where liberty was withheld from so many of its inhabitants. He clarified thus:

If you mean to ruin the colony you will give us the British constitution. A form of Government, whose foundations resting on general liberty becomes an absolute caricature in a community where four fifths of the whole population are slaves; and in which of course the rights of humanity can only be guarded by an executive government holding over the master an authority bearing some proportion to that which he claims over his slave, and the want of which in the other English Colonies is the true cause why in those colonies the slaves are

¹⁵⁵ CO 296/4, Castlereagh to Hislop, 5 March 1809, f. 184.

¹⁵⁶ Millette, *Society and Politics in Colonial Trinidad*, 233.

treated with less humanity than in those of France and Spain.¹⁵⁷

Smith's own views reflected the evolving perception of the Colonial Office: that it was not merely non-Anglophone, nonwhite, non-Protestant people who could not be trusted with the full enjoyment of "English liberties." It was white Englishmen too, particularly in tropical climates. Picton had proved that. Allowed free rein, Smith argued that white Europeans were given to cruel excesses that needed to be curbed by a more absolute style of government.¹⁵⁸ In Smith's view, Trinidad's Spanish tradition was sufficiently "absolute" to do the trick.

The fact remained, however, that many of the island's most prominent residents were unhappy with the legal developments and the sharp turn that Smith had engineered in favor of Spanish jurisprudence. Smith's arrival excited a flurry of agitation for the British constitution. The merchants and landowners organized meetings to clarify their position and to petition the crown for the introduction of an elected assembly as well as British civil and criminal laws. At an August 1809 meeting organized around the "sole object" of the introduction of British laws, a group of agitators claimed to represent "the voice of the colony inasmuch as inhabitants will be able to participate without national or religious distinction in all rights and privileges of the British constitution."¹⁵⁹

Smith was determined to stifle the campaign. While Hislop was away from the island, on military service in Guadeloupe, Smith had a printer, Matthew Gallagher, imprisoned for printing an advertisement in favor of the British laws without the necessary license. The incident provoked an uproar, given that liberty of the press was seen as one of the most important of

¹⁵⁷ CO 295/22, Smith to Cooke, 28 October 1809, ff. 117-124.

¹⁵⁸ CO 295/22, Smith to Cooke, 28 October 1809, ff. 117-124.

¹⁵⁹ CO 295/22, ff. 107-108.

English liberties. Smith denied that Gallagher had any recourse under Spanish law.¹⁶⁰ Smith's actions provoked the first open controversy between himself and the governor. Hislop, when he returned, procured Gallagher's release from prison.¹⁶¹ The incident, however, drove a serious wedge between Smith and Hislop.

Smith's own philosophy, when it came to the status of the laws of Trinidad, was complicated. It is true that with his triple commission, he maintained more power under the Spanish system of governance than he was likely to retain if the laws were changed. He formally held the authority had once belonged to the *Audiencia* in Caracas.¹⁶² Indeed, the powers his offices afforded him made him a rival to Hislop for ultimate authority in the island.¹⁶³

But Smith was also acutely aware of the ideological tensions at the core of a society that professed the liberty of its subjects while maintaining huge swathes in servitude. He did not delude himself, as so many proslavery advocates of his era did, that slavery existed for the benefit of the "uncivilized" African race. For one, he was too cynical about the slave-owners. Such was the "inveterate pride and prejudice" of the white planter class that they would need the strong arm of government to "relieve" the African slaves from their "degraded state." More than this, though, he saw slavery under the British constitution as a deep contradiction of principle. As he wrote the Earl of Liverpool, the new secretary of state for the colonies, the most

¹⁶⁰ Coincidentally, Across the Atlantic, and at almost exactly the same moment, liberty of the press was one of the central issues being discussed at the constitutional debates of the exile Spanish government at Cádiz. The 1812 constitution confirmed this freedom, hailed as a victory in Britain, though in 1814 the restored King would reject the radical principles of this document along with the very notion of constitutional monarchy.

¹⁶¹ CO 295/24, "Letters and Documents Relative to the Imprisonment and Discharge of Matthew Gallagher, Printer and Proprietor of the Trinidad Courant," 1810, ff. 205-217.

¹⁶² This stipulation, meant to solve the lawlessness into which Trinidad had devolved, was the express purpose of Smith's very appointment. HC Deb, 13 June 1811, vol. 20, 611-613.

¹⁶³ Titus, *The Amelioration and Abolition of Slavery in Trinidad*, 5-6; Naipaul, *The Loss of El Dorado*, 124.

fundamental principle of the British constitution was “Liberty to all who live under it.”¹⁶⁴ Slavery was a direct violation of this concept.¹⁶⁵

The free people of color found an ally in Smith, and he in them. He claimed that he did not harbor any prejudice against those whose skin was “less fair” than his own. He maintained, moreover, that he would “ever raise up both my hands against any change of system calculated to increase the sum of the privations of the coloured class, or to make them feel more forcibly their degraded state.”¹⁶⁶ He was keen to correct what he perceived as unlawful restrictions on the rights and privileges of this class. He wrote to Stephen soon after his arrival to complain that the governor had in 1806 implemented the British practice of fining slave-owners who manumitted their slaves, contrary to the Spanish law and practice.¹⁶⁷

In the spring of 1810, the constitutional question came to a head. The precipitating factor was that Hislop, who had previously toed a careful moderate line, now openly declared in favor of implementing a more thoroughly British system of laws, and with it an elected assembly. The colonial secretary, the Earl of Liverpool, had already expressed to Hislop the government’s unwillingness to allow an independent legislature for the time being,¹⁶⁸ but the governor’s new pronouncement prompted a revisiting of the issue. Hislop was asked to forward the opinions of the members of the colonial council.

¹⁶⁴ CO 295/24, Smith to Liverpool, 14 February 1810, ff. 112-119.

¹⁶⁵ Of course, Smith’s interpretation was not the only one, which was what allowed proslavery advocates in the British Empire to make their case successfully for so long. The competing vision tended to regard the right of property as the ultimate fixture of a “liberal” society, a tradition that had origins dating back to John Locke. See Stephanie Smallwood, “Commodified Freedom: Interrogating the Limits of Anti-Slavery Ideology in the Early Republic,” *Journal of the Early Republic* 24, no. 2 (2004); Greene, “Liberty and Slavery.”

¹⁶⁶ CO 295/24, Smith to Jenkinson, 13 May 1810, ff. 189-198.

¹⁶⁷ BL Add. MS 49183, ff. 158-161.

¹⁶⁸ CO 296/3, ff. 64-65.

Hislop, who seems to have been driven by a desire to oppose Smith, went beyond the government's request for information and surveyed the landed proprietors throughout the island: the (incomplete) returns demonstrated a strong preference for supplanting the Spanish laws with the British constitution and an elected assembly. Port of Spain returned 196 votes "for British laws" with just two "for Spanish laws."¹⁶⁹ The returns were no less striking in the more rural districts. Indeed, those in favor of the "British" laws (only vaguely described on the survey) constituted a majority almost everywhere, with only St. Joseph – a heavily Spanish district that had been the capital until 1783 – voting eight to six in favor of maintaining the Spanish system of laws and governance. Elsewhere, most districts registered few or no votes in favor of the status quo. All seventeen votes in Diego Martin and Chaguaramas went for British laws; in the expansive Naparima region, only one out of forty-three votes was registered in favor of the Spanish style of governance.¹⁷⁰

In April and May, the council met to debate the legal question. Archibald Gloster and John Nihell were among the members in favor of introducing the "British Constitution," increasingly conceived of by colonists as a package deal. To them this concept denoted the protections to which white British subjects were accustomed: traditional testamentary and debt laws, for example, which were seen as offering better protections to property owners, as well as traditional English liberties including freedom of press and trial by jury. Most important, they sought an elected assembly, limited to whites only, giving them the ability to control their own

¹⁶⁹ Hislop's record of the returns does not indicate precisely what was asked, or what specifically was meant as "British" or "Spanish" law. We should assume that not everyone responding to the survey meant the same thing. However, as we have seen consistently in this chapters, elite opinion on the island tended to lump an elected assembly with the broader corpus of British criminal and civil law. Most prominent Trinidadians favored something approximating the style of governance that prevailed in the old sugar colonies.

¹⁷⁰ *Papers Relating to the Island of Trinidad*, no. 5. The problems with these returns as evidence has been demonstrated in Millette, *Society and Politics*, 254. As Millette shows, Hislop consulted less than half of the island's white population.

destiny in an era in which slavery was increasingly coming under attack.¹⁷¹

The council compiled a petition of four hundred and fifty signatures, from the island's most prosperous citizens, professing their desire for a change in the laws. The council, with a majority deeming this petition as ample evidence that the island's inhabitants were united in favor of constitutional change, forwarded this petition to the King. Claiming to speak Trinidad inhabitants, "both British born and adopted subjects," the petition prayed for the introduction of the British laws as "the general and ardent wish of the majority of the proprietors and inhabitants of Trinidad."¹⁷²

The debates prompted a response from the free people of color, whose opinions had been excluded from the official survey, and who did *not* by and large want the laws changed. The Spanish regime had afforded them particular freedoms and privileges, rights that few doubted would be curbed with the full introduction of British laws and "liberties." The rights of the free people of color had been explicitly protected under the terms of the capitulation, but a change in the laws threatened to undo them and to expose that class to greater uncertainty. Wary of what the "British constitution" might mean for them, this group drafted a flurry of petitions to the governor begging to be included in whatever settlement might be reached. Comprising "by far the greatest part of the free population" of the island, these petitions asked in general terms to participate in any future constitutional arrangement that might be reached, though shied away from making specific accusations about the exclusions and restrictions they feared. They sought primarily to remind those in power that this "opulent and useful class of free subjects" had

¹⁷¹ On the power of the independent legislatures in other West India colonies to resist metropolitan reform initiatives, see for example Murray, *The West Indies*.

¹⁷² CO 295/23, ff. 94-97.

proved their loyalty to the British crown and were therefore “entitled to *something*.”¹⁷³

The free people of color had already seen their privileges eroded under Picton during the early years of British rule. The same thing had happened again under Hislop. The new governor, who was similarly disposed to suspect this group of revolutionary instincts, had issued an order during his first year of office that the free people of color in the island submit their oaths of allegiance as well as proofs of their manumission.¹⁷⁴ The free people of color feared that the introduction of British laws would lead to more of the same. One petition alluded cryptically to the “vexatious regulations, which actually exist in some of the other British colonies.”¹⁷⁵

It was over the status of free people of color that Smith ultimately had his most serious falling out with Hislop. During the spring and summer of 1810 the free people of color had tried to submit their loyal addresses to the governor, requesting the right to petition the King. The governor denied the request, pleading ignorance about what the class could possibly have to fear from the British laws.¹⁷⁶ Hislop’s position seemed indefensible, as the right to petition would have been automatically granted to British subjects, and he was among those clamoring for English liberties and legal protections.

When Smith reported this to Stephen, the latter wrote back expressing his concerns that such policies would drive the free people of color to Spanish America, where they would likely “raise a popular antipathy to the English name.” As Smith’s and Hislop’s falling out became

¹⁷³ CO 295/23, ff. 90-91.

¹⁷⁴ *Papers Relating to the Island of Trinidad*, no. 7; Titus, *The Amelioration and Abolition of Slavery in Trinidad*, 94-95; Naipaul, *The Loss of El Dorado*, 320-323.

¹⁷⁵ *Papers Relating to the Island of Trinidad*, no. 7, petition dated 28 July 1810.

¹⁷⁶ CO 295/23, ff. 190-191; HC Deb, 13 June 1811, vol. 20, 618-619.

increasingly open, Stephen supported Smith's efforts to have Hislop recalled.¹⁷⁷

Ultimately the council's resolution and petitions in favor of the so-called British constitution were of little value. Liverpool wrote to Hislop to confirm that nothing had changed regarding the government's determination to maintain the status quo. The question, he wrote, was whether "in a new colony, in which the rights of the crown and of Parliament must be admitted on all hands to be entire, it would be advisable to surrender those rights in whole or in part, and to establish a system of government analogous to that of the other West India islands." Liverpool acknowledged that even if Trinidad had been more similar in its composition to Britain's other Caribbean possessions, even if the island had not so Francophone and nonwhite, "the determination of government would probably be to negative such a proposition."¹⁷⁸

The following year, a motion to introduce to Trinidad an elected assembly was one final time brought forward in the Commons by Joseph Marryat, a West India merchant with property in Trinidad (and father of the novelist Frederick Marryat). Marryat derided Smith, drawing attention to the incompatibility of Smith's multiple commissions with the fundamental British governing principle of the separation of powers. As they existed in Smith's Trinidad, "separate jurisdictions" meant only that the judge would wear a different set of clothes. Marryat complained: "Mr. Smith decided in the lower courts, then Went and sat in the higher court of Audiencia, dressed not as in the inferior courts, in plain dress, but in a superb Spanish dress."¹⁷⁹

Marryat's motion provoked the heated objections of Wilberforce, but was most strongly

¹⁷⁷ BL Add MS 49183, ff. 182-186.

¹⁷⁸ This is well documented in Murray, *The West Indies*. Murray sees slavery and West India politics as crucial to the development of the principle that "constructive government would be promoted – if at all – from the Colonial Office" (232).

¹⁷⁹ HC Deb, 13 June 1811, vol. 20, 611.

opposed by Stephen. Opponents of the bill worried what the slaveholders of Trinidad would do with power if they were given it. According to Stephen, they seemed likely to use their authority to oppress the non-white population. He said that he opposed acceding to “the wishes of 517 whites” in opposition to a population numbering 22,000 that was expressly being silenced. The present bill, Stephen argued, seemed like a clear attempt to seize the “management” of the island from the British Parliament, “that the planters might be enabled to carry on the slave trade with impunity.”¹⁸⁰

Canning concurred with Stephen. He reminded his colleagues that it had been “the original design and purpose of the British government to make a new experiment in the island to Trinidad, and to enquire, previous to the happy abolition of the slave trade, into the practicability of preserving it free from that pollution.” The result had been an island that was “an exception” to the principles governing the other islands. Given this history, Canning was “highly averse” to adding Trinidad to the ranks of “those islands where the introduction of every plan for ameliorating the condition of the slaves was uniformly opposed.”¹⁸¹

Parliament voted down Marryat’s bill. It was a vitally significant policy decision, more strident than previous iterations in that it seemed to confirm that Trinidad would remain a crown colony for the foreseeable future.¹⁸² As Liverpool had acknowledged, there was a growing recognition among members of the British government that granting an elected legislature to a settler colony would mean relinquishing some of the government’s own power in deference to

¹⁸⁰ HC Deb, 13 June 1811, vol. 20, 618-619.

¹⁸¹ HC Deb, 13 June 1811, vol. 20, 621-622.

¹⁸² In 1804, as we have seen, Downing Street wrote to Hislop to affirm that the island was not yet ready for the full enjoyment of the traditional British laws and government, but that these would nevertheless be advanced gradually, with further benefits in “due time.” CO 295/8, Downing Street to Hislop, 2 February 1804, ff. 13-17.

local interests. In Trinidad, the existing system of laws, nominally Spanish, was maintained because in the eyes of contemporaries it tended to restrict (beyond the rejection of an elected assembly) the personal liberties afforded to the white population, which were often exercised at the expense of both slaves and people of color. Crucially, Parliament recognized that protecting the interests of the slaves and the free people of color meant curbing the authority of white planters, even when it came to traditions and liberties that many whites had come to regard as fundamental to the British constitution.

Parliament's confirmation of the status quo, however, did little to aid Smith in his own personal battle for authority on the island. Local complaints about him had reached the boiling point. Amid louder and louder calls that Smith be recalled – many of them challenging the legality, even under the Spanish laws, of his multiple jurisdictions¹⁸³ – the chief *oidor* fled. In his absence, the governor had him suspended.¹⁸⁴ News soon arrived from London that Hislop was to be released from his post, at his own request. It was thus, in a dramatic confrontation reminiscent of the one between Fullarton and Picton, that Trinidad was in 1811 once again deprived of its principal leaders. No one lasted long.

Neither man was to return. Despite his best efforts, the Privy Council thought it better not to restore Smith to office in Trinidad. He was instead appointed a chief justice in Mauritius in 1814, this time under a more limited commission. Even there, he was prone to disagreements and got himself into frequent trouble: his “advanced egotism” seems to have dogged him everywhere he went. His death on that island has often been attributed to suicide.¹⁸⁵ For his part,

¹⁸³ Naipaul provides a thorough account of the controversy. Naipaul, *The Loss of El Dorado*, 323-328, 331-336.

¹⁸⁴ CO 295/26, ff. 73-80; CO 295/27, f. 265.

¹⁸⁵ See McLaren, *Dewigged, Bothered, and Bewildered*, 226; Naipaul, *The Loss of El Dorado*, 349.

Thomas Hislop soon landed in Madras, where he commanded an army in the Third Anglo-Maratha War and gained a reputation for his severities. Hislop lost a good amount of money in poor investments, but he fared better than Smith. He died in Kent in 1843, aged nearly eighty.¹⁸⁶

Reform Frustrated

It is tempting to view the history of Trinidad in the early nineteenth century through the biographies of the governors, commissioners, and administrators who attempted to assert their will over an unruly colony (sometimes causing more unruliness through their own efforts). First there was Picton, the authoritarian; then the reform-minded Fullarton who battled with him; then the disappointing Hislop, whose incompetence in administering the island left a lasting impression; and finally Smith, another would-be reformer whose initiatives were tempered by Hislop. Although the personalities of these men emerge sharply out of the pages of history, it is more difficult to identify distinct heroes and villains. More ink has been spilled in commemoration of Picton than Fullarton, despite the fact that the latter tried to effect change in a corrupt slave colony.

As this chapter has shown, the landed interests of Trinidad were stacked against curbing the authority of white planters over the nonwhite and enslaved populations. Arriving in Port of Spain full of plans and ambitions, both William Fullarton and George Smith were both defeated in their efforts to govern Trinidad in ways that offered limited protections to the enslaved and free colored populations. It was suggested by contemporaries that both men might have been driven by despair to take their own lives. Certainly, both were disgraced and miserable at the time of their deaths.

¹⁸⁶ H. M. Chichester, "Hislop, Sir Thomas, First Baronet (1764-1843)," rev. Alex May, *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

Near the end of his life, while struggling to obtain Picton's conviction at the King's Bench, Fullarton once again came into public conflict with Samuel Hood, by now a popular war hero who had lost an arm fighting the French in a daring naval encounter off Rochefort. Hood had returned home to stand for Parliament in 1806 as a Tory for the Westminster seat formerly occupied by the late Charles James Fox. When the candidates appeared at the Covent Garden "hustings" to take questions from the crowd, none other than Fullarton showed up to question his former colleague on his continued support of Picton, the blood-stained tyrant of Trinidad.

But cries of "Off, Fullarton—Private malice!" and "Your character is known—Hood forever!" overwhelmed the former commissioner's speech. Though he continued rather bravely for more than half an hour, charging Hood with complicity in Picton's reign of terror in Trinidad, few ever heard Fullarton; when he stepped down, Hood reemerged to loud cheers. Fullarton's intervention had backfired: it became a subject of ridicule and mockery throughout the rest of the hustings, to the detriment of Hood's opponent, who was erroneously assumed to have been responsible for Fullarton's appearance.¹⁸⁷ Fullarton responded to this humiliation with a long defense of himself in the *Times*.¹⁸⁸ But his efforts availed him little. The tide was turning against him: the Privy Council had dropped the rest of the charges against Picton, leaving only the Calderón case. As Fullarton's reception at the hustings demonstrates, the public was coming to see the Picton-Fullarton dispute as owing more to personal disagreements than questions of imperial governance. Fullarton was miserable, ruined, and exhausted of his political travails at the time of his death just over a year later.

And out of the ashes, Picton emerged from the trial to reach new heights. As with Hood,

¹⁸⁷ *History of the Westminster and Middlesex Elections in the Month of November, 1806* (London, 1807), 16-17, 42-43. See also Havard, *Wellington's Welsh General*, 83-86.

¹⁸⁸ Robinson, *Memoirs of Lieutenant-General Sir Thomas Picton*, vol. 1, 204.

it was military glory that ultimately redeemed his reputation from the Trinidad scandal. Immediately after securing his acquittal, Picton took off for the Iberian Peninsula, where he received a commission in Wellington's army. In the war against Napoleon, Picton rose to become the Duke's right-hand man and was with him at Waterloo, where Picton was mortally wounded. The Duke of Wellington said of him: "I found him a rough, foul-mouthed devil as ever lived." Yet it was true, the Duke acknowledged, "No man could do better in different services I assigned to him."¹⁸⁹ His was a glorious death: as he was the highest ranking British army officer to fall in the critical battle, the calls for a memorial at St. Paul's, led by Castlereagh, were immediate.¹⁹⁰ His treatment of Luisa Calderón was forgotten. Picton would be remembered not as the tyrant of Trinidad but as a military hero, especially in his native Wales.

Although reform had been consistently frustrated in Trinidad up to 1811, there were several victories for the antislavery interest. Trinidad remained a crown colony and would not receive an independent legislature during the era of slavery. The parliamentary debate of that year, and Canning's words particularly, had confirmed Trinidad's status as a colony for "experiment"¹⁹¹ in more strident terms than it had done previously. The island's governance would remain under the direct oversight of London. George Smith may have been driven from the island, but most of what he stood for – the resuscitation and reinvention of Spanish legal forms – was to remain. It was according to Spanish legal codes that the amelioration of slavery would unfold in the following decades; administrators busied themselves with unearthing Spanish slave laws that seemed milder than British practices and adapting them to nineteenth-

¹⁸⁹ Robert Havard, "Picton, Sir Thomas."

¹⁹⁰ Both monuments still stand. NLW, L9530 and MS 12364D.

¹⁹¹ HC Deb, 13 June 1811, vol. 20, 621.

century contexts. This would be a massive effort that would be aided by the direct oversight emanating from London; the unhappy planters had limited ability to object.

This chapter has outlined the administrative problems of governing Trinidad in the early years of British rule. A combination of mismatched personalities and conflicting goals had plagued the early history of the island under British rule. The progress of reform in Trinidad, both governmental and with respect to the enslaved population, awaited the appointment of a single administrator who was willing and able to serve metropolitan ends. Perhaps Fullarton or Smith would have had a chance, if only their authority had not been rivaled by co-administrators who staunchly opposed their agendas. In any case, the baffling commission government and, subsequently, the retention of Hislop alongside Smith reveals considerable metropolitan ambivalence about the course ahead. Effective change would need decisive imperial policy.

But if metropolitan officials had been unsure about the way forward in 1802, things were clearer a decade later, particularly with the choice of Earl Bathurst as colonial secretary, an appointment that would last fifteen years. Future reform initiatives for Trinidad, which would include first the policy of slave registration and subsequently a comprehensive plan of amelioration, would be characterized by greater unity within the Colonial Office itself. Metropolitan officials did of course still require an able executive. This meant finding an official willing to do their bidding. As we will see in chapter 3, they soon found one.

Meanwhile, the “barbarous” laws of Catholic Spain had become British imperial policy, at least in one island. Slowly, and by halting degrees, the abolitionist wing of Parliament, joined by a considerable number of moderates, confirmed the status of the predominantly Spanish system of laws that prevailed in Trinidad. It ran contrary to popular sentiment, and to the agitation over Picton’s trial, but intellectual and political opinion in Britain was increasingly

coming to regard slavery as practiced in Spanish colonies as benign and even benevolent. Given the new line of thinking on domestic and foreign slavery, it seemed no accident that a British governor in a British slave colony had been guilty of arbitrary rule. Increased metropolitan oversight and regulation of both slavery and colonial administration seemed the only way to prevent another scandal such as Picton's. From codified legal protections to the potential routes to manumission, Spanish regulations around slavery – or at least, what the British thought were Spanish regulations – became a model for British reformers in Trinidad and elsewhere.

Antislavery advocates were looking outward for alternative models that might improve governance in the British colonies, but it is important to stress that this attitude by no means reflected a general sentiment that Spanish law and society were more liberal than Britain's. Slavery was, in many ways, perceived as an enlightened exception to the rule when it came to “tyrannical” and “backward” Spain. In fact, as Smith's attitude encapsulates, it was precisely the *illiberal* nature of Spanish systems of governance that was desirable in a colony that reformers sought to control from London. The West India planters, though freeborn Englishmen, could not be trusted with the full enjoyment of their English liberties. In the interest of ameliorating slavery as well as the position of the island's free people of color, these were liberties that metropolitan reformers were content – and even anxious – to curb.

By 1813, “Spanish” laws had been confirmed for Trinidad. A decade later, metropolitan officials would debate the advantages of extending aspects of the Spanish laws on slavery to other British colonies. As we will find in Chapter 3, the abolitionist movement in Britain would find new life in 1823 in the wake of disappointment that the slave trade ban had not produced the hoped-for amelioration of the condition of the empire's slaves. After a series of fits and starts for Trinidad's status as a “farm of experiment,” the island's propensity for as a test case would at

last be pursued seriously as part of an ambitious new program to regulate slavery throughout the British dominions.

Chapter 3. The Farm of Experiment.

Pamela Munro, a domestic slave in Port of Spain, was eighteen years old in the winter of 1826 when her mother Jenny attempted to purchase her freedom. Self-purchase as well as the purchasing of immediate family members had been sanctioned by an 1824 Order in Council, which effectively instituted a *code noir* for the island along with an avenue toward “compulsory” manumission. A legally-arbitrated manumission required the buyer and seller to come up with a mutually agreeable price. If they could not agree, then court-appointed appraisers and an officer called the “Protector of Slaves,” the new legal advocate who represented slaves at court, would come up with an appraisal. Appraisals varied widely: age, gender, health, reported productivity, type of work done, and a sense of how easily the slave might be “replaced” all played a role in determining the sum. The result was a dollar value that, if presented, would buy the slave’s freedom. This law promised slaves a potential path to emancipation, while preserving the slave owner’s vested property interests by compensating him or her at a fair price.

But coming up with that price could be a complicated business. In the case of Pamela Munro, her mother and the family who owned Pamela, the prominent Pasea family of Tacarigua (one of the oldest villages on the island known for its expansive savannah), could not agree. Their disagreement resulted in the case coming before the chief judge of Trinidad with the mediation of two appraisers and the Protector of Slaves. These appraisers were appointed by the Protector of Slaves and the Pasea family respectively.

None of the four officials (including the judge) involved in this case was truly disinterested. The chief judge, Ashton Warner, along with court appraisers Thomas Le Gendre and William Burnley, were all prominent planters and slave-owners. Burnley was the island’s

largest plantation owner, a transatlantic personality who divided his time between his Trinidad property and London, where he frequently lobbied Parliament in favor of the slaving interest.¹ Even Henry Gloster, Trinidad's first and only Protector of Slaves, owned nine "personal," or domestic, slaves.²

Although the manumission policy had by 1826 been in place for two years, both appraisers, like most of the island's planters, were unhappy that slaves had the ability to procure their freedom without their owners' express consent. Eighteen years after the slave trade had been abolished, these men knew just how scarce slaves had become, particularly on an island that had never, in the planters' view, had sufficient numbers of slaves since the British arrived. Assessing Pamela's market value meant accounting for the fact that her owner might have difficulty replacing her. By such logic, the "fairness" of an appraisal had first to satisfy the pecuniary interests of the slave-owner in question.

There was always a subjective element to these appraisals, but Pamela's case came up at a moment of particular planter contestation of the new law. In 1826, Colonial Office officials were engaged in a protracted battle with the councils and legislatures of the other slave colonies, trying to coerce or persuade them into adopting the Trinidad manumission policy. Earlier that year, a dispatch from colonial secretary Earl Bathurst to the governor of Demerara had assured the latter party that compulsory manumission would not lead to the ruin of the planters, for as slaves became increasingly scarce and correspondingly more valuable, appraisals would increase as well.³ Unfortunately for Pamela and her mother, the prominent Trinidad planters appointed

¹ Anthony de Verteuil, "Orange Grove Estate," in *Great Estates of Trinidad* (Port of Spain: Litho Press, 2000).

² He owned a tenth slave in Dominica. CO 295/72, no. 64, ff. 67-78.

³ TNA TS 11/978, Earl Bathurst to Ralph Woodford, 30 October 1826, p. 23.

by the court to assess Pamela's worth had seen the contents of this dispatch. They quickly jumped to broader conclusions about its contents.

Burnley and Le Gendre assumed it was within their authority as appraisers to *anticipate* such labor scarcity. Rather than waiting for market forces to respond to fluctuations in supply and demand, which they assumed would be exacerbated as a result of the compulsory manumission process, Pamela's appraisers accounted for the difference prematurely. Their formula was to apply, in addition to the "real value" of the slave in question, a fraction of the owner's estate to the sum, to account for any losses incurred if the slave could not be replaced.

The final sum they arrived at for Pamela was \$1200 Mexican dollars, or £261, for "she is in the prime of life, healthy, and in possession of many valuable qualities." An unheard-of figure, it was \$450 higher than any price ever posed on the island, three times the average manumission cost, and at least two and a half times the typical market cost for slaves sold from one owner to another.⁴ Although the Order in Council had stipulated that slaves be allowed to hire themselves out on days off for extra money (for a wage of approximately 4 to 6 shillings per diem),⁵ this was a near-impossible sum for a slave to meet, as Burnley and Le Gendre knew. They conceded only that Pamela might be freed if the Protector of Slaves could find "within the means of the mother, another female slave equally good and valuable" to replace Pamela.⁶

Pamela's case provoked an uproar on both sides of the Atlantic among politicians and intellectuals interested in slavery and abolition. Gloster was concerned and sympathized with the

⁴ TS 11/978, Earl Bathurst to Ralph Woodford, 30 October 1826, p. 23. The relationship between manumission costs and typical market prices was disputed (as this chapter will show). Either way, these averages illustrate just how astronomical that the amount demanded of Pamela Munro was. See CO 295/77, Woodford to Huskisson, ff. 39-44; Gloster to the Acting Governor, 19 July 1828, ff. 201-203.

⁵ Wages were fixed according to the type of labor. See the listings in the *Port of Spain Gazette*, 3 December 1824.

⁶ CO 295/72, no. 57, ff. 24-37.

slave and her mother; Lord Bathurst, the colonial secretary, was exasperated. Calling the appraisal a “cruel mockery,” he denounced Burnley and Le Gendre’s logic as “an entire misapprehension of the meaning” of the manumission policy. He promptly conveyed “His Majesty’s commands to direct that you submit the case for reconsideration,” presumably (by the omission of further detail) to the same court where the original decision had been pronounced.⁷

Bathurst’s request to have the case reopened was swiftly rejected by both the Governor of Trinidad and the Protector. Gloster did not disagree with Bathurst in principle that the evaluation of Pamela had been unfair. Even he acknowledged that “the only fair criterion by which the value of a slave can be ascertained is the usual market price,” reiterating Bathurst’s prediction that the market value would increase, in due course, as slaves became correspondingly scarcer. To conflate that figure with the supposed “real value,” which inflated the current market price of the slave, would be both superfluous and unjust.⁸ But he was reluctant to interfere with an appraisal once it had been posted, which all of the island’s leaders insisted was “binding and conclusive.”⁹ There was no appeal process.

Pamela Munro’s failed bid for manumission highlights two critical features of the 1824 Trinidad Order in Council that derived from Trinidad’s Spanish heritage. These were the office of Protector of Slaves, envisioned as a legal advocate of the slaves and a designated enforcer of the new slave code; and also an avenue for self-purchase. Both were ideas that the abolitionist movement had latched onto in the late eighteenth century. The formal integration of a captured Spanish island into the British Empire, coupled with the new government-endorsed effort to

⁷ TS 11/978, Re: Demerara and Berbice: petition and memorial of the London proprietors and mortgagees to His Majesty in Council against compulsory manumission, Bathurst to Woodford, 30 October 1826, p. 24.

⁸ CO 295/72, Gloster to Woodford, 9 December 1826, ff. 275-279.

⁹ CO 295/72, Woodford to Bathurst, 22 December 1826, ff. 272-273.

ameliorate slavery in the 1820s, formally enshrined aspects of Spanish slave law and custom (not all of them native to Trinidad) into the new ameliorative slave code.

I argue that the decision to experiment with amelioration first in Trinidad radicalized the reform agenda by introducing concepts to which metropolitan officials had not formally committed themselves and over which many of them were, at the outset, lukewarm. The reforms derived from the Trinidad experiment would have great significance for the course of amelioration throughout the empire, as we will see in Chapter 4. Moreover, the “Protector” figure helped to infuse British amelioration with an enduring paternalism that would inform British colonialism into the post-emancipation era.

The “radical” elements of the new law were at once the most promising and the most disappointing to abolitionists. In particular, the manumission policy undergirded the central goal of amelioration for those antislavery advocates and government officials who embraced the end goal of abolition: namely, it promoted gradual emancipation by rewarding the industrious, without undermining the social order in the slave colonies.¹⁰ The Protector was similarly envisioned as mitigating the worst abuses of slavery by serving as a check upon the system, filing suit against corrupt planters and helping slaves to navigate the legal process in order to protect basic rights and privileges.

Yet the judgment in the case of Pamela Munro highlights the limitations of an amelioration law that did not account for differences in circumstances between Spanish and British slave societies.¹¹ Nineteenth-century British Trinidad was quite simply a far more

¹⁰ Abolitionists did not generally see compulsory manumission as leading to full emancipation, but they hoped the measure would pave the way, politically, for comprehensive emancipation legislation.

¹¹ For a similar case in Florida (which had passed from Spanish to British control, and then back to Spanish), see Jane Landers, “Felipe Edimboro Sues for Manumission, Don Francisco Xavier Sánchez Contests (Florida, 1794),” in *Colonial Lives; Documents on Latin American History, 1350-1850*, ed. Richard Boyer et al. (Oxford: Oxford

entrenched slave “society” than eighteenth-century Spanish America, out of which many of these ideas had been derived. Although always more prominent in urban areas, self-purchase had been a significant feature of eighteenth-century Cuban slave life. Local British planters resisted the new law more than their Spanish predecessors had done.¹² Although the amelioration law prompted significant changes in the lot of some individual slaves, Pamela’s story lays bare the failures of the reformers’ plan for gradual emancipation. It moreover demonstrates the hollowness of amelioration in the face of bitter planter opposition.

As for Pamela, she became a symbol of what was wrong with the manumission policy in Trinidad.¹³ A legal process for self-purchase had limited effectiveness in the context of a society where none of the available appraisers were truly disinterested parties. It was impossible, moreover, to appeal an appraisal after the fact. Even James Stephen, Jr., an abolitionist like his father who often served as an informal advisor to prominent politicians and who became involved especially in the Colonial Office reforms, conceded that although her appraisers had been “wrong in point of law,” nevertheless it was impossible to set aside Pamela’s valuation without promulgating a new law.¹⁴ What was done was done. Pamela’s case never came up again. She was cited as an example, but she did not become free.

University Press, 2000). Edimboro’s protracted struggle to earn manumission for himself, his wife, and their children highlights the contested nature of self-purchase even under Spanish rule.

¹² It is worth noting here that in Cuba, the expansion of sugar production transformed the local economy in the early-nineteenth century. As a result, local planters resisted many aspects of traditional Spanish slave laws – including manumission – in the nineteenth century. De la Fuente, “Slave Law and Claims-Making in Cuba: the Tannenbaum Debate Revisited.”

¹³ She is mentioned as late as 1828. CO 296/8, Huskisson to Woodford, 28 April 1828, ff. 57-58.

¹⁴ CO 295/73, Stephen to Wilmot-Horton, 5 October 1826, ff. 99-102. Stephen recommended that, should appraisals increase owing to supply and demand, there should be a role of the state in supplying the difference in increased value. Nevertheless, this required further legislation.

Slave Registration

The first decade of British rule in Trinidad had been replete with missed opportunities to limit the expansion of slavery. An unusual island among British territorial holdings with its non-Anglophone population and Spanish legal heritage, the island had seemed to hold potential in the eyes of abolitionists as a “farm of experiment” for the future of slavery.¹⁵ This potential had been reinforced by the decision not to grant the colony a legislature as well as by the continued observation of the island’s Spanish laws and customs in all but a few areas (primarily trade and navigation). Yet in spite of alternative proposals, from both politicians and abolitionists, respecting both the settlement and cultivation of the land, Trinidad was rapidly developing a full-fledged sugar economy.

After 1811, however, the island was to have a more explicit role as a test case for other experiments in the slave colonies. That year, Canning had led the opposition to Marryat’s push for the introduction of an elected assembly for the island on the grounds that it had been the government’s “original design and purpose” to set aside Trinidad as a “new experiment” for the amelioration and possible abolition of slavery.¹⁶ His arguments had persuaded his peers to nix once and for all the idea of granting the island an elected assembly, which would only interfere with metropolitan ambitions regarding slavery reform. This was a crucial policy decision for Trinidad’s future role in the empire.

Abolitionists had long assumed that labor shortages would provide planters with incentives to treat better those slaves they had in their possession, particularly in the interest of

¹⁵ On the theme of experiment with respect to Trinidad (and the broader southern Caribbean), see Candlin, *The Last Caribbean Frontier*.

¹⁶ HC Deb, 13 June 1811, vol. 20, 621-622.

promoting natural reproduction.¹⁷ Because abolitionists were convinced that ceasing the importation of new slaves would lead to the amelioration of slavery,¹⁸ their central objective after 1807 was the enforcement of the new ban. But British officials did not succeed immediately in stamping out the illegal traffic. Estimates have put the number of slaves trafficked to the sugar colonies in the first year after abolition to just below nine thousand.¹⁹ This was a marked decline from the 36,000 traded the year before, but it was hardly insignificant.²⁰ Slave trading in the British Empire was not made a felony until 1811, the result of an abolitionist campaign to crack down on the violations.

The end of the licit transatlantic trade had not completely insulated the British islands from new arrivals. Until 1825, an inter-colonial slave trade remained legal, in a limited way, provided both the exporting and importing colonies belonged to the British crown.²¹ Most of the inter-island slave trade targeted new colonies such as Trinidad (also Demerara), where virgin soil posed alluring opportunities for planters who were struggling elsewhere. They migrated in

¹⁷ A precedent can be found in Trinidad, where labor was already scarce. Governor Picton's slave code, while harsher than its Spanish predecessor, supplied basic protections for the lives and wellbeing of slaves that were not in place elsewhere in the British Empire. In particular, it had highlighted the need to promote reproduction by giving mothers special status. A mother of three could earn additional days of rest; if she managed to bear seven children (all of whom remained on her master's estate), she would be "exempted from all labour" and "furnished her allowance and maintenance," receiving a very small monetary reward of "one dollar per annum for her children." CO 295/14, Ordinance: for Regulating the Treatment of Slaves, 30 June 1800, ff. 49-55 (Article XIV).

¹⁸ Fergus, *Revolutionary Emancipation*, chapter 3.

¹⁹ See the comprehensive estimates table in Eltis, *Voyages*. See also Paul E. Lovejoy, "The Volume of the Atlantic Slave Trade: A Synthesis," *Journal of African History* 23, no. 4 (1982).

²⁰ Marika Sherwood has particularly forcefully argued that the illegal trade continued. She writes, "Doesn't the very fact that more and more Acts dealing with slavery and the trade in slaves were passed indicate that there were attempts by Britons to avoid the strictures supposedly enforced?" *After Abolition*, 22. See also Rees, *Sweet Water and Bitter*.

²¹ For an excellent short account of this phenomenon, see David Eltis, "The Traffic in Slaves between the British West Indian Colonies, 1807-1833," *The Economic History Review*, vol. 25, no. 1 (1972). Eltis claims that 22,000 slaves were transported between and among British colonies in the twenty-three years after the abolition of the slave trade (p. 57).

significant numbers after 1808. Between 1813 and 1816, nearly 2,000 slaves were legally imported to Trinidad from neighboring colonies, most of them from Dominica and Grenada.²² They were often resold upon arrival at an average rate of about \$400, though the skilled mason or sugar boiler could go for as much as \$1000.²³

There were limits to this transit. An owner required a license from the governor or customs house of the colony of departure, as well as another from the importing colony if that colony was a “new” (recently-acquired) one. The licensing system was meant to enforce the requirement that this transit not bolster any colony’s local slave population by more than 3 percent per annum.²⁴

Abolitionists had hoped that decreased supply, the inter-island traffic to the new colonies notwithstanding, would lead to more benevolent slave policies. Yet the continued illegal trade meant that this theory would go untested. To facilitate the amelioration they hoped for, abolitionists championed greater enforcement of the ban.²⁵ Stephen led these calls, advocating a comprehensive slave registry that would make it impossible to hide new imports. The registry would list every slave residing in the British Caribbean, noting whether he or she was a “personal” or a “plantation” slave, identifying the master to whom the slave belonged, and noting physical descriptions such as height, color, and distinguishing marks. Given the absence of a local legislature, he suggested beginning with Trinidad, where a Spanish law mandating slave

²² John, *The Plantation Slaves of Trinidad*, 45.

²³ CO 295/37, Woodford to Goulburn, 15 October 1815, ff. 177-185.

²⁴ The requirement for a license was waived in the event of the importation of two or fewer personal slaves. Eltis, “The Traffic in Slaves,” 56.

²⁵ One abolitionist tract that discusses at length the problem of continued importation as well as the relationship James Stephen, *Reasons for Establishing a Registry of Slaves in the British Colonies* (London, 1814).

registration was already theoretically in place.²⁶

Trinidad was one thing, but imposing such a measure on the old colonies posed challenges. These colonies were accustomed to self-governance, and Parliament moreover was reluctant to extend its authority too far into local affairs. In addition, Prime Minister Spencer Perceval considered slave registration impracticable. Striking a compromise with Stephen and Wilberforce, the Prime Minister ultimately relented by allowing the publication of an Order in Council for Trinidad alone. Perceval initially envisioned this as an isolated case; abolitionists imagined the proposed Trinidad law as model that other colonies might follow. After some lengthy discussions on the subject, Wilberforce secured Perceval's assurance that the latter would endorse a broader measure after waiting a year "in order to see how the engine should work in Trinidad, and rectify any errors, supply any defects, etc. which experience should suggest."²⁷

In March 1812 an Order in Council was passed requiring the registration of all slaves on Trinidad. A new "Registrar of Slaves" was directed to keep two books, one for plantation slaves and another for personal slaves, to be updated annually. At the start of each calendar year, owners were to report births, deaths, sales, and manumissions. For planters, the most provocative aspect of the new order was that, without proper documentation, a master would lose his claim over his slave. Unregistered slaves were, in essence, to become free.²⁸ The system imposed a new standard: the state of slavery had now to be proved through positive means. The

²⁶ John, *The Plantation Slaves of Trinidad*, 19-20; Titus, *The Amelioration of and Abolition of Slavery in Trinidad*, chapter 2.

²⁷ R.I. Wilberforce, *The Life of William Wilberforce* (London, 1838), vol. IV, 3-4, 19-20.

²⁸ CO 295/28, Order in Council for the Registration of Slaves in Trinidad, 26 March 1812, ff. 250-264. This is reproduced in John, *The Plantation Slaves of Trinidad*, 217-242.

presumption, a novelty in the British Empire, was one of freedom.²⁹

Stephen's selection of Trinidad as the "test case" for slave registration was both convenient for administrators and significant for the development of the policy, given the island's Spanish heritage. The text of the order, drafted by Stephen, cited registration as the existing law of the land, since it had been mandated by the 1789 empire-wide Spanish *cédula real*. The new policy was closely modeled on the old one. We have already seen that the Spanish code had not formally gone into effect, though British administrators tended to overlook this technicality.³⁰ The terms of the 1789 law had been that

The masters of the slaves will annually present a signed and sworn list to the justice of the city or town in whose district their estates are located, of the slaves they keep on them, with distinction of sex and age, in order for the town-house scrivener to take account of them in a particular book for this purpose . . . and whenever one [of the slaves] dies or absents himself, the master must within three days inform the justice of it . . . in order to avoid suspicion of the slave having been killed; and if the master does not do this, it will be his obligation to prove either the absence of the slave or his natural death; if he cannot, the Attorney General (*síndico procurador*) will bring a lawsuit against him.³¹

The new order drew inspiration from the Spanish law but reflected shifting concerns. The central objective of the Spanish provision had been to protect slaves from being murdered, in line with the code's establishment of baseline standards of care for the slave population. The British order, by contrast, was concerned with preventing illegal imports.

It was easy enough to pass an Order in Council for Trinidad imposing slave registration.

²⁹ This change was explicitly acknowledged when several legal commissioners visited Trinidad (along with Britain's other Caribbean possessions) to inquire about the state of slavery on the island as part of the project on amelioration. "Report from the Commissioners of Legal Enquiry on the Colony of Trinidad 1826-27," *Irish University Press Series of British Parliamentary Papers: West Indies*, vol. 3 (Shannon: Irish University Press, 1971), 312.

³⁰ See chapter 1. The code was formally suspended in 1795 as a result of heavy planter resistance. Lucena Salmoral, *Los códigos negros de la América española*.

³¹ Article XII (my translation). *Real Cédula de su Magestad*.

But enforcement was another matter. Though they lacked the formal political capacity to resist, the planters of Trinidad did not react to the news quietly. They denounced the Order in Council as “not authorized, either by the laws in force in this island [i.e., the Spanish], or by any act of the imperial Parliament of Great Britain an Ireland,” further condemning it as “an attempt to make laws for the government of British subjects without the consent of the British legislature.” In an argument savoring of the Thirteen Colonies’ protests several decades earlier, they argued that it was “contrary to the constitution of England” to implement a tax upon subjects “without the consent of representatives of the people in Parliament assembled.”³² They objected most of all to the provision that slaves who were not lawfully registered would be freed.

Implementation of the new law faced several delays. The first was the difficulty of finding a suitable registrar, given that the Order stipulated that such an official ought not to own any plantation slaves (which might compromise his objectivity). After several months, the post went to Henry Murray, deputy clerk of the *cabildo*, who sold his slaves to secure the post.³³ Another source of delay, orchestrated by Murray, came in the form of a series of extensions negotiated with Bathurst. Murray had complained of the enormity of his task and the challenges of performing it quickly.³⁴

³² The primary difference was that the North American colonists rejected the idea of virtual representation, that each Member of Parliament represented the interests of every British subject. The Trinidad planters accepted the authority of the British Parliament to legislate on their behalf, including the thorny issue of taxation, but argued against the use of an Order in Council to effect the same. For an analysis of the relationship between Caribbean and North American protests against British rule (and the reasons that the former remained more conservative and therefore loyal) see Andrew O’Shaughnessy, *An Empire Divided: The American Revolution and the British Caribbean* (Philadelphia: University of Pennsylvania Press, 2000). Of course, the comparatively close relationship of Caribbean colonists to Britain itself, as O’Shaughnessy emphasizes, did not preclude episodes of greater tension and hostility, as the protest over slave registration reveals.

³³ CO 296/3, ff. 83-85. In fact, he transferred his slaves to a relative. Brereton, *A History of Modern Trinidad*, 53.

³⁴ John, *The Plantation Slaves of Trinidad*, 26-30. The Order had originally stipulated that the returns had to be compiled within one month of the announcement; subsequent delays owed to the delay of the proclamation reaching all parts of the island as well as Murray’s own struggles to complete the books in a timely fashion.

After Murray took up the post, the new policy was advertised through a series of announcements run in the *Trinidad Gazette*, which announced that slave owners who failed to comply would be liable to lose their slaves upon future inspection. The threat worked. Trinidad's slave returns provide some of the most thorough records of slavery in all of the British Caribbean.³⁵ They provide the first comprehensive list of slaves by name and by owner's name; subsequent returns were intended to amend the data in the initial report by recording births and deaths as well as licit sales and purchases. Data was also collected on slaves' occupation, age, kin relationships,³⁶ height, and distinctive marks.

The results of the first set of returns, completed at the end of 1813, seemed to confirm an increase in the slave population of Trinidad since 1808 (see Table 3.1). The returns showed a total enslaved population of 25,717 in 1813, divided between 8,633 personal and 17,084 plantation slaves.³⁷ This represented an increase from the total of 21,983 documented in 1808, which had dropped to 21,228 by 1811 according to the census of that year.³⁸ Trinidad officials and planters had trouble explaining how the adult enslaved population had *increased* following the abolition of the slave trade. What was curious about the 1813 result is that the increase in the slave population rested entirely in the reported number of personal slaves on the island, which had more than doubled since 1811.

³⁵ Higman uses the data not only from Trinidad but from the entire British Caribbean (after registration was imposed beyond Trinidad) to paint a statistically accurate portrait of British slavery over the period 1813 to 1834. Higman, *Slave Populations of the British Caribbean*.

³⁶ An emerging theme of amelioration in broad terms was the maintenance of familial relationships, which would become part of the imperial policy beginning with the Order in Council passed for Trinidad in 1824 and subsequent local amelioration laws (see below).

³⁷ John, *The Plantation Slaves of Trinidad*, 30.

³⁸ This is linked to slave mortality. Plantation slaves could not be newly imported after 1808, leading to a gradual decline in numbers through 1834. John, *The Plantation Slaves of Trinidad*, chapters 5-7 and 167; Ward, *British West Indian Slavery*, chapter 5. Ward puts the annual decline in the slave population as a whole to about 3 percent.

Table 3.1 Slave population returns for Trinidad

	1808	1811	1813
Personal slaves	3,680	3,891	8,633
Plantation slaves	18,303	17,397	17,084
Total slaves	21,983	21,228	25,717

Abolitionists challenged these numbers, complaining about the series of extensions that had been granted to Murray, suggesting latitude when it came to the registration of potentially illegal recent imports in anticipation of the crackdown. The large increase in personal slaves could not be explained by the inter-island transit, as this had been closed to Trinidad (along with other new colonies) before 1813.³⁹ Stephen pounced on the opportunity to allege that 4,500 slaves had been illegally smuggled onto the island in flagrant violation of the Abolition Act in the months prior to the finalizing of the returns.⁴⁰ He cited this evidence in a call for the immediate implementation of the registration scheme throughout the British slave colonies, to ensure broad enforcement of the slave trade ban.⁴¹

The counter argument, advanced by planters and their defenders, was that the earlier population returns tabulated on the island had been incomplete. They argued that prior to 1813 the population in slaves had been consistently underreported, particularly for purposes of tax evasion (since slave-owners paid taxes on the basis of their property). Before the implementation of the registration policy, the incentives for accurate reporting had been lower, at

³⁹ Only 353 slaves were imported to Trinidad via license in 1813 and 1814. Eltis, “The Traffic in Slaves,” 58.

⁴⁰ Stephen, *Reasons for Establishing a Registry of Slaves*, 28.

⁴¹ Stephen, *Reasons for Establishing a Registry of Slaves*.

least from the perspective of the owners.⁴²

Although some illegal importation may have occurred, especially in anticipation of the deadline, there is no direct evidence that it was as virulent as Stephen thought. A demographic analysis of the returns, conducted by A. Meredith John, has shown that the age, sex, fertility, and racial background of slaves accounted for in the late returns did not differ substantially from those who were registered on time, suggesting that these slaves came from broadly the same background as those who had been registered on time.⁴³

The returns captured data from 649 plantations, including 221 devoted to sugar, 165 to coffee, seventy-five to cocoa, fifty-one to cotton and eighty-seven to a mix of two or more of these crops. The data bears witness to how Francophone the island remained more than ten years after the Peace of Amiens: the majority of plantation owners were French, compared with 31 percent British, and 12 percent Spanish. The size of the average plantation was much smaller here than on other slave colonies in the British West Indies; only 15 percent of slaves resided on plantations with slave populations of more than one hundred. (In most of the British Caribbean sugar colonies in the early nineteenth century, about one-half of the enslaved population lived on estates of this size.)⁴⁴ The mean size of a Trinidad plantation was just twenty-six slaves, though the mean on sugar plantations specifically was more than double that, at fifty-six.⁴⁵

The Trinidadian slave population was distinctive in other ways. Much more recently

⁴² John, *The Plantation Slaves of Trinidad*, chapter 3.

⁴³ John, *The Plantation Slaves of Trinidad*, 165. See also A. Meredith John, "The Smuggled Slaves of Trinidad, 1813," *Historical Journal* 31, no. 2 (June 1988).

⁴⁴ Franklin W. Knight, *General History of the Caribbean*, vol. 3 (London: UNESCO, 1997), 74.

⁴⁵ T 71/501-2, Trinidad slave registers, 1813; for a magnificent statistical analysis of these returns, see also John, *The Plantation Slaves of Trinidad*, especially chapter 4.

imported to the colony, the enslaved population was both younger and of “purer” African decent than that of the old colonies. Two-thirds of the slaves were under thirty-five, reflecting the preference for young slaves in slave trading given their high value. 93 percent of the slaves named on the 1813 returns are described as “negro,” as opposed to variants such as “mulatto,” “cabre,” or “sambo,” which denoted at least a fraction of European blood and which were much more common in old colonies. The high percentage of “negro” slaves reflects the limited time that had passed – therefore, yielding lower rates of miscegenation with whites – since most slaves had been trafficked to the island recently.

By the time slave registration came before the House of Commons in 1815 for widespread implementation, the policy had had only mixed success, in terms of establishing an official slave census and monitoring illegal smuggling. Given the difficulty in collecting records, particularly in remote regions, the initial requirement that the Trinidadian registries be amended annually was commuted to a triennial processes by 1816.⁴⁶

Yet abolitionists were unwilling to relent from the slave registration cause, and began campaigning for a general Registration Act in 1815. Although Perceval had been lukewarm about such plans, his assassination (before the Trinidad measure had even gone into effect) had prompted the organization of a new ministry under the Earl of Liverpool, and the reshuffling had brought more sympathetic (to amelioration) figures into government.⁴⁷ The battle between pro-amelioration parliamentarians and the West India Committee, however, was not insubstantial.

⁴⁶ The difficulties persisted. In January 1822, the Registrar Edward Murray (Henry’s son) had to run an ad in the *Trinidad Gazette* pointing out that with only two weeks remaining, only 25 percent of the returns were in. He reminded slave owners “that all persons neglecting to comply . . . will render themselves liable to all the consequences resulting from such neglect.” *Trinidad Gazette*, Wednesday, 16 January 1822.

⁴⁷ The new colonial secretary, the Earl Bathurst, was especially influential behind the scenes in persuading Liverpool to advocate for empire-wide registration. Neville Thompson, *Earl Bathurst and the British Empire 1762-1834* (Barnsley, South Yorkshire: Leo Cooper, 1999), 170-176.

The latter ultimately relented far enough to advise the local colonial legislatures to draw up their own plans for registration. Although this policy did not go without a hitch – a significant slave rebellion in 1816 in Barbados has been attributed to local unrest among slaves who wanted more than mere amelioration⁴⁸ – registration did become a part of colonial law throughout all of the British dominions by 1819.⁴⁹

Throughout the era of amelioration, those interested in mitigating and eventually abolishing slavery would display limited patience when it came to testing their plans first on Trinidad. Yet the local particularities of Trinidad had a significant impact on the content of those plans particularly as they were adapted elsewhere. The 1789 *cédula real* had served as a model for the new registration policy; implementing that policy had therefore involved a process of “reinventing” an older precedent. Accordingly, Trinidad’s Spanish legal tradition would soon be reinforced and exported throughout the slaveholding British Empire.

The Governor and his Foes

1813 was a turning point in the history of Trinidad. Amid the controversy over slave registration, the island welcomed a new governor, Sir Ralph James Woodford, who would stay in office longer than any of his predecessors and serve until his death in 1828. Of all Trinidad’s problems, from labor shortages to lawlessness, its lack of strong leadership since Picton’s departure had perhaps been most severe. Woodford was not always popular with the white population, but he was decisive, and supplied the island with the administrative consistency and able leadership it had previously lacked. Although planter dissatisfaction over the island’s laws

⁴⁸ Craton, *Testing the Chains*, chapter 20.

⁴⁹ Morgan, *Slavery and the British Empire*, chapter 5.

as well as newly-imposed slave reforms continued to plague Woodford's regime, the new governor was able to keep such dissatisfaction in check.

His administration coincided almost exactly with the tenure of his sometime-ally, sometime-rival, Henry Bathurst, third Earl Bathurst, secretary of state of war and the colonies from 1812 until 1827. The history of efforts to ameliorate slavery on the island unfolds along scrawled pages of correspondence between these two men: Bathurst, the Colonial Office official seeking to impose unwanted imperial policies on a reluctant island; and Woodford, an able negotiator both unafraid of incurring planters' displeasure and keen to hammer out as favorable an economic settlement for the planters as possible.

His personal sympathies are harder to pin down: often accused both by contemporaries and by historians of being a friend to slavery, the planters always regarded him as their opponent and challenged him frequently.⁵⁰ In his letters to colonial undersecretary R.J. Wilmot-Horton, he was capable of claiming that the slaves were "very generally treated fairly" in one letter, and of denouncing the "monstrosity" of West Indian slavery in another.⁵¹ In truth he fit uncomfortably between masters and slaves. While displaying an enthusiasm for amelioration that has often been overlooked, he was as convinced of the racial inferiority of Africans as any European of his generation. He considered the free people of color a "dangerous" class "much more to be feared than the slaves."⁵²

A baronet from Lincolnshire without previous experience in government, Woodford

⁵⁰ He was not a plantation slave-owner himself. Multiple records from 1826 indicate that he owned one domestic slave only. CO 295/71, f. 256; CO 295/72, ff. 67-78.

⁵¹ DRO, D3155/WH/2901, Woodford to Wilmot-Horton, 30 October 1824; Secret and confidential, Woodford to Wilmot-Horton, 7 February 1826.

⁵² CO 295/44, Woodford to Bathurst, 3 August 1817, ff. 99-105.

arrived in Trinidad in June 1813, just shy of his twenty-ninth birthday. From the first, he impressed the colonists with his “polished and dignified manners”⁵³ as well as his proclivity for power. E. L. Joseph, a planter who arrived on the island in 1820, admired the stability Woodford provided but remarked that “he regarded himself not as the representative of a constitutional British sovereign, but as a Spanish viceroy, armed with the most absolute authority.”⁵⁴

Woodford remained committed to the Spanish law,⁵⁵ in its modified English form that had been negotiated between the Colonial Office and Trinidad in the preceding years. This did not win him friends among the planters. The island’s planters and merchants continued to petition the governor and the King frequently, begging for the privileges associated with the introduction of the “British constitution” and for an elected assembly in particular.⁵⁶ On matters of slave policy, too, the planters would find themselves vehemently at odds with the governor.

Woodford’s enemies included Joseph Marryat and William Burnley. Marryat, who had been petitioning for the introduction of a local legislature for over a decade, was responsible on several occasions for bringing charges against Woodford for alleged corruption as governor. In 1821 Marryat forced Woodford to take a leave of absence to defend himself against charges of abuse and mistreatment in his handling of Venezuelan refugees, who were flooding the island during the shocks of that colony’s civil war.⁵⁷ Ultimately Woodford was cleared.

⁵³ Joseph, *History of Trinidad*, 247.

⁵⁴ Joseph, *History of Trinidad*, 248.

⁵⁵ This, after all, was the source of his authority. As he himself reflected in a letter to Wilmot-Horton, “I was sent here [to Trinidad] to enforce and accommodate Spanish law to English feeling.” DRO, D3155/WH/2901, Woodford to Wilmot-Horton, 19 October 1823.

⁵⁶ There is particularly strong evidence of this discontent in CO 295/41 and 295/42 (from 1816 and 1817). The petitioners’ statements are recorded in CO 295/41, ff. 352-369, while Woodford’s reply appears CO 295/42.

⁵⁷ The Venezuelan “refugees” included both royalists and revolutionaries. See the record in CO 295/56. During this period, the island had an acting governor (William Young), who served in Woodford’s stead for two years.

Woodford also faced a series of inquiries, often provoked by Marryat, into the island's laws and the proper execution of his duties as governor. In 1823 Marryat, who served in Parliament until his death the following year, made sufficient noise in the House of Commons to arrange for the establishment of an imperial commission to investigate the island's government. The Colonial Office appointed Marryat one of the commissioners. Woodford was wounded by this choice, writing to Wilmot-Horton of his "hurt" in the choice of one of his enemies to head the investigation. "You can never feel," he lamented, "what it is to be absent 4,000 miles from one's chief, among the population that I am in, and surrounded by those who, if they were to tell the truth, would prefer no government at all."⁵⁸

Burnley too was a constant thorn in Woodford's side, perhaps more than Marryat, since as the island's largest slave-owner he was inevitably "much listened to" by the island's planters.⁵⁹ Burnley spent a great deal of his time in Britain but also served on the governor's council in Trinidad. An articulate defender of the slavocracy, Burnley drew attention to the British government's historical role in establishing and proliferating slavery throughout the colonies. By 1823 he was deeply concerned about the long-term future of slavery, given significant shifts in the political landscape in Britain. Increasing numbers of politicians were being won over to the cause of emancipation. It was clear to Burnley that amelioration was merely a prelude to total emancipation. He was careful to endorse gradual emancipation with full compensation for lost property, to help planters make the economic transition to free labor.⁶⁰

⁵⁸ DRO, D3155/WH/2901, Woodford to Wilmot-Horton, 19 October 1823.

⁵⁹ DRO, D3155/WH/2901, Woodford to Wilmot Horton, 16 September 1823.

⁶⁰ Compensation was increasingly a rallying cry of besieged planters, though it divided the abolitionist movement. The principle of compensation would emerge clearly in the wake of the Canning's 1823 resolutions on amelioration, to which we will turn later in this chapter. Canning's third resolution had referenced the goal of emancipation "with a fair and equitable consideration of the interests of private property," which most planters took to be a commitment

Burnley was confident that “no British Legislature will ever openly vote that the great work of Emancipation shall be effected at the exclusive Expense of the West India Colonists,” for Britain was responsible for promoting slavery, and “she must now atone for it.”⁶¹

Woodford endorsed both the Spanish system of laws as well as a system of checks on slavery. He came down hard on violations of the abolition ban, regularly reporting seizures of illegal vessels in his official correspondence.⁶² He also, on various occasions, took initiative on behalf of the enslaved population. In 1815, he limited the number of lashes that a master could inflict on a slave without trial from thirty-nine to twenty-five, citing the 1789 *cédula real*.⁶³

Yet Woodford was no abolitionist. As governor, his primary motivation was economic stability, which meant that he did on occasion play the role of the planters’ strongest ally (though they seldom realized it). He was sensitive to the labor shortage and often advocated legal slave imports from other colonies. As late as 1823, when the project of amelioration was underway, Woodford wrote to Bathurst requesting permission to extend tax exemptions to planters immigrating with at least twenty slaves.⁶⁴ His request was swiftly denied.

In spite of Woodford’s enthusiasm for admitting new slaves, an Act of Parliament passed in 1825 banned the inter-island slave trade for plantation slaves. The transit of domestic slaves remained permissible in special circumstances, namely in cases in which the slave’s “welfare” could be better attended to on another island; or in cases that kept a family of slaves united. All

to the principle of compensation. See Nicholas Draper, *The Price of Emancipation: Slave-Ownership, Compensation and British Society at the End of Slavery* (Cambridge: Cambridge University Press, 2010), 112.

⁶¹ DRO, D3155/WH/2901, Burnley to Woodford, 18 August 1823.

⁶² For example CO 295/43, Woodford to Bathurst, 10 February 1817, ff. 3-5.

⁶³ CO 295/36, Woodford to Bathurst, 7 February 1815, ff. 5-6.

⁶⁴ CO 295/59, Woodford to Bathurst, 5 December 1823, ff. 285-286.

cases now had to be approved by the colonial secretary in London, slowing down the process considerably. The later years of Woodford's tenure saw a steady stream of correspondence between him and Bathurst requesting individual permissions.⁶⁵

Even with this oversight, there remained room for evasion and abuse. At least 1109 "domestics" were brought to Trinidad between 1825 and 1830.⁶⁶ The cooperation of local officials, including Woodford, could easily have allowed for a continued influx of "domestic" slaves who were really being sent to labor in the fields.

The inter-island transit of slaves was not the only potential source of African labor. Revolution on the South American mainland drove a steady stream of refugees, of all political persuasions, out of Venezuela between 1811 and 1820. Many of the refugees to Trinidad brought slaves, although this was patently illegal.⁶⁷ Woodford wrote to Bathurst in October 1813 of over one hundred refugees who had arrived on the island the previous summer with their slaves in tow. Woodford recalled that he "permitted them to bring their negroes on shore, having first obliged their owners to enter into a sufficient security not to sell these slaves." He hoped he would "not be found to have departed too widely from the provisions established by the British Legislature."⁶⁸ Bathurst promptly vetoed this policy.⁶⁹ The refugees could stay, but any slaves

⁶⁵ CO 295/62, ff. 76-91.

⁶⁶ See Brereton, *A History of Modern Trinidad*, 57. In 1829, James Stephen Jr. wrote to Horace Twiss, the colonial undersecretary, of one Richard Burton Williams, who had traveled with four "domestic" slaves from his estate in the Bahamas to Trinidad. Upon arrival, the slaves were seized. Williams then came up with the convenient draft of manumission papers that he had made in the Bahamas, and he subsequently drew up the legal documents after the seizure of his slaves in Trinidad. A frustrated Twiss's marginal notes, scrawled on a copy of Stephen's account, lamented, "But I own it is not very clear to me that the document given . . . would ever have been acted upon, had not the slaves been seized on their arrival in Trinidad." CO 294/80, Stephen to Twiss, ff. 103-104.

⁶⁷ In 1800, Venezuela had more slaves (112,000) than any other South American colony, save Portuguese Brazil. In the Spanish Empire, its numbers were second only to Cuba. Christopher Schmidt-Nowara, *Slavery, Freedom, and Abolition in Latin America and the Atlantic World* (Albuquerque: University of New Mexico Press, 2011), 3-4.

⁶⁸ CO 295/30, Woodford to Bathurst, 18 October 1813, f. 161.

they brought with them would be forfeit.⁷⁰ Typically, illegally transported slaves became “government slaves,” forced to serve up to fourteen years as indentured servants working on road development and other government projects.

Two other categories of prospective African laborers remained for Woodford to encourage. The first was that of American refugees, ex-slaves who had fled their American masters during the War of 1812 to join British military ranks; in exchange for their services, they were promised freedom. After the war, they were relocated to several British colonies, including Nova Scotia and Sierra Leone. After 1816, a significant number of these resettled with their families in “company villages” in the south of Trinidad, near Princes Town. Working under the control of unpaid sergeants and majors with minor disciplinary powers, these ex-slaves were tasked with the hard labor of clearing land and maintaining roadways. They were each granted sixteen acres of land for their own personal use upon their arrival.⁷¹

The second group of “free people of color” that dogged Woodford was another ostensibly liberated group of Africans: the so-called “prize slaves” who had been captured from illegally-trading Spanish and Portuguese ships on the high seas and freed at the mixed commission courts in Havana and Rio de Janeiro. The number of prize slaves was small, but Trinidad’s labor deficit resulted in a number of these “liberated” slaves being diverted to that island from other destinations such as Jamaica, where they worked as apprentices for ten or more years.

Woodford encouraged these new arrivals but maintained caution when it came to the

⁶⁹ CO 296/5, Bathurst to Woodford, 10 February 1814, f. 72.

⁷⁰ CO 295/33, Woodford to Bathurst, 14 July 1814, ff. 3-4.

⁷¹ CO 296/3, Woodford to Bathurst, 11 January 1817, ff. 132-137; Brereton, *A History of Modern Trinidad*, 68-9.

settlement of free people of color generally.⁷² Like his predecessors, he strongly suspected them of rebellious and disloyal activity. In 1822 he arranged for the passage of an Order in Council that authorized the *alcaldes* to imprison or inflict corporal punishment on free people of color convicted of petty misdemeanors.⁷³

He encouraged the further importation of females for the purpose of discouraging miscegenation: by supplying both women of color and white women in sufficient numbers for the white and colored male populations Woodford hoped to keep interracial unions to a minimum. He further recommended that new white colonists be encouraged to marry before traveling to Trinidad, that they bring their wives with them, and that he be authorized “to punish by some penalties the illicit connexions of the whites with the colored people, and to offer premiums for the greatest number of white legitimate children.”⁷⁴

Like Picton before him, Woodford’s legislation and actions as governor sparked a series of petitions from the free people of color, who continued to feel a degeneration of their own status under British rule. These petitions objected to “the oppressions and grievances which they suffer under the present administration of the powers of government” and begged “the restoration of those civil and military privileges” they had enjoyed under crown of Spain.⁷⁵

Though Woodford remained unpopular with the free people of color, he helped the cause

⁷² See for example the indictment of Woodford contained in Jean-Baptiste Philippe, *Free Mulatto* (Wellesley: Calaloux, 1996 [1823]).

⁷³ An abridged version of the order is printed in Lionel Mordaunt Fraser, *History of Trinidad*, (London: Frank Class, 1971 [1891]), vol. 2, 145-146.

⁷⁴ CO 295/44, Woodford to Bathurst, 3 August 1817, ff. 99-105. Woodford feared that the free people of color “might command the slaves” against the whites; see also DRO 3155/WH/2901, Woodford to Wilmot-Horton, 9 February 1825. Women, despite Woodford’s recommendations, migrated to West Indian colonies in small numbers, owing to the perceived (and often real) dangers of climate and disease.

⁷⁵ CO 295/61, petition of 19 November 1823, ff. 173-189.

of ameliorating slavery in Trinidad. As we will find, he was an active participant in the drafting of the 1824 Order in Council for Trinidad, which would implement the island's new *code noir*.

Amelioration Drafted

In January 1823, London witnessed the founding of a new antislavery society, the Society for the Mitigation and Gradual Abolition of Slavery. It arose from the ashes of the defunct Society for the Effecting of the Abolition of the Slave Trade, which had disintegrated in the wake of its 1807 victory. Sharp had died in 1813; Wilberforce and Clarkson were both now in their sixties. Thomas Fowell Buxton, a London brewer and Member of Parliament, would spearhead the new political campaign.⁷⁶

The new society was much larger than its predecessor and had more prominent patrons. Its president was the Duke of Gloucester, cousin and brother-in-law of King George IV. The vice presidents comprised five peers and fourteen Members of Parliament.⁷⁷ The new society was also bolder in its aims, with emancipation on the agenda. Although Clarkson and Wilberforce had long been convinced that the abolition of the slave trade was a crucial first step in the process of emancipation, the passage of time had shown little discernible difference in the status of slavery in the colonies.⁷⁸ By 1823, the founding members of the society were prepared

⁷⁶ An account of the Society's aims upon its founding can be found in Williams, *Capitalism and Slavery*, chapter 11. Although Williams is famously dismissive of humanitarianism as an incentive for British abolition, his treatment of the "Saints" themselves is balanced and fair. He concedes that "to disregard [humanitarianism] completely . . . would be to commit a grave historical error and to ignore one of the greatest propaganda movements of all time," concluding nevertheless that the importance of these leaders has been "seriously misunderstood and grossly exaggerated" (p. 178).

⁷⁷ Mathieson, *British Slavery and its Abolition*, chapter 2.

⁷⁸ Hochschild, *Bury the Chains*, chapter 22.

to agitate for decisive action where patience had failed.⁷⁹

Buxton organized a special committee in the Commons to investigate the condition of the slaves. In March, the committee recommended that the Cabinet undertake a plan for improving the condition of the slaves. The following month, the planter-dominated West India Committee formed its own subcommittee to make its counter-recommendations. Together, these two committees would pave the way for formal amelioration: the first as part of an offensive designed to eradicate West Indian slavery, the second as a defensive measure to preserve the institution as best it could.⁸⁰

In May 1823, Buxton introduced a motion in Parliament that slavery was repugnant to the principles of the British constitution and ought gradually to be abolished. His speech included a list of some of the worst atrocities being committed against slaves in the British dominions and eleven proposals for how to ameliorate slavery prior to its abolition. These included legal measures, such as the admission of slave evidence in court and limits on punishments masters could inflict on slaves; and a proposed prohibition on colonial governors, judges, and attorneys general from holding slaves. They contained Christian elements, such as that slaves should be provided with a religious education, be encouraged to marry, and strictly observe the Sabbath. Perhaps most important for the eventual attainment of abolition, Buxton proposed removing obstacles to manumission, including the fines that prevailed in many British colonies, and argued “that the provisions of the Spanish law (fixing by competent authority the value of the slave, and allowing him to purchase a day at a time,) should be introduced.”⁸¹

⁷⁹ On these events, see Drescher, *Abolition*, chapter 9; Mathieson, *British Slavery and Abolition*, chapter 2.

⁸⁰ See Luster, *The Amelioration of the Slaves*, chapter 1.

⁸¹ HC Deb, 15 May 1823, vol. 9, 273.

Buxton's proposals, which presented amelioration as a stop on the way to abolition, prompted swift action from foreign secretary George Canning. Canning's concerns were that amelioration and emancipation not become conflated and that radicals such as Buxton not be empowered to dictate colonial policy. He announced the government's intention to move forward with a moderate plan to ameliorate⁸² the condition of the empire's slaves, forcing a reluctant Buxton to withdraw his radical proposals before they were ever put to a vote. By seizing the initiative, Canning also ensured that the new plans would be tried first in the crown colonies, rather than be forcibly imposed elsewhere.⁸³

Canning's proposals had three parts. These were, first, that that slavery should be ameliorated; second, that the character of the enslaved population be improved "such as may prepare them for a participation in those civil rights and privileges, which are enjoyed by other classes of His Majesty's subjects"; and third, that this policy be carried about as quickly as was practicable.⁸⁴ Although the West India interest had opposed Buxton's resolutions, they recognized that accepting Canning's moderate proposals was better than resisting and risking the adoption of Buxton's aims.⁸⁵ The measure passed with their support.

Between May and July, Bathurst submitted circular dispatches to the governors of the colonies, detailing nine resolutions, eight of which had the express approval of the West India

⁸² "Amelioration" or "melioration" was the word of choice in this discussion, owing to emphasis on improving the moral character and physical condition of the slaves. It is a word borrowed from both planters and abolitionists whose schemes for the reform of slavery were by now several decades old. As a government initiative, particularly as distinguished from abolitionist aims, "regulation" would also be appropriate.

⁸³ Morgan, *Slavery and the British Empire*, 178-179.

⁸⁴ CO 111/64, Compulsory manumission brief for the crown lawyers.

⁸⁵ See the account of the political battle over amelioration in 1823 in Murray, *The West Indies*, chapter 8.

Committee.⁸⁶ The resolutions included laws designed to further the moral and religious instruction of the slaves, making them “fit” to live in free British society, as well as the removal of laws and practices seen as hindering the moral development of the slaves.

This second category included several bans and limitations: punishments of slaves ought to be strictly limited; Sunday slave markets (which interfered with slaves’ religious education) ought to be banned; “obstacles” to manumission ought to be eliminated. The punishment restriction advocated by Buxton had morphed into a ban on overseers carrying the whip on the field as well as a total ban on the flogging of females.⁸⁷ In a confidential amendment to the dispatch, Bathurst solicited colonial opinions on the notion, deriving from Spanish law, that slaves might be allowed to do additional work for wages that might ultimately allow them to purchase their freedom.⁸⁸ The suggestion came from Buxton’s proposals, but government officials had been reluctant to endorse it outright.

The South American colony Demerara was targeted for the initial implementation, a choice that William Mathieson has suggested may have stemmed from the popular perception that “slavery was there most in need of reform.”⁸⁹ The other crown colonies were warned that they would be next, while the old colonies were advised in somewhat milder terms to adopt as many of the resolutions as seemed expedient. As it turned out, the choice of Demerara for experimentation had incendiary effects. By August Bathurst’s dispatches had sparked a slave

⁸⁶ The ninth, the admission of slave evidence in court, received the Committee’s approval only with limitations. Mathieson, *British Slavery and its Abolition*, chapter 2.

⁸⁷ When he got wind of this provision, a confused Woodford wrote to Bathurst requesting instructions on what substitute form of punishment might be permissible. CO 295/59, Woodford to Bathurst, 1 July 1823, ff. 111-112.

⁸⁸ CO 29/30, Bathurst’s circular of 9 July 1823, pp. 265-291; Murray, *The West Indies*, 129-130.

⁸⁹ PP XXIV (1824), 427; Mathieson, *British Slavery and its Abolition*, 126.

rebellion. Much as the question of slave registration had provoked a slave revolt in Barbados, there is evidence that slaves in Demerara interpreted the planned new policies as more radical than they were. Some may have believed that the planters were withholding emancipation that had been decreed in London.⁹⁰

With Demerara out of the picture for the time being, Trinidad became the focal point of the reform agenda.⁹¹ Bathurst's circular dispatch had ordered that the "spirit" of the government's resolutions be adapted to the particular circumstances of local laws, demanding few specifics other than the prohibitions on carrying the whip in the field and flogging females. This meant that the spirit of Canning's resolutions would be negotiated with the circumstances of Spanish, rather than Dutch, law.⁹² This suited Canning, whose speech in the House of Commons the following year at the occasion of announcing the new amelioration law deemed the Spanish legal tradition in Trinidad more favorable than any of the other legal traditions of the British colonies to the principle of amelioration. No less, he reminded his colleagues that they had denied Trinidad a "legislative constitution" precisely for the purpose of deeming it fit for "experiments for the amelioration of the condition of the slaves."⁹³

Once again, the authorities in Trinidad were set to the task of scouring Spanish law books that they had scarcely read or understood. Throughout the summer and fall of 1823, Woodford

⁹⁰ Emilia Viotti da Costa, *Crowns of Glory, Tears of Blood: The Demerara Slave Rebellion of 1823* (Oxford: Oxford University Press, 1994).

⁹¹ There was a sharp disagreement on this decision between some of the more extreme proponents of abolition such as Buxton and Wilberforce and more moderate-minded reformers such as Canning. Gelien Matthews, *Caribbean Slave Revolts and the British Abolitionist Movement* (Baton Rouge: Louisiana State University Press, 2006), 140.

⁹² CO 884/1 "West Indies: 'Compulsory Manumission,'" 1826, 4.

⁹³ HC Deb, 16 March 1824, vol. 10, 1096. On the same occasion he would follow this up with the even bolder statement: "I confess it appears to me incorrect to call the order in council an experiment. The proper term to apply to it is, an example" (1094).

and the council fielded questions about the nature and extent of the Spanish laws already on the books. The governor posted Bathurst annotated copies of the Spanish law books, highlighting apparent severities (such as the use of corporal punishment on the free people of color) as well as the corpus of law regulating manumission.⁹⁴

The council denied the status of compulsory manumission: “No such Spanish law exists,” it advised, “neither does it appear practicable to carry such an arrangement into effect.”⁹⁵ The governor disagreed. While emphasizing that current practice only allowed manumission on a voluntary basis, Woodford thought the proposed compulsory process – which he correctly identified as emanating from Cuba – to be a practicable policy. He maintained both in 1823 and in subsequent years, when the policy was again under fire, that few slaves would aspire to freedom, but that those who could earn it ought to be rewarded for their industry.⁹⁶

The council agreed that the amelioration of the condition of the slaves ought to be undertaken, with the principle of religious instruction at the core. Further reform, they claimed, would be simple, as the island’s laws already allowed a number of indulgences: slaves were not denied property ownership, and, the council insisted, slave evidence was already admitted in court (a dubious and unsubstantiated claim).⁹⁷ Their official response to Bathurst therefore professed cooperation but downplayed the necessity of the amelioration law as framed by

⁹⁴ DRO, D3155/WH/2901, Woodford to Wilmot-Horton, 24 June 1823.

⁹⁵ The *Trinidad Gazette*, which took a fairly moderate line in the 1820s, took the opposite view. The editors pronounced the proposed manumission law “the Law which [already] governs us . . . we mean the right which every Slave has, in being able to claim his freedom, on payment of his just value to his owner, and we are only surprised it has never been introduced into the other Colonies.” The editors were likely referring to the fact that some “voluntary” manumissions had taken place on the island, although there was no mechanism for forcing an owner to comply. *Trinidad Gazette*, Wednesday, 25 June 1823.

⁹⁶ HC Deb, 15 May 1823, vol. 9, 325; DRO D3155/WH/2901, Secret and confidential, Woodford to Wilmot-Horton, 7 February 1826.

⁹⁷ CO 295/59, ff. 121-122.

Westminster, arguing that many of its provisions would be redundant.

The council's response, however, emphasized an important detail of Trinidadian law that would significantly influence metropolitan policy going forward. The statement was "that we have by Law an Officer specially appointed for the Protection of Slaves; by whom such practical facilities are afforded for the detail of their Grievances that it appears that a large percentage of their complaints are Groundless."⁹⁸ In mentioning the Protector, the council refocused metropolitan attention on an office unmentioned in either Buxton's or Canning's proposals, despite abolitionist awareness of this position dating back to the eighteenth century.⁹⁹

Indeed, Colonial Office administrators found that the "circumstances" of the Spanish law enhanced the government's amelioration proposals. The favorable circumstances began with the Protector but did not end there. Most of the details of Spanish law were supplied by Governor Woodford, who was responsible for preparing the first draft of the colony's Order in Council implementing a plan for amelioration. Not limiting his inquiries to the Trinidad legal tradition, Woodford had looked to both Venezuela and Cuba for evidence of the Spanish laws on slavery. Woodford's draft also included a plan for compulsory manumission according to a process of appraisal.¹⁰⁰ Thus the governor's own actions cemented the inclusion of a policy about which metropolitan officials had been at best lukewarm.

After a protracted exchange with Bathurst hammering out many of the scheme's finer

⁹⁸ DRO, D3155/WH/2901, Council to Woodford, 30 August 1823.

⁹⁹ This officer does not appear to have existed continuously from Spanish times, but there is evidence of this office having been instituted (or re-instituted) on the basis of Spanish law by 1819, if not earlier, when Henry Fuller began to complain about the onerous nature of the office's duties and sought an extra £400 annually to compensate for his trouble. CO 295/48, Copy of a minute of the illustrious board of *cabildo*, 20 September 1819, ff. 299-300.

¹⁰⁰ DRO, D3155/WH/2940, Confidential Papers on the West India Question #54, Minute of the Abolitionists at Gloucester House, 21 February 1824.

points,¹⁰¹ Woodford submitted his draft for an order in council, received by the Colonial Office in late January 1824. It was bitterly controversial among metropolitan politicians. Rumor spread in Britain among those with interests on either side of the slavery question as the draft changed hands for revisions. The rumors touched on the origins and authorship of many of the law's provisions. Wilmot-Horton later recalled the difficulty he and his colleagues experienced in deflecting rumors that the entire scheme had been the innovation of the Colonial Office itself, without proper attention to the laws and customs of Trinidad. He lamented that it was impossible to disabuse opponents of the plan of this false notion "without sacrificing Sir Ralph Woodford" for his role.¹⁰²

The official Order in Council for Trinidad was issued in March 1824 and received on the island soon after. Its forty-three provisions allowed slave marriages, forbade the separation of family members by sale, removed obstacles to manumission, admitted slave evidence in courts of law, set ample minimum requirements for food and clothing provisions for slaves, urged religious instruction, and absolutely abolished work on Sundays.¹⁰³ Compulsory manumission according to a process of appraisal was enshrined, as per Woodford's recommendation. The wording was clear: "in case any slave within the said Island shall be desirous to purchase the freedom of himself or of his or her wife or husband, or child or brother, or sister, or reputed wife or husband, or child, or brother, or sister, it shall and may be lawful" for him or her to do so.¹⁰⁴

In the event that the purchase could not be successfully negotiated between master and

¹⁰¹ Woodford was particularly reluctant to embrace the ban on the flogging of females, which was vehemently opposed by the planters.

¹⁰² DRO, D3155/WH/2940, Confidential Papers on the West India Question, #55.

¹⁰³ The particulars of the order are detailed at length in CO 295/64 and CO 318/69.

¹⁰⁴ CO 111/64, Compulsory manumission: brief for the crown lawyers.

slave, the slave could register his or her suit with the Protector of Slaves, who would represent him or her at court. The chief judge, at the behest of the Protector, would then summon the slave-owner to appear. In the event of a difference of opinion between the Protector of Slaves and the owner as to the fair price of manumission, the chief judge would direct both the Protector of Slaves and the owner each to nominate an appraiser, with a judge-appointed umpire arbitrating any dispute.¹⁰⁵

To facilitate saving by slaves, the Order in Council provided for the establishment of savings banks, allowing slaves to make monetary deposits that would earn an annual rate of 5 percent interest. This money would revert to a designated heir upon the slave's death. Subsequent to the publication of the order, eight such savings banks were established in Trinidad; these were located in Port-of-Spain, St. Joseph, San Fernando, Arima, Carenage, Cuba, La Brea, and Icacos. The Port-of-Spain branch was managed by the town *corregidor*, while the local commandants of quarters oversaw the others.¹⁰⁶ The returns of deposits and interest were to be published regularly in the Protector of Slaves' reports.¹⁰⁷

The forty-second clause of the new order became notorious among Trinidad slave-owners. This clause confiscated to the crown all the slaves belonging to any person twice convicted of slave abuse. Woodford thought this policy harsh, particularly, as he wrote to Bathurst lodging his qualms, "when your lordship considers that persons are now for the first time forbidden to strike any female slave." He claimed it was this clause "which has really

¹⁰⁵ The text of these clauses is reproduced in CO 111/64, Compulsory manumission: brief for the crown lawyers.

¹⁰⁶ Titus, *The Amelioration of and Abolition of Slavery in Trinidad*, 136.

¹⁰⁷ The evidence would suggest that many slaves made ample use of this facility. By the arrival of emancipation in 1834, the total slave population of Trinidad had a collective \$1,774 stored in savings banks. Regular withdrawals, probably primarily to purchase emancipations, had kept the dollar amount down from the total number of deposits over the years. CO 300/19-33, Protector of Slaves reports.

created great consternation” among the planters.¹⁰⁸

The primary mechanism for enforcement of the new law was the Protector of Slaves, who was to be the eyes and ears of the new law. The entire order was framed around the activities and investigations of this official, who was exhorted to visit the various estates of the island at standard intervals to receive any complaints that the slaves might wish to lodge about their treatment; he was also to represent the interests of slaves in court. A slave did not have to issue a complaint for a suit to be filed; the Protector was expected to prosecute planters whenever they seemed abusive. Most infractions were subject to fines.

As it seemed geographically impossible to expect one individual to visit every plantation on the island,¹⁰⁹ the Protector was to be aided by the commandants of quarters, now dubbed assistant protectors of slaves. In addition, and unlike the Spanish office, which had been a function of the office of attorney general, the 1824 order made the Protector a separate position from that of the attorney general. In an effort to promote impartiality, the Protector, like the registrar of slaves, was to be barred from owning plantation slaves (though he was could own domestic slaves).

Finding a suitable party willing to sacrifice his right to plantation slave ownership, however, was easier said than done. The attorney general, Henry Fuller, was approached, but he had no interest in relinquishing his 351 slaves, all but eight of whom worked his sugar and cocoa plantations. Eventually the post fell to Henry Gloster, a barrister who had been practicing law locally and whose livelihood therefore did not depend on his slave-ownership. (He would receive a salary as Protector in addition to part of the fines charged to planters in violation of the

¹⁰⁸ CO 295/62, Woodford to Bathurst, 7 May 1824, ff. 128-133.

¹⁰⁹ CO 295/71, Woodford to Wilmot-Horton, 1826, ff. 114-119.

Order's provisions.) Gloster would rapidly attain two further local offices: Registrar (combined at Woodford's behest with the office of Protector), and Solicitor General.¹¹⁰

The Order went into effect on 24 June 1824 over the protests of the island's planters. Although the policy was born out of abolitionist suggestions and radicalized through its encounter with the local Trinidadian-Spanish law, the reform policy actually contained little that had not been endorsed by the West India Committee.¹¹¹

Despite the West India Committee's recommendations that the planters cooperate with the broad program of reform, few slave-owners in Trinidad or elsewhere welcomed the 1824 Order in Council and its subsequent iterations in the other colonies. Indeed, the 1820s witnessed a sharp break between proslavery advocates on either side of the Atlantic. Both sides saw amelioration as linked to emancipation; yet while metropolitan merchants and absentee planters tended to view cooperation with the amelioration agenda as the best way to ensure favorable conditions for emancipation (including a comprehensive compensation package), Caribbean-based planters were still fighting to forestall abolition. They opposed most of the amelioration agenda as a slippery slope that would lead inexorably to emancipation. Accordingly, the West India Committee over this period experienced diminished influence over Caribbean-based planters.

The Planters and the Slaves

In the summer of 1821, a Scottish naval officer passed through his father's two Trinidad

¹¹⁰ Titus, *The Amelioration of and Abolition of Slavery in Trinidad*, 124.

¹¹¹ A comparison between Buxton's proposals and those of the West India Committee, dating from the spring of 1823, reveals only a few variations: for example, the latter group hoped to restrict property-owning to married slaves only. DRO, D3155/WH/2940, Confidential Papers on the West India Question, #61.

plantations, casting his eyes over the properties that his father had not visited in almost a decade. Alexander Cochrane can have known very little about how poorly his properties, the Good Hope and the New Grant, were being managed in his absence. His son Thomas painted a grim picture of both. Never before having witnessed slavery firsthand, Thomas's account of his first exposure to the Good Hope estate is sobering, not least for his purely rational economic calculation of a situation that was costing a great deal of human life. He wrote that the slaves "appear to me a very weakly, sickly set." The annual losses were shocking: eighty-one slaves out of a total of 237 had died in less than five years. The 34 percent reduction in the estate's slave population seemed such "that at this rate or anything approaching to it your Estate in a few years will be entirely depopulated." Noting that only 149 healthy slaves remained (deducting seven he deemed "useless"), Thomas speculated that proper cultivation of the property would require twice that number. His report of the New Grant plantation was a little better, if only because the land itself was more fertile and promising.¹¹²

The extent of the land and labor problems on the Good Hope and New Grant estates may not have been exactly representative of the typical Trinidad plantation;¹¹³ but even if they were particularly bad, they were indicative of a broad problem, one not fully anticipated by those pushing the reform policy. Although the island possessed many qualities that made it the perfect "farm of experiment" for slavery reform – the legal situation was open to refashioning and the Spanish laws on the books were broadly ameliorative toward slaves – its longstanding slave labor shortage made local planters resistant to liberalizing the manumission policy.¹¹⁴

¹¹² NLS, MS 2267, Thomas to Alexander, 27 August 1821.

¹¹³ As we saw in chapter 2, average slave mortality in the new colonies was about 25.3 percent over the entire period 1807-1834. Higman, *Slave Populations*, 72-3.

¹¹⁴ See chapter 2.

These issues were compounded in 1823 when the proposed amelioration policy hit the planters with economic difficulties and fears of ruin. Many planters, like Burnley, saw amelioration for what it was: a prelude to broader emancipation (for all Canning's obfuscation of this end). As such, the amelioration scheme cast significant doubt over the future of slavery on the island. In a September letter to the Colonial Office, Woodford claimed that the value of property had already sunk 50 percent, and that alarmed proprietors who hoped to sell their lands could not find buyers.¹¹⁵ The confusion compounded hardships brought on by the falling price of sugar (which owed to increased competition from Cuba, Brazil, and the American South).¹¹⁶

It is in light of these problems that the low effectiveness of the new manumission policy has to be evaluated. The epitome of the gradualist approach to emancipation, compulsory manumission had a dubious track record in Trinidad. The new manumission policy did result in a small number slaves acquiring freedom: of a slave population of close to 25,000, between 100 and 200 slaves acquired their freedom each year between 1824 and the abolition of slavery in 1834.¹¹⁷ These emancipations can be distinguished among three categories: "gratuitous" manumission whereby the slave attained freedom by gift or bequest; the "voluntary" or agreed-upon purchase negotiated between master and slave; and finally, the compulsory, contentious process whereby a slave pursued freedom through the courts.

There was an overall rise in manumissions in the years immediately after 1824 (see Table 3.2). The two non-compulsory processes existed prior to the Order in Council, and data is

¹¹⁵ DRO, D3155/WH/2901, Woodford to Wilmot-Horton, 16 September 1823.

¹¹⁶ L.J. Ragatz, *The Fall of the Planter Class in the British Caribbean* (New York: Octagon Books, 1963 [1928]), chapter 10.

¹¹⁷ CO 300/19-33, Protector of Slaves reports (not all survive). Incomplete returns do indicate that manumissions occurred each year at about this rate. We do not have complete surviving records, but we do know that 588 slaves attained manumission between mid-1824 and late-1827; between late-1831 and mid-1834, this number was 311.

available from 1821. Between 1821 and 1824, 377 slaves were manumitted, while this increased to 588 in the subsequent set of three years. Comparing the three years before the Order to the three years immediately after, the data shows a small but notable decline in gratuitous manumission by (15 percent), but a 144 percent increase in the number of slaves who successfully purchased freedom. The increase can be attributed to the existence of the arbitration process, which broadcast the potential for a slave to effect his or her own freedom.¹¹⁸

Table 3.2 Manumission rates before and after the Order in Council

(Numbers for Dec 1827-Dec 1831 are incomplete.)

	Jan 1821 - Jun 1824	Jun 1824 - Dec 1827	Dec 1831 - Jul 1834
Number of slaves purchasing freedom	167	409	56
Number manumitted gratuitously	210	179	255
TOTAL emancipated	377	588	311

Even with the new law in place, only a small minority of manumission cases was litigated at court under the compulsory process (see Table 3.3).¹¹⁹ 167 slaves purchased freedom in the three-and-one-half year period between early 1821 and mid-1824; 409 did so over the following three-and-one-half years. Given that the surviving half-yearly returns show *very* small numbers prevailing at court, it seems unlikely (even in the absence of complete data) that anywhere near a majority of the increase in manumission by purchase came as a direct result of the arbitration

¹¹⁸ CO 295/77, Woodford to Huskisson, 1828, ff. 39-44. The disparity in numbers owes to manumissions that were purchased, not gratuitous. Even before 1824, some slaves obtained their freedom as a gift. Some slaves also managed to purchase their freedom by arrangement prior to the Order, although these were not litigated at court.

¹¹⁹ Of thirty who applied, twenty-three slaves were granted their freedom in court, before the chief judge, within the first six months of the Order's going into effect. CO 300/19, The Half Yearly Report of the Syndic Procurador Protector and Guardian of Slaves, appendix B.

process. The threat of litigation may have inspired an increase in private settlements between masters and slaves. At a minimum, the Order in Council brought manumission into the political and social limelight and widened the opportunities for slaves, whether through negotiation or litigation, to attain freedom.

Table 3.3 Number of successfully litigated manumission cases by six-month period

	Six-month period ending in June	Six-month period ending in December
1824	N/A	23
1825	Unknown	Unknown
1826	19	10
1827	14	14
1828	2	9
1829	1	7
1830	Unknown*	0
1831	Unknown*	Unknown*
1832	0	0
1833	0	0
1834	0	N/A

Nevertheless, planters who were determined to bar slaves from attaining their freedom had many avenues available to them. The powerful Burnley remained a staunch opponent of compulsory manumission and went to some lengths to prevent it. In 1825 he got into an editorial

battle with the liberal-minded editor¹²⁰ of the *Port of Spain Gazette* after he had prevented a slave woman, Judy Brush, from becoming free. Burnley had objected primarily to the fact that it was her “paramour,” not her lawful husband, who had filed suit and offered the money. He argued that not holding to the letter of the Order, which only allowed slaves to purchase freedom for immediate family members, was unfair to owners because it allowed women like Judy to attach themselves to any willing person of means. The *Gazette* editor fired back that slave marriages were rare, but that cohabitation was “the state nearest approaching to marriage” and should be accepted by parties who hoped to improve the moral state of the slaves. He felt that allowing purchase in this case conformed to the spirit of the Order, which had included language authorizing any “reputed” husband or wife to make the transaction.¹²¹ The chief judge decided differently, however, and Judy remained enslaved.

Outlandishly high appraisals remained a noteworthy obstacle to manumission in the wake of the Pamela Munro controversy, despite the attempts of local officials to demonstrate the contrary. In strictly numerical terms, the average price at which slaves attained their freedom decreased in the first years after the Order went into effect, demonstrating an ostensible lowering of barriers to manumission. Analyzing numbers between 1821 and 1827, Woodford proudly claimed that the average price of manumission decreased from over £70 before 1824 to just under £63 in the three years following the Order in Council (see Table 3.4).¹²² The second figure also reflected an increase in total manumissions by purchase.¹²³

¹²⁰ “Liberal,” of course, is a relative term, but the *Gazette* during the 1820s was sensitive to both sides of the slavery issue. After 1832 the *Gazette* would gain a conservative reputation, after its ownership passed to proslavery hands.

¹²¹ Renamed that year from the older *Trinidad Gazette*. See 5, 12, and 19 October 1825.

¹²² Manumission by self-purchase had existed on a voluntary basis prior to the Order in Council.

¹²³ Woodford calculated these numbers from the dollar amounts, based on an exchange rate of 52p to the dollar.

Table 3.4 Cost of manumission

	Jan 1821- June 1824	July 1824- Dec 1827
Average price	£70	£63
Total amount paid	£11,779	£25,627

Woodford observed that it was “remarkable that the cost of manumissions has not kept pace with the increasing value of slaves.” In the same dispatch he claimed that slaves sold at market had increased in value from about £65 to £100, owing to the Slave Consolidation Act of 1825 preventing the importation of plantation slaves from the older colonies.¹²⁴ Gloster concluded that appraisals were often based upon the “means” of the slave, rather than market value. He maintained that this discrepancy resulted from “the kind feeling which generally actuates the proprietors and planters of this island in the liberation of their less fortunate brethren from a state of bondage.”¹²⁵

However, Woodford’s and Gloster’s analyses of the functioning of the manumission law gives a misleading impression. First of all, their commentary reflects successful instances of self-purchase. Nowhere was there reported an average amount of the *appraised* value of the slaves, distinguishing between successful and unsuccessful self-purchase attempts. Second, there was sufficient variation in values typically afforded slaves of different status (personal versus plantation, adult versus child) as to render the overall average of limited value. A closer look at a smaller sampling of the returns makes this point. In the second half of 1824, thirty-four adult plantation slaves posted an average manumission price of £70 6s 3d while twenty-nine

¹²⁴ CO 295/77, Woodford to Huskisson, 1828, ff. 39-44.

¹²⁵ CO 295/77, Gloster to the Acting Governor, 19 July 1828, ff. 201-203.

domestics came to an average £68 18s 8d. Over the same period, ten child manumissions (averaging less than £21) brought the overall average that year down to just under £63.

One year later, in the second half of 1825, eight adult plantation slaves purchased their freedom for an average of just over £105, while domestic slaves were manumitted for under £73. The domestics, combined with seventeen children under fourteen, bring the average for that period to just under £62. This average obscures the fact that plantation adults who successfully purchased their freedom had posted record-high sums.¹²⁶ Moreover, the very small number of manumissions among plantation slaves that year suggests that the astronomical numbers had barred others from procuring their freedom. (Returns of unsuccessful suits do not survive for 1825.) In almost every six-month period after 1824, more domestic slaves purchased freedom, and at a lower price, than plantation slaves (Table 3.5). This was in spite of the fact that plantation slaves made up about two-thirds of the enslaved population.

The numbers themselves often seem erratic, as little information survives to explain why in the same year one adult plantation slave might go for £105 1s 8d, while another had only to post £43 6s 8d. Between 1824 and 1827, the highest number successfully posted was £169 in December 1825 for a plantation slave – by comparison, the price demanded for Pamela Munro was £92 more.¹²⁷ These sums likely reflect differences in the value of the slaves attributable to old age or infirmity (though none of this is recorded), prompting further questions about how many able-bodied, marketable slaves were ever able to purchase their freedom under the law. Woodford's observations that market prices were outstripping manumission prices does not account for such variables.

¹²⁶ CO 295/77, Return of monies paid for the manumission of slaves in Trinidad (Gloster), 3 March 1828, f. 47.

¹²⁷ CO 295/77, Return of monies paid for the manumission of slaves in Trinidad (Gloster), 3 March 1828, f. 47.

Table 3.5 Average manumission cost for plantation versus personal slaves

	Plantation adults		Personal adults	
	Number manumitted	Average price	Number manumitted	Average price
Dec 1824	34	£70	29	£69
Jun 1825	9	£84	20	£60
Dec 1825	8	£105	32	£72
Jun 1826	22	£77	26	£70
Dec 1826	14	£83	27	£78
Jun 1827	17	£64	50	£68
Dec 1827	11	£87	30	£67

Where they survive, the half-yearly returns of the Protector of Slaves bear witness to the difficulty slaves had in posting their appraised value. For example, in the first half of 1826, twelve slaves are listed as having successfully attained their manumission, with another twelve – including Pamela Munro – in limbo. Half of those, in turn, are listed as being unable to attain the necessary money.¹²⁸ Without full details of unsuccessful applicants, however, it is impossible to do a comprehensive analysis of applicants and their rates of success.

One substantial limitation of the manumission law was difficulties faced by slaves who attempted to hire themselves out for wage labor. Feast days and Saturdays had been reduced after the British took over the island. There was also the issue of Sunday labor. The original Order, which had both encouraged self-purchase and also barred forcible labor on Sundays, had

¹²⁸ CO 300/20, Half yearly report of the syndic procurador general, ending 24 June 1826, appendix C. Most of the protector's reports are preserved in CO 300/19-33, but some of them are missing.

left ambiguous whether slaves would be permitted to hire out their own labor on Sundays. A subsequent royal proclamation clarified that slaves would *not* be allowed to work on Sundays, except for the planters' benefit during harvest times.¹²⁹ This left few days on the calendar for slaves to perform extra work for money.

From the data we have, it is clear that successful applicants for freedom were all ages and both sexes, with a slant toward females. The slant toward females partially reflects the greater access to manumission among domestic slaves, but may also reflect familial and sexual relationships. Though we have seen that rates of miscegenation were lower in Trinidad than in other British colonies, masters may have been more likely to strike agreements with slaves with whom they had more than a strictly master-slave relationship. Since details of the manumission suits do not survive, this is a matter for conjecture.

As the 1820s wore on, these obstacles to manumission were mounting. In the last two years of the decade, only 106 slaves purchased their freedom – now at an average price of over £71, nearly 15 percent more than the average over the previous three years.¹³⁰ The principle that appraisals would become higher as labor became scarcer was indeed being borne out, making it harder for slaves to come up with the necessary means. Only fifty-six slaves purchased freedom with consent between December 1831 and August 1834. The Protectors' reports indicate, too, that slaves had almost entirely stopped applying for compulsory manumission in the final years of slavery – suggesting either lack of means or disillusionment with the process. We have no record of any successful compulsory manumission occurring after 1829.¹³¹

¹²⁹ CO 296/6, By the King, a Proclamation, ff. 171-176.

¹³⁰ CO 295/91, Marryat to Howick, 25 January 1831, ff. 164-165.

¹³¹ See CO 300/28, Half-yearly report of the Protector of Slaves, appendix F.

Gratuitous manumissions, however, had increased.¹³² The 255 gratuitous manumissions over this two-and-one-half year period contrast favorably with the 210 documented gifted manumissions during the longer three-and-one-half year period between mid-1824 and late-1827. This difference reflects a greater rate of amicable agreement between master and slave after 1831, yet only in cases where the planter did not seek compensation.

The contrast between the fate of manumission by purchase and manumission as a gift would suggest that by the end of the 1820s, the number of able-bodied, young slaves earning their freedom had further declined relative to the elderly and disabled. It is not surprising that as the threat of full emancipation loomed, planters would have been even more eager to extract as much value as possible out of their best laborers. Moreover, most planters still hoped that if slavery were to be abolished, it would be done alongside a scheme for compensation that would remunerate owners in full for their lost property, adding an incentive to planters to maintain their strongest labor force for the moment of abolition. Elderly slaves, by contrast, were a drain on their resources. Gifting freedom to these slaves promoted a discourse of local benevolence while instead freeing owners of material obligations to provide for these slaves as they passed the prime of their laboring years.

As the limited returns reveal, the greatest problem with enforcing the right to self-purchase in British Trinidad was the monetary burden on those who attempted to take advantage of it. Although the policy was theoretically modeled on *coartación*, the Cuban practice of buying freedom by degrees, there was never anything partial or “by degrees” about the way individual manumissions were effected in British Trinidad. In Cuba, the manumission practice had allowed the slave to make a deposit and pay off the balance in future. This gave the slave

¹³² CO 300/19-33, Protector of Slaves reports. In one period in 1832, three applied. The other reports from the early 1830s indicate no applications over each period.

the added benefit of being able to “freeze” the market value to the amount at the time of the appraisal, an indispensable part of the practice itself. Although Trinidad slaves now had bank accounts, they were expected to meet their appraisals immediately. Gloster’s reports reflect frequent closed cases of slaves who were appraised but unable to come up with the money.

What garnered the attention of metropolitan and abolitionist onlookers, though, was not the issue of purchase by installments, but rather that of the total price imposed. This became a frequent subject of colonial correspondence, particularly in the wake of the famed Pamela Munro case. Reputedly, appraisals had been capped in Spanish America at about \$300 or \$400.¹³³ One suggestion that was advanced in response to the problem of high valuations was to set a cap of \$450 (about £98), \$300 (or £65) of which had to be paid by the slave, while abolitionist networks might cover the remainder.¹³⁴ No cap was ever imposed. Market forces continued to prevail, subject to the usual manipulation in favor of planters, not slaves.

On balance, it seems fair to say that compulsory manumission succeeded in empowering the slave population to attain freedom in only a very limited way: somewhat more than 100 slaves achieved freedom as a direct result of this process over ten years, most of them during the first five. For these slaves, this cannot have been a meaningless reform. More than this, the existence of the compulsory manumission increased the rate of voluntary manumission, especially during the early years after 1824. Yet for all that a few individual slaves benefitted from this program, as a percentage of the total enslaved population, the increase in manumission

¹³³ DRO, D3155/WH/2901, Woodford to Wilmot-Horton, 7 October 1823; Mathieson, *British Slavery and its Abolition*, 37-38. Although contemporary British commentators cited these figures, this may not have universally been the case. Rebecca Scott has shown that slave prices did not take off in Cuba until the nineteenth century; prior to the development of full-fledged slave plantation economies on the island, it is likely that numbers were lower for incidental or economic reasons, not because of a legal maximum. See Scott, *Slave Emancipation in Cuba*, 13-14.

¹³⁴ CO 295/81, ff. 420-423.

was statistically insignificant.¹³⁵ As a means toward the abolitionist goal of gradual emancipation, moreover, it was ineffective.

The limited number of successful manumissions in Trinidad in the 1820s underscores the obstacles both slaves and abolitionists were up against. The unhappy planters and their allies, often the appraisers themselves, were able to bar manumissions on a broader scale, partly through exorbitant appraisals. The history of compulsory manumission on the island reveals the fundamental difficulties in adapting a Spanish reform program to a British island. This Spanish customary practice had no currency in the Anglophone world, where it shocked slave-owners for its apparent assault on their precious property rights.¹³⁶ In the minds of Trinidadian planters, this policy appeared too sharp a departure from their traditional attitudes toward their slaves as chattel, precisely the abolitionist brand of amelioration they feared the most. The Spanish-influenced reform program of the 1820s was unable to bridge this divide.

The Balance Sheet of Amelioration

In his half-yearly report as Protector of Slaves in December 1827, Henry Gloster remarked that his audience “will be struck with the vast difference in the measure of punishment applied to the slaves and to the free.” His summary includes an account of a slave girl called Mary Noel, who had been illegally cartwhipped by her master. The master was not punished because of a “technical difficulty” of the Order in Council, relating to the legal procedure to be

¹³⁵ Moreover, the decline in manumission by the 1830s negated the influence of the new manumission law relative to manumission figures prior to 1824. Higman’s study has shown that 6.6 per thousand slaves managed to attain individual manumission in Trinidad in 1820, but that this number had declined to 5.1 per thousand in 1830. Higman, *Slave Populations of the British Caribbean*, 381 (table 10.1).

¹³⁶ Even in the Spanish dominions, *coartación* was a contentious enterprise that prompted planter objections on the grounds of those property interests. Its success in Cuba owes to its historical development as an evolved process, not a swiftly mandated royal proclamation. See de la Fuente, “Slave Law and Claims-Making in Cuba.”

followed in case of a criminal inquiry. Although this difficulty had since been remedied, the fix came too late for this case, and Mary Noel's abuse went unpunished. Also during the previous six months, an assault by one master had killed a slave. In this case there had apparently been no witnesses, and no one was ever punished.

By contrast, Gloster detailed nine prosecutions of slaves, for offences ranging from running away to poisoning and assault, which had resulted in only two acquittals. The rest had been dealt with severely, typically with a combination of imprisonment and hard labor. One runaway had been condemned to spend six months with an iron clog of six pounds fastened to his leg. Several other runaways had received between eighty and 150 lashes. Those slaves guilty of violent crimes against their masters were punished by 200 stripes.¹³⁷ These numbers could be close to a death sentence, certainly severely disabling.

Given these realities, it is unsurprising that historians have often dismissed amelioration as a total failure. The Order in Council has been criticized for its lack of teeth as well as for its institutionalization of violence.¹³⁸ Claudius Fergus goes further in maintaining that “the Imperial Government’s flirtation with Spanish law was fatal for the Amelioration experiment, since coded violence embedded in Spanish colonial slave laws was irreconcilable with the demographic expectations of amelioration.” He goes on to indict the 1824 Order in Council for “legali[zing] the existing terror regime” as well as “plac[ing] new instruments of cruelty in the hands of both plantership and the State.”¹³⁹ Fergus is right to flag aspects of the Spanish law that both endorsed and legalized corporal punishment, reminding us that Spanish slavery was never truly “benign”

¹³⁷ CO 300/22, Half-yearly report of the Protector of Slaves, December 1827.

¹³⁸ Brereton, *A History of Modern Trinidad*, 61; Fergus, “The *Siete Partidas*.”

¹³⁹ Fergus, “The *Siete Partidas*,” 78.

in the way that many British reformers of the era would have argued.

However, it is misleading for Fergus to suggest that what doomed amelioration was its legal grounding in Spanish precedent with its codification of violence. After all, the British Empire lacked a slave code but nonetheless had a slave regime anchored in violence, as abolitionist accounts of the institution's worst abuses can attest. As to the institutionalization of violence, this was a theme of slave codes in the Atlantic.¹⁴⁰ The Spanish codes were no more extreme than the French *Code Noir*, promulgated in 1685, which also endorsed severe and even fatal punishments for recalcitrant slaves. Moreover, newly codified laws on corporal punishment significantly *limited* violence in relation to what had been practiced in Trinidad before 1824.¹⁴¹

There were undoubtedly provisions of the amelioration order that had an extremely limited effect, at best. The controversial forty-second clause, which aimed at stripping repeat offenders of their slaves, was never enforced. Clerics lamented that almost no slave marriages took place (generally, they took place at a rate of between just one and three a year).¹⁴² Records of slaves who had been approved to give evidence in court show that slave testimony was the domain of a privileged, educated few. Between 1824 and 1829, only two slaves had been deemed competent to give testimony in court.¹⁴³ Any cursory look at the records of slave complaints will reveal that the most common outcome was further punishment to the slave, for

¹⁴⁰ Of course, Picton's code had institutionalized violence, as it had provided limits on corporal punishment.

¹⁴¹ Moreover, although Fergus argues that the limitations on corporal punishment (specifically barring it as punitive measure for females) only widened the range of punishments on the island to include stocks and long imprisonment, this was not a response to any Spanish-influence feature of amelioration, but to the newer British idea that flogging females would lead to indecent exposure. Fergus, "The *Siete Partidas*," 87.

¹⁴² See the Protector of Slaves' reports in CO 300/19-33.

¹⁴³ Brereton, *A History of Modern Trinidad*, 60.

levying an “erroneous” charge against his master.¹⁴⁴

In 1823 Burnley wrote a long letter to the Governor in which he endorsed the principle of gradual emancipation but defended the exercise of “domestic jurisdiction” of a master over his slaves. The power to punish, wrote Burnley, was essential, and “if taken away totally, or even partially repealed by the enactment of regulations prohibiting several corporal punishments,” then “the fabric of slavery is virtually destroyed, and the negro, tho’ not free, will cease to be of any value to his master.”¹⁴⁵ This pronouncement highlights the centrality of violence to the system of slavery. The institution was predicated on subordination, cruelty, and fear. It depended upon the absolute authority of the master over the mind, body, and health of his slaves.

Little wonder, then, that the idea of amelioration sparked such panic among the planters in the West India colonies, in Trinidad and elsewhere. When Thomas Cochrane witnessed the state of his father’s plantations in 1821, he recommended that his father “abandon the thing altogether.”¹⁴⁶ By 1826 the extent of Sir Alexander’s debt to his creditors, for his Trinidad lands only, amounted to close to £25,000.¹⁴⁷ Woodford’s pronouncement in 1823 that already financially-stretched estate owners were unable to find willing buyers for their lands¹⁴⁸ was certainly the case for Sir Alexander, who was neither able to settle his debts nor arrange for a sale of his lands prior to his death in 1832. His son inherited his estates and his problems.¹⁴⁹

¹⁴⁴ For a good example see the returns in D3155/WH/2901, Return of complaints made by slaves in the colony of Trinidad to the *procurador syndic* (October 1824).

¹⁴⁵ DRO, D3155/WH/2901, Burnley to Woodford, 18 August 1823.

¹⁴⁶ NLS, MS 2267, Thomas to Alexander, 27 August 1821.

¹⁴⁷ NLS, MS 2303, Bogle and Co. to Alexander Cochrane, 22 April 1826.

¹⁴⁸ DRO, D3155/WH/2901, Woodford to Wilmot-Horton, 16 September 1823.

¹⁴⁹ NLS, MS 2303.

Prior to 1823, Trinidad planters were already experiencing hardship, and the uncertainty of amelioration – coupled with the understanding that the policy would soon lead to abolition – made it a poor market for sellers.

The planters, though, were a resourceful bunch, and it is to their efforts that we can attribute the gap between the intent of the law and actual practice of amelioration. Otherwise barred from direct political intervention in the island’s laws, this group – headed by Burnley – worked together to keep appraisals high, acquit their friends of charges of abuse, and even punish slaves who had the audacity to lodge charges against their masters with the Protector.

By 1830, there was widespread recognition in the Colonial Office that the 1824 amelioration measure, which by then had undergone various iterations in the other British dominions, had serious limitations, particularly when it came to enabling slaves to participate in the legal process. Between 1826 and 1827 two commissioners appointed by the crown had visited several of the West Indian islands, compiling their observations on the condition of slaves, the status of the free people of color, and the implementation of the 1824 Order. The report drew attention to the difficulties with slave evidence (not only in Trinidad but in other colonies where it was now admitted), particularly with slaves being unable to prove their competence as witnesses, typically demonstrated by conversion to the Christian faith.¹⁵⁰

The content of the report, combined with the general picture of events that was regularly transmitted from the governor to the Colonial Office, resulted in a series of responses aimed at remedying the situation. In 1830 an Order in Council established a new court of criminal inquiry to clamp down on abuses committed by free people against slaves.¹⁵¹ The most comprehensive

¹⁵⁰ “Report from the Commissioners of Legal Enquiry on the Colony of Trinidad 1826-27.”

¹⁵¹ CO 295/85, f. 208.

change came in November 1831 in the form of a revised Order in Council that attempted to address some of the known defects of the 1824 law, particularly with respect to the tiny number of slaves who had been deemed competent to give evidence in court as well as the low rate of slave marriage. This consolidated amelioration law applied not only to Trinidad but also to the other crown colonies, which had by now been subjected to similar laws, including British Guiana, St. Lucia, Mauritius, and the Cape of Good Hope.¹⁵²

The 1831 code had 121 clauses in all. The new Order still relied entirely on the Protector of Slaves and his assistants for enforcement, though further provisions were made to keep the Protector of Slaves a disinterested party: the Protector was no longer to own domestic slaves, nor could any member of his immediate family. The intimidation of slaves was now subject to prosecution, and inquests would be automatic in the event of sudden slave deaths. The moratorium on Sunday labor was to be enforced even more strictly than before. The number of lashes allowed male slaves was again reduced, this time to fifteen. The Order also outlined requirements for food, clothing, and shelter in stricter detail. Finally, slave evidence was to be encouraged; this time the law stated explicitly that it was to be received in court on terms equal to evidence from whites. The new measures, predictably, garnered the objections of the planting class, who again felt their dominion over their property to be most unhappily curbed.¹⁵³

The series of amelioration efforts on Trinidad never made slavery a fair or predictable institution, but they did work to protect slaves from some of the most violent expressions of their masters' arbitrary dominion. Rather than dismiss amelioration (in light of its limitations) as a

¹⁵² CO 295/84, ff. 250-251.

¹⁵³ Many of these appear in CO 295/97: see nos. 29 and 30. See also West Indian Merchants, "Protest of the West India Merchants, Transmitted to Viscount Goderich April 1832," *Irish University Press Series of British Parliamentary Papers: West Indies*, vol. 2 (Shannon: Irish University Press, 1969), 382-383.

total failure when it came to improving the condition of the slaves, it is more accurate to view it as a measure that effected important changes in the lives of slaves, even if it did not come close to eliminating the institution's evils.

Its successes – that is, where it effected real change – depended in large part on the willingness of the Protector to do his job. Gloster was not remiss in his duties as Protector. He maintained a detailed record, logged with the help of his assistant protectors, of punishments administered to slaves on the island. Although the punishments meted out to slaves convicted of various crimes could be startlingly severe, a planter's private ability to administer punishments, according to his own will, was curtailed. This was of course not absolute: but regular visitations by Gloster and his assistants did restrict the propensity for arbitrary violence. Infractions were noted and generally punished by fines and short terms of imprisonment. It probably helped that Gloster had a monetary incentive to pursue them, given that he was due a fraction of the fines.¹⁵⁴

Whatever Gloster's motivations and limitations, the slaves of Trinidad had in him a legal advocate who was willing to take up their interests – in courts of law – consistently, against those of his own white peers. Indeed, Gloster's activities were a frequent source of planter complaint. Given this, Gloster's repeated pronouncement, as the decade wore on, that “complaints preferred by slaves have decreased in number”¹⁵⁵ seems plausible. It is not difficult to imagine that Gloster's actions had provided some deterrent against planter violence.

The Spanish laws on slavery, as codified in Trinidad, formalized slavery in ways that

¹⁵⁴ Fergus writes, “A more truly humane system of Amelioration might have accommodated similar fines imposed on the enslaved, since the cost of manumissions during the Amelioration show clearly that the enslaved often possessed more liquid cash than their masters,” “The *Siete Partidas*,” 89. There is no question that slaves faced harsher punishments under their amelioration than their masters, as noted by Gloster himself. But the prices posted for manumission should not be taken as too strong an indicator of slave wealth: as the numbers show, it was a small minority of slaves who were able to procure their freedom in this way.

¹⁵⁵ CO 300/21, Half-yearly report of the Protector of Slaves for the six months ending in June 1827.

promoted a limited reform agenda. For those who hoped for the most comprehensive change and even for abolition, the crucial, yet most frustrating element that the Spanish laws lent to British amelioration was the (theoretical) ability of a slave to navigate the legal system. Now the slaves had a designated Protector and in theory there were instances in which the slaves could advocate for their own interests in court. This reform seemed to give a voice to a class of people whose rights and privileges had always been limited, to allow them to speak out against abuses. It included the tantalizing ability to litigate for freedom.

Amelioration was more successful where it enabled paternalism, less where it seemed to enable slave agency. Gloster was able to address slave complaints in limited ways, helping them in a few cases either to prosecute abusive masters and in still fewer cases to achieve their own manumission. Yet while the office of Protector extended the reach of a paternalistic state into the lives of slaves, it did nothing to overcome their fundamental subordination to whites.

It was the Order's paternalism, moreover, that would have a lasting and substantive influence on British colonial policy, as we will see in Chapters 4 and 5. Through his role as an intermediary between both master and slave and metropole and colony, the Protector of Slaves tantalized metropolitan officials seeking a mechanism of colonial oversight. In inventing and developing this official, metropolitan officials articulated an argument that slavery could be mitigated through regulation. Moderates such as Canning, who lacked immediate ambitions to end slavery, clung tightly to this viewpoint. When Parliament at last decided to abolish slavery in 1833, its members would not entirely abandon these goals.

The 1824 Order in Council shows neither that Latin American slavery was truly more benevolent than British, as reformers of the era tended to believe, nor that the adoption of Spanish principles spelled the failure of amelioration, as Fergus has argued. The reality falls less

neatly into either category. British reformers did recognize the critical point about the Spanish laws on slavery, which was that, in certain situations and contexts, they reserved a legal status for the slave.¹⁵⁶ Yet it was precisely this point that ran up against the most strident opposition in British Trinidad, where there was no precedent for affording the slave population a legal status, and where the very idea of doing so seemed, in the eyes of much of the white population, to threaten the very fabric of society in an era when planters already felt vulnerable. This aspect of the amelioration law had the most dubious results. Nevertheless, though the planters successfully lobbied to prevent a more vigorous program of reform, their intransigence would ultimately cost them their slaves, when amelioration was judged to have failed – and abolition would be the solution.

¹⁵⁶ This is not the same as saying that the Spanish laws preserved the slave's moral character or humanity, as has sometimes, controversially, been argued. See Tannenbaum, *Slave and Citizen* and Stanley M. Elkins, *Slavery: A Problem in American Institutional and Intellectual Life* (Chicago: University of Chicago Press, 1959).

Chapter 4. The Amelioration of British Slavery.

In August 1823, a slave rebellion broke out in the South American colony of Demerara on a plantation called “Success.” A large estate comprising over 300 slaves, it belonged to the absentee merchant John Gladstone, father of the future prime minister. Over the course of the next week, this revolt was to become one of the greatest disturbances in the history of British slavery, spreading to sixty plantations, as far as the neighboring colony of Berbice, and involving at least 10,000 slaves as active participants. Between 100 and 250 slaves were killed during the revolt, which had claimed the lives of only a few of the planters. In the end, the ringleaders were tried and at least nineteen of them executed, their deaths following the indiscriminate local executions of at least twenty slaves. It had been a far deadlier event for the slaves than for the whites, but it was the stuff of the planters’ worst nightmares, and it seemed to call for retribution. The colony was administered under martial law until the following January. In February 1824, a Methodist missionary who had been found guilty of conspiracy and condemned to death was found dead in his cell. He had died of consumption before the London orders demanding his release could arrive to override the sentence of the colonial court.¹

Gladstone soon found himself engaged in a protracted newspaper war with the Quaker abolitionist and merchant James Cropper, who had published a full-scale attack on slavery in the *Liverpool Mercury* in the wake of the revolt.² Gladstone’s side of the argument reflects the preoccupations of a planter whose property had been threatened by the recent uprising. Two

¹ For the most comprehensive study of the rebellion and its aftermath, see da Costa, *Citizens of Glory*.

² Gladstone and Cropper, *The Correspondence*. Cropper penned his original editorial anonymously, though he admitted his identity over the course of the dispute, while Gladstone maintained the pseudonym “Mercator.” Gladstone later admitted authorship.

white men, claimed Gladstone, had been “shot dead on one plantation . . . because they endeavoured to defend a lady, whose person the Negroes attempted to violate.” He continued, “Wherever any resistance was made, the Whites were insulted, beat, and wounded.” He called the conduct of the slaves “most ferocious and brutal,” and proclaimed, “it is painful to add, that the ringleaders in the insurrection almost wholly belonged to estates which were most distinguished for kind and indulgent treatment.”³

Gladstone declined to defend slavery in the abstract but insisted that the institution had endured the test of time, proving its historical necessity in spite of its unpleasantness. He blamed the rebellion on the dangerous abolitionist movement and argued that the resolutions on amelioration adopted by Parliament had been “forced” upon them by the misguided, if good-intentioned, Wilberforce and his allies.⁴ He further denounced “the emancipating emissaries . . . who, under pretense of giving religious instruction, corrupted and inflamed their [the slaves’] minds with the doctrines of emancipation.”⁵

For his part, Cropper was critical of absentee planters in general. He argued that the transatlantic lifestyles of many of the West Indies’ most prominent planters promoted “neglect” and “peculiar evils,” casting British slavery in an unfavorable light relative to the “milder” regime that prevailed in the Spanish and Portuguese colonies. He denounced slavery as a “forced and unnatural state of society,” which he argued would gradually become extinct if the produce of slave societies were cast into equal competition with the produce of free labor,⁶ an

³ Cropper and Gladstone, *The Correspondence*, 23-24.

⁴ Cropper and Gladstone, *The Correspondence*, 17.

⁵ Cropper and Gladstone, *The Correspondence*, 67.

⁶ Cropper principally hoped for the development of East Indian sugar to compete with Caribbean sugar.

altogether more efficient economic model. In the wake of the Demerara rebellion he argued that “a plan of emancipation and remuneration” was as important for planters as for slaves.⁷

The Demerara revolt came at a key moment in the transatlantic debates over amelioration. It immediately followed the local reception of the news from London that Canning’s parliamentary proposals would be adapted to the particulars of the local laws. The immediate fuel to the rebellion was a rumor, coming out of the colonial correspondence over amelioration, that the King had declared the slaves free.⁸ The colony’s leading planters, such as Gladstone, argued accordingly that the rebellion was an indication of the dangers posed by slavery reform. The governor of the colony, John Murray, wrote to Bathurst that the revolt “is not an unnatural result of misconception as to the discussions and numerous publications that have lately occurred with respect to their [the slaves’] state.”⁹

Abolitionists took the opposite view, that the slave discontentment producing the rebellion only proved that amelioration, if not abolition, was more vital than ever. The death of missionary John Smith, the scapegoat accused of inspiring insurrection with his religious message of universal equality, provoked outrage in London.¹⁰ That a religious official who had primarily sought to extend the gospel had been condemned for his efforts was to many Britons

⁷ Cropper and Gladstone, *The Correspondence*, 4-5, 30-1. Cropper was unusual among abolitionists in his endorsement of monetary compensation to slave owners. On the debate over compensation, see Draper, *The Price of Emancipation*.

⁸ For a study of slave resistance and its relationship to metropolitan antislavery debates, see Craton, *Testing the Chains*. Craton argues that while the slaves can hardly be said to have effected abolition on their own, their episodes of resistance had a profound effect on the way the abolition debates evolved, as well as on the timeline of amelioration and abolition.

⁹ CO 111/39, Extract of a dispatch from General Murray to Earl Bathurst, ff. 77-79.

¹⁰ Missionaries in the West Indies were subject to regulations. Smith had been forbidden to teach slaves how to read, although he did run a school for free people of color. He had been stationed in Demerara since 1817; he baptized slaves who could demonstrate “worthy character,” their knowledge of the catechism, and that they did not have multiple spouses. Raymond Smith, *British Guiana* (London: Oxford University Press, 1962), chapter 3.

unconscionable, illustrative of the injustice that ran rampant in the Caribbean.

In the very short term, the planters appeared to win the argument. After the rebellion, plans to reform slavery in Demerara were temporarily abandoned. Moderates in Parliament and in the Earl of Liverpool's ministry were apprehensive about applying too much pressure to a volatile situation. Trinidad, as we saw in Chapter 3, was targeted as the test case for amelioration, and a broader reform agenda forestalled.

Yet the abolitionist-endorsed view of amelioration was fast winning over supporters in the Colonial Office, Parliament, and Liverpool's ministry. Even in light of the perceived threat to colonial stability, a broader amelioration scheme based on the Trinidad experiment was about to be launched throughout the British slave colonies. As we saw in Chapter 3, the development of the government's amelioration proposals in Trinidad had radicalized the metropolitan agenda. Going forward, it would be precisely this new model that the Colonial Office would attempt to impose, to varying degrees of effectiveness, on the other slave colonies.

Yet outside of Trinidad, metropolitan officials would be more cautious about imposing unpopular measures; even in the other crown colonies they sought to involve colonial councils in the development of local policy. In seeking to negotiate, the Colonial Office aimed to preserve the idea of colonial sovereignty even in contexts where its own theoretical authority to effect new legislation was unquestioned. Yet this desire to govern with only a light touch would repeatedly be tested by the extent of the local councils' opposition to the government's plans. The Colonial Office's dilemma – to proceed with broad local cooperation or effect more meaningful reform without broad support – would be even more pronounced in the old colonies that already had longstanding traditions of self-governance.

In resisting most of the reform agenda, the local planters and assemblies of the sugar

colonies controverted the direct advice of the West India Committee, which had embraced the principle of amelioration as a means of forestalling – indefinitely – the abolitionist agenda of full emancipation.¹¹ The Committee, composed primarily of absentee planters and merchants, was increasingly attuned to the inevitability of eventual abolition and consequently eager to strike as favorable an economic deal as possible for those with vested interests in slavery. This body was far more politically savvy than the resident planters who dominated local politics in the colonies.¹² Most colonial legislatures felt they had already done their part to ameliorate slavery in the eighteenth century and considered further reform a slippery slope toward emancipation.¹³

The recalcitrance of local planters was to have dire consequences for the proslavery interest as well as for the relationship between metropole and colony in the Caribbean. In 1823, Buxton, Wilberforce, and their allies had hoped not for immediate but rather for gradual abolition.¹⁴ Canning's parliamentary resolutions had moderated the government's goals, relative to the abolitionist agenda, by removing the endorsement of emancipation from the agenda. However, the intransigence that the metropolitan amelioration agenda met with in the colonies served to reinforce and strengthen the perception among politicians that slavery was an incurably corrupt institution that ought to be abolished.

Abolition passed Parliament in 1833 for a variety of reasons: economic hardships for sugar production in the 1820s, the Great Reform Act's expansion of the electorate, the ascension

¹¹ For the West India Committee's role in the amelioration initiative of the 1820s (though it overstates their influence on official policy relative to abolitionist pressure), see Luster, *The Amelioration of the Slaves* and Ward, *British West Indian Slavery*. On the divergences between the West India Committee and the Caribbean legislatures, see Ragatz, *The Fall of the Planter Class*, chapter 12.

¹² On the distinctions between absentee and resident planters, see Morgan, *Slavery and the British Empire*, chapter 2.

¹³ See chapter 1 for the emergence of this attitude.

¹⁴ Mathieson, *British Slavery and its Abolition*.

of the Whigs to power, and also – often overlooked by historians – the failure of amelioration to reform colonial slavery in the eyes of metropolitan officials. Colonial planters had proved their unwillingness to cooperate with the metropolitan agenda. As a consequence, abolition would give rise to a slow but steady redefinition of the relationship between metropole and colony. The 1833 Act of Abolition applied direct force not only to the crown colonies but also to those islands with a long tradition of self-governance. Emancipation, thus, would be a turning point in a process of centralization of metropolitan authority that would culminate in the 1860s.

“Spirit” and “Circumstance”

The months after August 1823 reflected a confused and rapidly evolving imperial policy that had first endorsed and then swiftly backtracked on a policy of sweeping colonial slavery reform. By winter the abolitionists were frustrated, particularly after an interview with high-ranking members of the Liverpool ministry in February 1824 in which Canning had confirmed that the government had no plans to implement any reforms beyond Trinidad.¹⁵ The Prime Minister was particularly reluctant to proceed, given the perceived threat to social stability in the colonies.¹⁶ As Canning announced, reform even in the other crown colonies would now be delayed at least until preliminary reports were available relaying the effects of the new law in Trinidad.¹⁷

¹⁵ Mathieson, *British Slavery and its Abolition*, 138; Thomas Fowell Buxton, *Memoirs of Sir Thomas Fowell Buxton, Baronet: With Selections from His Correspondence* (Cambridge: Cambridge University Press, 2010), chapter 9. In a note to his wife, Buxton declared that the government’s “timidity” was “very painful” (p. 144).

¹⁶ Thompson, *Earl Bathurst*, 175-176.

¹⁷ Within the Colonial Office, Wilmot-Horton, who considered the governance of the colonies a “delicate” situation, was particularly wary of broad reform and coercive measures; he urged a limited amelioration policy rooted in moral and religious instruction only. Murray, *The West Indies*, 131.

Yet before the Trinidad Order in Council had been dispatched to the island, the foreign secretary would announce another unexpected change in course. The change appears to have come significantly out of Bathurst's own initiative.¹⁸ On 16 March, the same day the Trinidad policy was signed, the zealous Bathurst made a full statement against slavery in the House of Lords, presenting several petitions as evidence.¹⁹ The speech denounced the "evils" inherent to slavery and highlighted the importance of "progressive measures of amelioration" as a means both of improving the condition of the enslaved population and also of promoting the safety and security of the colonies.²⁰

Two days later, in the Commons, Canning announced the government's plans to proceed in adapting the provisions of the Trinidad Order to the circumstances of the other crown colonies.²¹ Despite his own previous statements to the contrary, the Trinidad law would quickly be adapted to those locales "in which the power of the Crown is unshackled," applying the spirit of the measure to the circumstances of the local laws.²² Canning reiterated the perceived wisdom of Trinidad as the initial test case, given the favorability of the island's Spanish tradition for the proposed agenda. Immediately following, "in declining order of favorability," would be St. Lucia, with its French heritage, and Demerara, with its Dutch tradition.²³

¹⁸ Bathurst's biographer, Neville Thompson, similarly notes that Bathurst had encountered considerable resistance to the slave registration policy between 1815-1819, but that perseverance had won out in that case, bolstering his resolve over this second controversy. Thompson, *Earl Bathurst*, 170-176.

¹⁹ Of Bathurst's political allegiances, Thompson writes: "Although he was not one of the reformers within [Liverpool's] cabinet, [slavery] was the issue on which he . . . found himself closer to Canning and the Liberal Tories." Thompson, *Earl Bathurst*, 176.

²⁰ HL Deb, 16 March 1824, vol. 10, 1046-1061.

²¹ Buxton, *Memoirs of Sir Thomas Fowell Buxton*, chapter 9.

²² HC Deb, 14 March 1824, vol. 10, 1104.

²³ HC Deb, 14 March 1824, vol. 10, 1096.

The moderate wing of Liverpool's ministry, which maintained a commitment to the principle of slavery reform but also hoped to limit the influence of the abolitionists, had two primary goals. The first was the implementation of a limited project of amelioration throughout the slave colonies. Canning had affirmed the goal of "gradual measures, producing gradual improvement" that "not only may the individual slave be set free, but his very status may be ultimately abolished."²⁴ (Emancipation, despite his language, was not yet directly on the agenda.) The second goal, which metropolitan officials would soon find contradicted the first, was to limit the exercise of metropolitan authority in the colonies.²⁵ This meant giving wide latitude for the legislature of the old colonies to draw up their own plans for amelioration. It also, despite the "unshackled" nature of metropolitan authority in the crown colonies, meant refraining, whenever possible, from issuing orders in council even in these colonies. Different personalities within Liverpool's ministry individually favored one goal over the other (Bathurst would be more willing than his peers to resort to this force), but all of the most prominent personalities favored some degree of balance between the two.

Therefore, although the negotiation of amelioration was to proceed immediately in Demerara and St. Lucia, it would not follow the same path that it had done in Trinidad. The Colonial Office intended to proceed by negotiating the new law with the local advisory councils of the colonies, rather than the governor alone. There were practical reasons for this beyond the mere preservation of colonial sovereignty. Home Secretary Robert Peel had urged the conciliation of local colonial authorities, without whose cooperation it would be "impossible to do anything." He remained confident that after an initial period of "irritation," the West India

²⁴ HC Deb, 16 March 1824, vol. 10, 1095.

²⁵ Murray, *The West Indies*, chapter 7.

colonists, who were “so closely connected with England in blood and in interest” would be prevailed upon to “cheerfully adopt” effectual measures for the amelioration of the enslaved population.²⁶ Securing broad local support for the new measures seemed the best strategy both for ensuring their effectiveness and for preventing the kind of confusion that led to slave insurrections.

When Canning and Bathurst announced that the “spirit” of the amelioration proposals was to be adapted to the “circumstances” of the law in each colony, there was no reason to think that they were insincere in their intention to negotiate, or that ameliorative laws could not be worked out amicably among metropolitan and colonial authorities. Bathurst quickly proceeded according to the plan Canning had announced, sending dispatches to the governors of Demerara and St. Lucia announcing the new agenda. He enclosed a copy of the Trinidad Order in Council with requests that each colonial advisory council draw up a similar draft for Colonial Office approval.²⁷ Ostensibly the Trinidad example was but one manifestation of the metropolitan agenda, adapted to the particulars of local law that would vary from one colony to another.

This process of apparent negotiation, however, belied the Liverpool ministry’s true intent. Time would reveal that Bathurst and his successors were not willing to diverge far from the particulars of the Trinidad law. The resulting conflict between metropolitan officials and the advisory councils of the crown colonies rapidly devolved into a tug-of-war over conflicting visions of both slavery and colonial governance. Meanwhile, no one within the ministry had paused to consider what would be done in the event that colonial authorities could not be prevailed upon to adopt the metropolitan agenda. Increasingly, the two goals of the Liverpool

²⁶ HC Deb, 16 March 1824, vol. 10, 1165-1169. Quotes from 1168-1169.

²⁷ CO 884/1/1, *West Indies: “Compulsory Manumission.” Paper on the abolition of slavery in the British colonies.*

ministry – amelioration on the one hand and the preservation of the existing balance of authority between metropole and colony on the other – were at odds. The road ahead would be a test of these priorities.

Negotiating Circumstances

The British had occupied much of the region broadly comprising Dutch Guiana continuously since 1796.²⁸ This region, just east of Venezuela, consisted of three distinct territories named for the three rivers which dominated the landscape: Demerara, Essequibo, and Berbice. The first two were secured by the British in 1803 and administered jointly from 1814.²⁹ In November 1815, the Anglo-Dutch peace treaty formally ceded these territories along with Berbice, all of which would ultimately be unified in 1831 as British Guiana.³⁰ During this era, Dutch laws continued to predominate in both colonies, which were each ruled by a British governor with the advice of a local council.

The first order of business for proceeding with amelioration in Demerara had been to remove Governor Murray, who had been discredited by the slave rebellion. In early 1824 Murray was recalled and replaced with Benjamin D’Urban, a military general who had served as governor of Antigua since 1820.

D’Urban paid lip service to the principles of reform, noting that it was “high time that whatever is to be done, be done without further delay; not only for the sake of the intrinsic

²⁸ The Dutch colonized Demerara in 1611, but it had changed hands six times in the years between 1780 and 1803.

²⁹ See Candlin, *The Last Caribbean Frontier*.

³⁰ My use of the term “Demerara” in this chapter, when referring to the political entity, is more appropriately Demerara-Essequibo, as they were administered jointly. Almost all contemporaries referred to the region as Demerara for the sake of brevity, as it was the most important province.

humanity and policy of the measure, but that expectation and conjecture may cease.”³¹ It was not only the slaves who were anxious about the government’s plans, as the planters themselves were wrestling with rumors and gossip as to how far the Colonial Office intended to ameliorate slavery – and whether emancipation itself was on the horizon.

Not unlike Trinidad, the Dutch colonies had a predisposition to some of the government’s proposed reforms. In particular, they possessed a figure similar to the *síndico procurador*, called the fiscal,³² who in the South American colonies had taken on specific functions with respect to the slaves. In Demerara, it was the fiscal’s specific duty to enforce the 1772 “Rule on the Treatment of Servants and Slaves” as well as to hear the complaints of slaves seeking redress for grievances.³³

Among D’Urban’s first acts as governor, unprompted, was a significant expansion of this office. The new requirement was that the fiscal keep detailed records of slave complaints, to be forwarded regularly to the governor. (Previously, the fiscal had heard complaints but not kept detailed records.) Complaints were now directly solicited from the slaves in pamphlets and newspapers – to the extent, of course, that this information reached an illiterate population. The slaves were directed to register their complaints against their masters with local country magistrates as well as with assistants to the fiscal. When this interaction was insufficient, the

³¹ CO 111/44, D’Urban to Bathurst, 5 May 1824. Reproduced in Eric Williams, ed., *Documents on British West Indian History 1807-1883* (Port of Spain: Trinidad Publishing, 1952), 186-187. In this and subsequent dispatches, he made repeated references to the “anxiety” that “agitated” the slaves and that would continue to do so until the issue of reform was resolved. He observed: “The slaves still believe that measures for their advantage have been ordered by the King, but are withheld from them here.”

³² This figure, like the French *procureur*, was similar to an attorney general in the tasks set to him, which involved law enforcement and inspections of the poor, sick houses, and slaves. Part of this was rooted in common origin: not only had the Netherlands, like Spain and France, also undergone a considerable reception of Roman law, but the Netherlands had also been historically linked to Spain itself (see chapter 1).

³³ CO 320/5, “Appendix no. 1: Office of fiscal (a history),” as well as da Costa, *Citizens of Glory*, 45. Da Costa suggests that the Dutch official was directly adapted from Spanish law.

next step would be to contact the fiscal himself; failing that, the final person to approach was the governor. Each of these officers was expected to investigate the complaints in search of any indication of merit.³⁴

Beyond these initial overtures, however, D'Urban's appearance as someone friendly to the project of amelioration flounders. With respect to further changes, the governor repeatedly voiced his apprehensions about what the Court of Policy would concede, as well as what he felt the planters of the island would tolerate. More than this, his personal commentaries on the issues tended to endorse the planters' side of the debate.³⁵ He voiced particularly strong objections to the compulsory manumission clauses of the Trinidad Order, which he argued would have a counterproductive effect on both manumission and amelioration in general.³⁶

The Court of Policy drafted its initial plan for amelioration over the summer of 1824.³⁷ In the Court's estimation, Bathurst's wording about the "spirit" of the Colonial Office's plan being adapted to the "circumstances" of individual colonial laws meant that several key Trinidad provisions did not need to be adopted in their entirety. This included the difference between the Demerara fiscal and the Trinidad Protector of Slaves. Both officials were vested with the authority to protect the slaves from abuse and cruelty. The fiscal's duties, though, did not extend as far as those of the Trinidad Protector, particularly in that the fiscal was not required to appear

³⁴ CO 111/45, Herbert to D'Urban, 19 September 1824, ff. 100-101; *Copies of the Record of the Proceedings of the Fiscals of Demerara and Berbice* (London, [1826]), 5-6.

³⁵ See CO 111/48, D'Urban to Bathurst, 15 March 1825, ff. 185-188 and CO 111/50, D'Urban to Bathurst, 12 September 1825, ff. 126-127.

³⁶ DRO D3155/WH/2941, Confidential Papers on the West India Question (1827), #115: "I cannot doubt that the enactment of compulsory manumission will now have the practical effect of *impeding* the progress of manumission, instead of promoting it."

³⁷ In his study of the relationship between amelioration and abolition on the one hand and the balance of authority between metropole and colony on the other, D.J. Murray has highlighted the Demerara example as a real "test case," given that the Colonial Office chose not to revert to force. Murray, *The West Indies*, 127-128.

at court on behalf of slaves.³⁸ The Court of Policy assumed that the fiscal met the requirement of supplying an official who would advocate for the interests of slaves without disrupting the colony's existing legal structure.

Several other departures from the Trinidad law concerned manumission. The Court of Policy declined to eliminate entirely the fees attending the liberation of individual slaves. It retained a fee of twenty-two guilders, paid to the registrar, to cover the administrative expenses incurred through the legal process as well as an additional fee "in no instance exceeding one thousand Guilders" in cases of age or infirmity to be paid to the poor's fund.³⁹ It also stipulated that manumission would require the permission both of the governor and of the Court of Policy.⁴⁰ These requirements were rooted in a local law dating from 1815 implementing substantial oversight over individual efforts to free slaves, in accordance with contemporary concerns of the maintenance of freedmen falling to the responsibility of the colony.⁴¹ Finally, the Court rejected the compulsory aspect of the Trinidad manumission policy and insisted that the slave should be freed only "with the consent of his or her legal possessor."

The alterations on the point of the Protector and on manumission accompanied a range of other deviations from the Trinidad law: the Court of Policy had limited a slave's potential to earn wages, had restricted the ability to own land and other property, and had denied the right of

³⁸ See for example the discussion of the differences outlined in CO 111/47, Benjamin D'Urban to R. Wilmot-Horton, 20 September 1824, ff. 87-108.

³⁹ This was a fund that the colony had traditionally set aside for the maintenance of free people reduced to poverty. Requiring a master who liberated his slave to make a contribution to this fund theoretically guarded the colony from responsibility for the maintenance of former slaves who were elderly or otherwise incapable of earning a living.

⁴⁰ CO 111/64, "Compulsory manumission: brief for the crown lawyers," pp. 58-59.

⁴¹ See the report by the commissioners of legal enquiry contained in CO 318/72, p. 170. The law read that the slave acquiring freedom would pay a fine of between 250 and 1500 guilders "into the Poor's Fund, for the benefit of such free people as may be eventually reduced to poverty," in addition to 50 guilders on each letter of manumission.

slaves to marry. The Court of Policy's draft had gone so far as to grant the governor authority to suspend all or part of the proposed law at will.⁴²

The deviations from the Trinidad Order in Council underscored a common theme. It was one thing to "ameliorate" the condition of the slaves by affording them certain baseline health and safety protections under the law (a principle that many British planters had embraced during the late-eighteenth century). It was another to chip away at a master's authority over the sale and emancipation of his property. Where the first was reconcilable with planter claims that they already treated their slaves humanely, the second undermined his authority. Even slave marriage could undermine a master's domain if it involved two slaves belonging to different owners. Similarly, property ownership and wage-earning among the enslaved afforded the slaves too much power to acquire the means that might enable future resistance.⁴³

For his part, D'Urban defended the Court of Policy's position. In his estimation, he assured Bathurst, the deviations from the Trinidad Order "arise more (so far as I can judge) from difficulties which the Dutch Law poses to a nearer approximation, than from any disinclination upon the part of the court of policy to meet the intentions of His Majesty's Government."⁴⁴

Bathurst, however, grew impatient with what he perceived as pure obstinacy. He called the denial of compulsory manumission "the most important departure" from the Trinidad Order contained in the draft. Although the Colonial Office had once been hesitant about implementing a policy of self-purchase as part of the reform agenda, Bathurst now considered this aspect of the

⁴² CO 111/48, Bathurst to D'Urban, 20 November 1824, ff. 337-358.

⁴³ See also Wilmot-Horton's detailed notes on the conflict with the Court of Policy in DRO, D3155/WH/2940, *Confidential Papers on the West India Question 1823-6*, #68.

⁴⁴ CO 111/49, Slave Melioration Order, no. 56.

Trinidad law “vital to the whole measure.”⁴⁵ That is, it was vital to Bathurst’s own vision of slavery reform, which more than those of any of his peers in the ministry came closest to the abolitionist vision of amelioration as a means toward gradual emancipation.

His dispatches to D’Urban made clear that if the Court of Policy could not produce a satisfactory document, the Colonial Office would not hesitate to impose an Order in Council as it had done in Trinidad. He warned: “I now, for the last time, bring these [proposed] regulations under the consideration of the Court of Policy, *with no other alternative, in the event of their declining to admit them, than that of my humbly submitting to His Majesty the Expediency of Enacting them by Direct Royal Authority.*”⁴⁶

After receiving Bathurst’s threats, the Court of Policy passed a revised draft that came much closer in scope to the Trinidad Order. The final document banned Sunday labor except in a few specific circumstances, restricted the workday to twelve hours with a two-hour break, banned overseers from carrying whips in the field, prohibited the flogging of females, and confirmed a slave’s right to marry and to hold property. While it eliminated manumission fees, the Court called Bathurst on his threat and declined to implement the compulsory process, which more than any other of Bathurst’s demands seemed to impinge upon local property rights. Bathurst had favored the process because it seemed to promote gradual emancipation; this was precisely what the Court of Policy opposed.

As it turned out, Bathurst’s zeal on the point was not matched by that of his colleagues in the Colonial Office or within Liverpool’s broader ministry. His recommendation of the use of

⁴⁵ CO 111/49, Slave Melioration Order, Bathurst to D’Urban, f. 95. Bathurst was certainly more zealous than his peers, notably Wilmot-Horton.

⁴⁶ Bathurst’s 9 June 1825 dispatch to D’Urban is quoted in: *The Petition and Memorial of the Planters of Demerara and Berbice, on the Subject of Manumission* (London, 1827), 1-2. See also CO 111/48, Bathurst to D’Urban, 20 November 1824, ff. 337-358; CO 111/50, D’Urban to Bathurst, 26 September 1825, ff. 128-130.

direct force to compel the issue was met with skepticism on the part of other members of the Office, including Wilmot-Horton, who was more inclined to conciliate this colony as well as to agree with the planters that compulsory manumission placed an undue limitation on their property rights.⁴⁷ Bathurst had little choice but to drop the issue. With Colonial Office approval, the new ordinance would go into effect in January 1826.

The ordinance did, at Bathurst's insistence, nominally institute the office of Protector of Slaves, a critical component of the law's enforcement. The new official remained linked to the fiscal and departed slightly from the Trinidad precedent in scope. The Court of Policy had objected to the provision of the Trinidad law stipulating that the Protector should personally attend all criminal prosecutions of slaves to ensure fair judicial treatment; this had struck the Court as too onerous given the preexisting duties of the office of fiscal. Bathurst had agreed to deviate from the Trinidad Order in this instance on a trial basis, "provided that some other sufficient provision be made for securing the prompt impartial execution of criminal justice."⁴⁸ This vague directive would not be followed up by any specific legislation. By design, then, the Demerara Protector was less of an advocate of slave rights than the Trinidad counterpart, being more removed from the legal process.

Bathurst's original plan for amelioration in Berbice had been to impose in that smaller colony the same measure passed by the Demerara Court of Policy. Owing to metropolitan disappointment with the Demerara measure, however, Bathurst did not hesitate to manage the situation in Berbice with a swift hand. An uncooperative council was dismissed and replaced with new members, who were informed that they must immediately adopt a satisfactory

⁴⁷ [R.J. Wilmot-Horton], *Speech of the Right Honorable R. Wilmot Horton* (especially appendix A, Bathurst to D'Urban, 25 February 1826). See also Thompson, *Earl Bathurst*, 177; Murray, *The West Indies*, chapter 8.

⁴⁸ CO 111/48, Bathurst to D'Urban, 20 November 1824, ff. 337-358.

ordinance or countenance a forcible proclamation implementing the law.⁴⁹ In the face of considerable pressure from both the Colonial Office and the local governor, the Berbice council adopted the compulsory manumission clause that Demerara had evaded.⁵⁰

The developments in Berbice drove local Demerara opinion to the point of petition, despite Demerara's temporary reprieve. A group of proprietors of estates from both colonies held a meeting in London. These proprietors appointed a six-man committee to petition the Privy Council on the subject of compulsory manumission. They pronounced Bathurst's manumission scheme to be "incompatible with the well-being of the Slaves themselves, with the safety of the Colonies, and with a fair and equitable Consideration of the Interests of private Property."⁵¹ The committee called for the revocation of the manumission policy in Berbice as well as for a promise that this practice would not be forced upon Demerara without a proper hearing before the Privy Council.⁵²

Compulsory manumission was controversial everywhere. It occasioned a firestorm in pamphlet literature, petitions, and parliamentary speeches beginning in 1823 and climaxing with the legal battle over the policy in British South America. Objections tended to focus on the incommensurability between the practice as it had existed under the Spanish and the measure as it was framed in the British dominions. "Surely it is unfair," ran one commentary, "to hold up the imitation of another colony the enactments and usages introduced by one whose laws were

⁴⁹ Mathieson, *British Slavery and its Abolition*, 156-157; Murray, *The West Indies*, 137-138.

⁵⁰ [Henry Beard], *An Ordinance for Promoting the Religious Instruction and Bettering the State and Condition of the Slave Population, in His Majesty's Colony of Berbice* (Berbice, 1826).

⁵¹ TNA PC 1/4329 *Petition to his Majesty in Council for Leave to be Heard against Compulsory Manumission in those Colonies*, 29th Jan 1827.

⁵² PC 1/4329, *Slaves: Petitions of Proprietors and Mortgagees of Estates in Demerara and Berbice against their Uncontrolled Freeing*.

adapted to a state of things so different.”⁵³ In the Spanish colonies self-purchase had coexisted alongside the slave trade, the argument ran, such that new labor could be more readily supplied. Crucially, the tentative nature of the property in slaves had long been established by custom in Spanish America.⁵⁴ Put simply, a Spanish planter knew, when purchasing a slave, that that slave might one day amass the resources to secure his or her freedom.⁵⁵

The case against compulsory manumission in Demerara and Berbice was held before the Privy Council in 1827. The counsel for the merchants and planters highlighted the bait and switch of the government’s amelioration policy between 1823 and 1824. With respect to manumission, “the *master’s consent* was made an absolute condition to the acquisition of freedom by the slave” in Bathurst’s July 1823 circular dispatch.⁵⁶ This insistence was followed by the argument that manumitted slaves could not be relied upon to work the plantations, that the planters would lose their source of livelihood, and that compulsory manumission moreover did not prepare the slaves for participation in civil society. In addition to undermining the property rights of planters, the measure posed the danger of removing the newly freed former slaves from a master’s supervision.⁵⁷

The sudden end to Liverpool’s fifteen-year-tenure as Prime Minister put a temporary halt

⁵³ Alexander McDonnell, *Compulsory Manumission: Or an Examination of the Actual State of the West India Question* (London, 1827), 71.

⁵⁴ McDonnell, *Compulsory Manumission*, 71-73. McDonnell wrote that there was “no analogy” between Trinidad and the other British colonies. In Trinidad, a slave-owner had known his property was precarious when he first purchased it (p. 73).

⁵⁵ For the purposes of this line of argumentation, Trinidad was assumed – under the prevailing fiction – to have continued uninterrupted in its observance of Spanish, not British, laws.

⁵⁶ *Proceedings Before the Privy Council, Against Compulsory Manumission in the Colonies of Demerara and Berbice* (London, 1827), 9.

⁵⁷ *Proceedings Before the Privy Council*, 64-66.

to this debate.⁵⁸ The Privy Council announced its decision only in early 1829, ruling that the Demerara and Berbice planters and merchants had no basis for their objections to the policy, which would be retained in Berbice and established in Demerara by order in council.⁵⁹ At last, Bathurst's threat of direct force was to come to fruition. The new order in council would have applicability beyond Demerara and Berbice, as officials within the ministry were at that moment contemplating measure for broad applicability across the crown colonies (which, as we will see below, had by now produced a range of disappointments on the subject of amelioration).⁶⁰

Part of the apparent inconsistency in official policy between 1823 and 1829 has to do with differences in personalities and belief among the politicians in Liverpool's ministry, Parliament, and the Colonial Office. Bathurst certainly had more enthusiasm for amelioration (and compulsory manumission in particular) than Canning; similarly, the Colonial Office under Bathurst's leadership was demonstrably more zealous than the government as a whole.⁶¹ Between the potentially incompatible goals of slavery reform and indirect rule, different administrators fell at different places across the spectrum, with Bathurst coming down stronger than most on the side of intervention, where necessary, to promote official aims. Over the next

⁵⁸ The period 1827-1830 was one of considerable reshuffling in both the government and the Colonial Office more specifically. There were three official ministries (Canning's, Goderich's, and Wellington's) prior to the Earl Grey ministry in late 1830. The turnover prevented any coherent development in policy. The period is also notable for several key deaths, including Canning's in 1827 and Huskisson's (famously, in a horrific train incident) in 1830.

⁵⁹ See PC 1/4329; *Proceedings Before the Privy Council, Against Compulsory Manumission in the Colonies of Demerara and Berbice* (London, 1827); *Speech of the Right Honorable R. Wilmot Horton, in the House of Commons on the 6th of March 1828, On Moving for the Production of Evidence to be Taken before the Privy Council, upon an Appeal against the Compulsory Manumission of Slaves in Demerara and Berbice* (London, 1828); Murray, *The West Indies*, 158-159.

⁶⁰ See for example HC Deb, vol. 18, 6 March 1828, 1023-1048.

⁶¹ Thompson's biography of Earl Bathurst correctly (in my view) identifies the colonial secretary as an understudied personality in British politics. He notes that although Bathurst was generally not a reformer, he was much more of a "liberal" when it came to the slavery question than he was on other issues. *Earl Bathurst*, especially chapter 7.

several years, more moderates would be won over to this point of view.

The Other Crown Colonies

If Demerara best encapsulates the difficulty in negotiating amelioration in the crown colonies, the struggle to implement an ameliorative slave policy in this colony was far from unique. Since the promulgation of the Trinidad Order in Council, the official metropolitan reform agenda had eschewed direct force in favor of negotiation, even in those contexts in which Britain's propensity for direct rule was technically undisputed. The Colonial Office's commitment to the principle of negotiation would vary from colony to colony, depending on each locale's individual history, geography, and legal and social composition. In all of these colonies, though, the Colonial Office attempted to secure broader local support for the new law than it had garnered in Trinidad. After the Demerara rebellion, metropolitan officials were wary of inciting a rebellion (particularly in colonies with larger numbers of slaves), but they also remained more broadly committed to the idea, articulated by Peel, that amelioration would be more successful if effected with local cooperation.

The amelioration agenda probably fared best in St. Lucia, dubbed by Canning as the second most promising colony for reform after Trinidad. As was often the case with the new agenda, the Colonial Office appointed a new administrator to help implement the proposed reforms in that island. This time they chose Sir John Jeremie, a barrister from Guernsey with a strong background in French law. Jeremie was sent to St. Lucia in 1824 as first president, or chief justice.⁶² He authored the amelioration scheme himself. The new laws passed the council

⁶² Unusual for a colonial administrator, Jeremie quickly became an outspoken ally of the antislavery movement: he sent a spiked iron collar worn by a slave back to England to serve as a visual reminder of the brutality of slavery, and several years later he penned *Four Essays on Colonial Slavery* (London, 1831), a work endorsing gradual emancipation. Alexandra Franklin, "Jeremie, Sir John (1795-1841)," *Oxford Dictionary of National Biography*

with surprising ease after Bathurst threatened the island with an order in council.⁶³ As with Berbice, the comparatively swift hand exerted by Bathurst and his colleagues in St. Lucia can be attributed to the colony's peripheral status in relation to the development of the metropolitan reform policy. It was a small colony with only 13,000 slaves.⁶⁴ The objections of local planters here simply did not hold the same sway as those of their peers in Demerara; metropolitan officials were similarly more confident of their ability to manage this limited population.⁶⁵

Outside of the Caribbean, the metropolitan agenda met with greater frustration. By 1826, the Colonial Office was proceeding with the reform agenda in the Cape of Good Hope and Mauritius. These colonies were both peripheral to antislavery debates and withdrawn from the pressures of the West India Committee, which had urged the Caribbean colonies to cooperate with most of the metropolitan agenda. On the one hand, metropolitan officials were prepared to accept somewhat abridged schemes for amelioration in these locations relative to the more familiar (to metropolitan authorities) crown colonies in the Caribbean.⁶⁶ Yet planters in the Cape Colony and Mauritius turned out to be even more resistant to the whole of the amelioration agenda than the West India planters, eschewing even reforms that the latter had embraced in the late-eighteenth century.

(Oxford: Oxford University Press, 2004); John Jeremie, *Four Essays on Colonial Slavery* (London, 1831).

⁶³ Alexander McDonnell noted the lack of popular approval for the measure and called it the result of "arbitrary authority," concluding with the question – "Is this a precedent?" See McDonnell, *Compulsory Manumission*, 73-74.

⁶⁴ St. Lucia had an enslaved population of 13,275 in 1834. Higman, *Slave Populations of the British Caribbean*, 41.

⁶⁵ Sir John Jeremie would subsequently, in light of his successes in St. Lucia, be deployed to Mauritius to serve as *procureur-général*. There, he would prove an abysmal failure. On "imperial careering," see David Lambert et al., "Imperial Spaces, Imperial Subjects," in *Colonial Lives across the British Empire: Imperial Careering in the Long Nineteenth Century*, ed. David Lambert et al., (Cambridge: Cambridge University Press, 2006); also Epstein, *Scandal of Colonial Rule*, introduction and chapter 2.

⁶⁶ These colonies are also often left out of the history of slavery and abolition. A good treatment of Mauritius and the Cape alongside Jamaica is Luster, *The Amelioration of the Slaves*.

The southernmost territory in Africa, the Cape Colony was a Dutch acquisition, integrated into the British Empire after 1806.⁶⁷ In 1823 the Cape Colony had witnessed a preemptory local amelioration initiative at the behest of its governor, Lord Charles Somerset, a man with a reputation for ruling as an autocrat and who governed even without a council of advice until 1825. Yet Somerset's apparent concessions to the metropolitan agenda were driven by pragmatism, not conviction. Somerset issued a limited proclamation in the hope of forestalling a broader project of reform in accordance with the government's aims.⁶⁸

In any case, the 1823 proclamation was limited in scope, with the benefits mainly falling to those of the enslaved that had embraced Christianity. Slave marriage would be legal, but only among baptized slaves whose masters consented to the arrangements. Married slaves were protected from separation by sale, just as children under ten were to be kept with their parents – provided that those parents were Christians. The testimony of baptized slaves only would be accepted in court.⁶⁹ A few other reforms related to working conditions, mainly reducing the number of working hours as well as restricting the legal extent of corporal punishment, also went into effect. These reforms were enumerated alongside a strong articulation of the property rights of masters, whose interests were to be affirmed through the requirement of consent when it came to slave marriage as well as through the right to use their discretion to “override” the

⁶⁷ The Cape Colony, which had formerly been Dutch, had been intermittently occupied by the British since 1795 and was formally ceded to the British Empire in 1814.

⁶⁸ John Edwin Mason, *Social Death and Resurrection: Slavery and Emancipation in South Africa* (Charlottesville: University of Virginia Press, 2003), chapter 2.

⁶⁹ This was not unusual. In the Spanish colonies, various protections and “privileges” including the possibility of manumission had often been reserved to those slaves who converted to Christianity. This was not, however, the aim of British amelioration – although conversion was itself another objective of the 1823 amelioration proposals adopted by Parliament. It had, however, been integral to the negro code drafted by Edmund Burke. See chapter 3. See also Tannenbaum, *Slave and Citizen*.

ameliorative code when they deemed circumstances to be “exceptional.”⁷⁰

Somerset balked when the Colonial Office attempted in 1826 to issue a more strenuous amelioration ordinance for the colony. In view of his obstinacy, Somerset was swiftly recalled to London to answer charges of arbitrary rule. Sir Richard Bourke, then an Irish major-general and reputed liberal, was called to the colony to serve as lieutenant governor and acting governor in Somerset’s absence.⁷¹ The new governor was promptly supplied with “Ordinance Nineteen,” a revised and slightly moderated version of the Trinidad Order adapted to the circumstances of the Cape but drafted in London. He immediately issued to the new law.⁷² Many of the changes imposed on the colony, which aimed at expanding the 1823 measure, involved extending the rights granted in the previous measure to Christian slaves only to the broader enslaved population. In accordance with the Trinidad example, the measure also introduced a new office of “Guardian of Slaves” as well as the policy of self-purchase.⁷³

Yet again, the local amelioration agenda had fallen substantially short of metropolitan goals. With respect to Demerara, the Colonial Office had been reluctant to impose its will too strenuously, preferring to secure the cooperation of both the governor and the local council. This time, the Colonial Office did not pause to negotiate. When Somerset would not issue the

⁷⁰ “Exceptional circumstances” tended to mean things like “high season” for crops. Planters often flouted restrictions on working hours during this time of the year. John Edwin Mason, “The Slaves and Their Protectors: Reforming Resistance in a Slave Society, the Cape Colony, 1826-1834,” *Journal of Southern African Studies* 17, no. 1 (1991): 107.

⁷¹ Bourke’s view of indigenous, nonwhite peoples was not unequivocally positive – he still viewed them as needing to be civilized – but he did not assume, as many of his contemporaries did, that whites and nonwhites were incapable of coexisting harmoniously. Zoë Laidlaw, “Richard Bourke: Irish Liberalism Tempered by Empire,” in *Colonial Lives across the British Empire*, ed. Lambert et al., 113-144; H.M. Stephens, “Bourke, Sir Richard (1777-1855),” *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

⁷² Mason, *Social Death and Resurrection*, 49.

⁷³ Mason, “The Slaves and their Protectors,” 107-109.

ordinance, metropolitan administrators found someone who would.

Decisive action had been easier to effect in the Cape than in Demerara in part because this South African colony was so removed from West India tradition, in terms of both slavery and governance. Demerara may have lacked the historical right to an elected assembly, but its white population was nevertheless more intimately (and politically) connected with the other Caribbean colonies as well as the West India Committee, rendering its local population (not unlike that of Trinidad) more disposed to agitate for the right to determine their own destiny. By contrast, since its integration into the British Empire, the governor of the Cape Colony had ruled even without an advisory council. The local white population in the Cape was broadly accustomed to authoritarian rule. The slave population of each colony, moreover, differed considerably. Taken a whole, the regions comprising British Guiana included more slaves than any other of the crown colonies (more than 80,000, most of whom resided in Demerara),⁷⁴ where the Cape possessed only around 30,000 enslaved.⁷⁵

Among the crown colonies, Mauritius posed the greatest challenge to the metropolitan reform agenda – more even than Demerara. From the first, circumstances in Mauritius did not appear auspicious. The island had been associated with rampant illegal slave trading since the British captured the island in 1810. Neither was the colony known for its humane treatment of slaves: although peripheral to the British understanding and imagination of slavery, the Indian Ocean colony was also the locale of many of the institution's worst horror stories.⁷⁶ Just before

⁷⁴ Higman, *Slave Populations of the British Caribbean*, 81. Data is recorded for the region of British Guiana as a whole, circa 1834.

⁷⁵ Philip Morgan, "The Black Experience in the British Empire, 1680-1810," in *The Oxford History of the British Empire: The Eighteenth Century*, ed. P.J. Marshall, vol. 2 (Oxford: Oxford University Press, 1998), 468, Table 21.1.

⁷⁶ See for instance *The Anti-Slavery Reporter*, no. 42 (November 1828) and no. 44 (January 1829); Anthony J. Barker, *Slavery and Antislavery in Mauritius, 1810-33: The Conflict between Economic Expansion and*

the introduction of the new legislation, several issues of *The Anti-Slavery Reporter* had focused on perceived retrograde measures that had only recently been imposed the island, including the use of heavy chains as a form of punishment. In 1814, a new law had imposed a fee on manumissions of between \$150 and \$300; this was subsequently reduced to £5.⁷⁷ The *Reporter* objected that Mauritius was inventing obstacles to manumission at a time that they were being eliminated elsewhere.⁷⁸ Mauritius also had a larger enslaved population than the other crown colonies, nearing 65,000, a number that dwarfed most of the old colonies (save Jamaica and Barbados). Between 1810 and 1835 this consistently constituted between 75 and 85 percent of the total population.⁷⁹

In this colony where the local council was perhaps least disposed to reform, an acceptable amelioration plan did not receive Colonial Office approval until early 1829. Like the Cape, Mauritius had been removed from the pressures of the West India Committee. The local population moreover was predominantly French.⁸⁰ Accordingly, early drafts by the Mauritius Colonial Committee had represented the furthest deviation of any crown colony council from the Trinidad law.⁸¹ Sticking points had been the council's insistence that the Protector be allowed to

Humanitarian Reform under British Rule (Houndsmills, Basingstoke: Macmillan, 1996), chapters 2 and 3; Moses D. E. Nwulia, *The History of Slavery in Mauritius and the Seychelles, 1810-1875* (Rutherford: Associated University Presses, 1981), 42-57; Richard B. Allen, *Slaves, Freedmen, and Indentured Laborers in Colonial Mauritius* (Cambridge: Cambridge University Press, 1999), chapter 2; Megan Vaughan, *Creating the Creole Island Slavery in Eighteenth-Century Mauritius* (Durham: Duke University Press, 2005), chapter 4.

⁷⁷ *The Anti-Slavery Reporter*, no. 50 (July 1829).

⁷⁸ Allen, *Slaves, Freedmen, and Indentured Laborers*, 82-83.

⁷⁹ At the time of the British capture in 1810, the enslaved population of Mauritius was 63,281. Allen, *Slaves, Freedmen, and Indentured Laborers*, 13.

⁸⁰ Nwulia, *The History of Slavery in Mauritius*, chapter 4.

⁸¹ It is worth noting that in the Cape Colony, too, amelioration was permitted to depart from the Trinidad Order in substantial ways. That flogging – a basic tenet of the amelioration policy – was not restricted as thoroughly as it

block manumissions as well as specific provisions outlining the forms of punishment to be meted out to slaves whose complaints against their masters were not proved.⁸² These stipulations had seemed designed to allow Mauritius planters to subvert metropolitan reform aims.

The crown colonies thus supplied a range of challenges when it came to implementing an ameliorative agenda. Hoping to avoid resorting to an Order in Council as it had done in Trinidad, the Colonial Office had tried to proceed in the remaining crown colonies with varying degrees of negotiation. The difference in vision among metropolitan and colonial personalities repeatedly tested the sincerity of the Liverpool ministry's resolve to negotiate rather than impose the full thrust of imperial authority. If committed nominally to the idea that amelioration would be more effective if it drew substantial local support, imperial administrators soon found this goal unrealistic. A slow, halting, and frustrating process (for metropolitan officials) would eventually cement the decision by the end of the decade to proceed through more authoritative methods.

Protecting Slaves

Although the Colonial Office was never satisfied with the course of amelioration in the crown colonies, it is worth turning to some of the results of the laws and ordinances that were implemented, in part because it had a significant influence on future policy decisions. The new legislation, moreover, though it fell far short of Bathurst's vision especially, represented sweeping changes to the slave regime that theoretically afforded the enslaved population basic protections under the law.

was in the West India crown colonies is indicative of a different set of expectations about reform in the West Indies (the main site of British slavery) and its scattered slave colonies in the rest of the world.

⁸² Nwulia, *The History of Slavery in Mauritius*, 108-109.

Yet just as in Trinidad, the records of the Protectors of Slaves in the crown colonies document the extent to which local authorities could circumvent the intent of the new laws. Across these colonies, slave complaints consistently went unanswered and unresolved. Part of this was systemic: no lone actor could have entirely resisted the local planting interest, with the stature and influence that it exerted over the wider white community. In spite of these obstacles, the records themselves do reveal the extent to which various Protectors at least attempted to combat local forces in the pursuit of justice. On this point, individual personalities varied.

In Demerara, the presence of the Dutch fiscal, closely related to the Spanish *síndico procurador*, had seemed initially to bolster the reform agenda. Because the office already existed, the Colonial Office agreed to allow the Protector office to be merged with the existing office. Yet the fiscal turned out to be more of a hindrance to the amelioration agenda than anything. In the process of uniting the two related positions, Bathurst had conceded a situation in which the office's "protective" functions were limited relative to the Trinidad model.

In spite of this concession, Demerara's fiscal and first Protector of Slaves, Charles Herbert, soon found the demands of the combined office too cumbersome for one man to carry out. In early 1826 he resigned his position as Protector while retaining his role as fiscal.⁸³ The resignation resulted in the splitting of the two offices that the Court of Policy had fought so hard to keep united. Henceforth, the Protector was to hear slave complaints and pass them on to the fiscal, who would be responsible for instigating a suit against the accused.

The disunion of the two offices prompted a search for a suitable individual, who did not own field slaves, to serve in the new Protector role. Just as had been the case in Trinidad, this presented a problem, as no one could be found in the colony without a propertied interest in

⁸³ "My private affairs are utterly neglected and my health is suffering from these incessant labors which seem rather to augment than diminish," wrote Herbert. CO 111/54, Herbert to D'Urban, 14 March 1826, f. 271.

slaves. Consequently D'Urban wrote to London requesting that a suitable person be dispatched from England.⁸⁴

The apparent answer would be an outsider who already had experience in colonial administration: Aretas William Young, the former acting governor of Trinidad who had temporarily replaced Woodford when the latter had been called to London to answer charges respecting his treatment of Venezuelan refugees.⁸⁵ Young, who had been stationed in Trinidad as a member of the Third West India regiment since 1813, sold his commission in the army and assumed his new office in Demerara in June 1826.⁸⁶

The choice of this particular man to serve in this new office was symbolic for a reform agenda based on Trinidad precedent. In yet another way, local planters felt that Trinidad laws and practices were “invading” Demerara. Young arrived in the summer of 1826 with over a decade of experience in the laws and practices of Trinidad. Given his position as well as his origins, it should not come as a surprise to learn that Young’s presence in the colony was immediately controversial.⁸⁷ Within just a year he had become embroiled in a major dispute.

During Young’s first year in office, Young and Herbert had disagreed about the boundaries of their respective offices. By 1827 the conflict had devolved into a petty power

⁸⁴ CO 111/54, D'Urban to Horton, 23 April 1826. Reproduced in Williams, ed., *Documents*, 76.

⁸⁵ In Trinidad, Young was more popular with the planting classes than with the slaves or free people of color. L.M. Fraser described Young’s tenure in Trinidad in complimentary terms, describing him as “a man of ability and tact.” *History of Trinidad*, vol. II, chapter X. Quote from 126. Fraser’s fondness derives from Young’s unwillingness to be a mere instrument of the metropolitan reform agenda.

⁸⁶ Woodford had enthusiastically supported Young’s job search. DRO D3155/WH/2901, Woodford to Wilmot Horton, 30 October 1824, 27 February 1825, and 27 April 1826. See also E.I. Carlyle, “Young, Sir Aretas William, 1777/8-1838,” *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

⁸⁷ Henry G. Dalton wrote of that the office conveyed “a satire upon the conduct of the community, and certainly not very complimentary to the governor himself.” Yet though this was likely to render him “obnoxious” to much of the community, Colonel Young’s exercise of his duties was “marked by impartiality, determination and wisdom.” Dalton, *The History of British Guiana*, vol. 1 (London: Longman, 1855), 364-365.

struggle. The situation came into a head when Young jailed a freeman who had been accused of brutally beating a slave. According to Young, the fiscal, Herbert, had failed to act on information about the abuse when Young reported it. After Young took the liberty of having an accused man jailed on his own authority, the accused, a blacksmith named Oxley, sued the Protector on the grounds of his having acted beyond the bounds of his authority. Oxley argued that his incarceration had been a matter for the discretion of the fiscal, who had apparently opted against legal action.

D'Urban supported Young, whom he thought suffered "a vexatious prosecution arising from a conspiracy supported by subscription, for having done his duty, in protecting a slave." He then solicited Herbert's support for Young "in the exercise of his arduous and unpopular duty."⁸⁸ Herbert objected. Young had overstepped his authority in having Oxley imprisoned, he wrote, for "he did not apply as a complainant to me or ask me to interfere, but told me what he had done," despite the fact that Herbert, the fiscal, "*alone* is authorized to act in such matters."⁸⁹ D'Urban disagreed, concluding that the sixth clause of the Demerara amelioration ordinance delineating the functions of the office of Protector of Slaves either authorized the Protector to intervene in situations of abuse "or it means nothing."⁹⁰

The dispute over Oxley's imprisonment was in an important sense a personal battle of authority between two officials with overlapping duties. It should not be taken as evidence that Young was uniformly zealous in his pursuit of justice for the enslaved. He is on record as publicly advocating the interests of the planters in at least one instance, when he wrote to

⁸⁸ CO 111/61, D'Urban to Herbert, 1 October 1827, f. 235.

⁸⁹ CO 111/61, Herbert to D'Urban, 9 November 1827, ff. 236-238.

⁹⁰ CO 111/61, Observations upon the Fiscal's Report of the 9th of November, ff. 240-243.

Wilmot-Horton in 1827 to register his opposition to the compulsory manumission question. On that occasion he maintained that if this practice were “forced” on the colony, “the condition of the slaves will materially suffer.”⁹¹ During his tenure as Protector, the sparseness of Young’s annual reports was a repeated source of complaint within metropolitan and abolitionist circles.⁹² Whether his lack of verbosity denoted either lack of zeal or ineffectualness is a matter for conjecture.

In any case, in 1827 and 1829 he was formally rebuked for their inadequacy, and in late 1830 the Colonial Office made the decision to suspend him.⁹³ The suspension was based in part on several charges that the Protector had dismissed the complaints of slaves without sufficient investigation.⁹⁴ Young left the colony for London in 1831 in order to defend himself, but he did not succeed in reclaiming his post. Instead, he was removed to Prince Edward Island as governor, where his administrative duties would no longer significantly involve the oversight of slaves.

In the final analysis, Young seems to have been less enthusiastic in the administration of his post than Trinidad’s Gloster, whose detailed reports provide ample evidence of slave life in the 1820s and 1830s.⁹⁵ Regardless of his motives, however, Young made a show of his authority

⁹¹ DRO, D3155/WH/2941, Confidential Papers on the West India Question (1827), #115. He argued that the planters would treat their chattels worse if they had to countenance the compulsory practice (arguably not the most strident defense of the planters themselves, whom he appears to have regarded with some cynicism).

⁹² *The Anti-Slavery Reporter*, no. 84 (July 18, 1831). The *Reporter* cited the high number of slave punishments and the unbelievably small number of slave complaints as evidence that the new office was not having sufficient effect.

⁹³ The new appointment was Charles Elliot, a former naval officer who had since 1828 been employed by the Foreign Office. J.K. Laughton, “Elliot, Sir Charles (1801-1875)” *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

⁹⁴ These included charges of illegal Sunday labor, neglecting the health of slaves, excessive cruelty, and a refusal to manumit. See *The Anti-Slavery Reporter*, no. 84 (July 18, 1831).

⁹⁵ See chapter 3.

at certain moments. His presence was enough to rankle many of the colony's planters and administrators, as evidenced by his run-in with Herbert.

As had been the case in Trinidad, the effects of the new amelioration policy in Demerara were limited. Even without the compulsory process in place, manumission returns show a dramatic spike in the numbers of slaves freed after the amelioration ordinance went into effect in 1826. In the five years before the passage of the ordinance, only 142 manumissions had taken place in the colony, kept down by a combination of planter resistance and sharp fees. In the first five *months* after the new policy went into effect, 243 manumissions occurred.⁹⁶ Although Demerara planters only ever manumitted a small number of their slaves, the total number of slaves voluntarily emancipated has been shown to have increased from an annual rate of 0.2 per thousand in 1820 to 2.3 per thousand in 1834.⁹⁷

This upswing in manumission numbers, greater than had occurred in Trinidad, owed much to the steep obstacles that had barred more frequent manumissions in Demerara prior to 1826. As was the case elsewhere, the greatest effect of the new manumission policy was less to enable litigious slaves to seize their freedom (indeed, the compulsory process had not yet been implemented), than it was to encourage voluntary planter "benevolence." A sampling of the Protector's records from June through October of 1826 bears witness to the variety of circumstances under which manumission took place: sixty-nine by purchase, eighty-four gifted for "faithful services," forty-eight by will, and another twenty gifted under the ambiguous category of "natural affection" (likely denoting a familial relationship).⁹⁸ 69 percent of the

⁹⁶ CO 111/55, D'Urban to Bathurst, 14 June 1826, ff. 12-15. In the following five months, another 221 slaves became free

⁹⁷ Higman, *Slave Populations of the British Caribbean*, 381.

⁹⁸ CO 111/56, Demerary returns of persons manumitted under the respective heads from 1st June to 1st November

manumissions in this five-month period took place without any exchange of money.

As in Trinidad, we should not assume that all or even most of the newly manumitted slaves were able-bodied or in the prime of their working years. Owners were more willing to liberate slaves they felt they could afford to do without. The disproportionate number of liberated women, relative to men, would suggest further differences in owners' willingness to manumit on the basis of a number of factors, from type of work performed to personal, even familial, relationships. As in Trinidad, domestic slaves were more likely than plantation slaves to be manumitted, partially accounting for the gender disparity. These slaves were also by definition less integral to an estate's economic output.⁹⁹

Many commentators have noted that, next to Trinidad, the amelioration policy had the most decisive influence on slave life in St. Lucia. It was on this island, too, that the compulsory manumission feature of the program fared the best, resulting in the largest number of slave emancipations.¹⁰⁰ William Law Mathieson noted that in St. Lucia, manumission was free from the "difficulties" that had plagued it in Trinidad, primarily meaning that St. Lucia slaves were allotted greater quantities of free time during which to earn money.¹⁰¹

A steady, if small, number of the enslaved in St. Lucia managed to purchase freedom throughout the last decade of slavery. In 1820, 1.6 per 1,000 slaves in St. Lucia managed to obtain their freedom; this number had leapt to 9 in 1,000 by 1834. Although a higher percentage

1826," f. 97

⁹⁹ On these themes, see chapter 3; Higman, *Slave Populations of the British Caribbean*, 379-386.

¹⁰⁰ Jeremie himself maintained that the island "by general admission, made the most progress in amelioration." Jeremie, *Four Essays*, 75.

¹⁰¹ Mathieson, *British Slavery*, 158.

of slaves in the cotton-growing Bahamas (11.4 in 1,000)¹⁰² managed to obtain their individual freedom, the amelioration law itself had the clearest direct influence on manumission in St. Lucia, which witnessed the highest spike in manumissions during the last decade of slavery.¹⁰³

Elsewhere, problems with manumission abounded. Mauritius, where the new amelioration policy did not even go into effect until 1829, had the worst track record. The reports of Protector of Slaves Roger Thomas, ranging between 1829 and emancipation in 1835,¹⁰⁴ reveal a particularly ineffectual legacy for the new law.¹⁰⁵ Although there was a moderate increase in manumissions in the early years of Thomas's term of office, most of these involved formalizing emancipations that had theoretically been effected but that were technically illegal under the prevailing French rule. Slave complaints on the island, moreover, were only rarely heard, and even more infrequently judged in favor of the slave. In the first two years, Thomas compiled 236 slave complaints. Just sixty-four (or 27 percent) resulted in denunciations of the conduct of their masters. Seventy were dismissed for want of evidence. Another 102 complaints (an alarming 43 percent) were dismissed with the slave condemned and punished for bringing about a "false" charge.¹⁰⁶

In the Cape, the initial report of that colony's Guardian of Slaves, dating from June to

¹⁰² Given the labor-intensive nature of the sugar industry particularly, it is unsurprising that manumission would have seen less planter resistance in one of the few British colonies where there was no sugar industry.

¹⁰³ On this point see Higman, *Slave Populations of the British Caribbean*, 381 (table 10.1). By contrast, Trinidad had the highest manumission rate in 1820 (6.6) but it had dropped somewhat to 5.1 in 1834.

¹⁰⁴ Emancipation of slaves in Mauritius came six months after emancipation in the Caribbean.

¹⁰⁵ CO 172/29-35. The positions and attitude of the protector himself been subject to divergent interpretations: one, a well-intentioned administrator who possessed little power to effect change; the other, an unsympathetic official who sided unvaryingly with the planters. For the first, see Nwulia, *The History of Slavery in Mauritius*, chapter 4; for the second, see Barker, *Slavery and Antislavery in Mauritius*, chapter 6.

¹⁰⁶ Barker, *Slavery and Antislavery in Mauritius*, 80-85.

December 1826, further illustrates the ways a Protector, if he opposed some or all of the law, could limit its effectiveness. George Jackman Rogers, a holdover from Somerset's administration who had arrived in the colony as the governor's aide-de-camp, had never approved of amelioration.¹⁰⁷ He wrote confidently in his 1826 report that he had heard "all complaints of a serious nature" arising from the slave community but noted that he had seen to it that "many" cases were "legally disposed of" when he determined that there existed "decisive evidence that the complaints of the Slaves, and their pretenses to freedom, have had no foundation in right.

The nature of this evidence is difficult to determine, but the results of this policy are less nebulous. Rogers asserted that he had "not found it necessary" to represent slaves in any cases over purported maltreatment or in any freedom suits during that first six month period.¹⁰⁸

Freedom suits, which were distinct from new manumission cases, involved slaves who claimed that they or their family members were unlawfully being held in a state of slavery. Fifty-one such suits were filed during Rogers' first year as Guardian. Only eight of these resulted in victories for the slaves.¹⁰⁹

Despite the steep uphill battle faced by the slaves and the obvious problem that the Guardian of Slaves was eager to throw out their lawsuits whenever he felt he had justification, some slaves did manage to attain their freedom in the Cape Colony, roughly half of whom were

¹⁰⁷ With respect to Demerara, the Colonial Office had been reluctant to impose its will too strenuously, preferring instead to negotiate both with the governor and the local advisory council. When the 1830 consolidated slave ordinance (which streamlined and bolstered many of the reforms already in place) reached his desk, Rogers lamented that the new provisions were unlikely to improve the "moral" character of the slaves. Mason, *Social Death and Resurrection*, 54-58.

¹⁰⁸ CO 53/48, registrar and guardian of slaves report to the 25th of December 1826.

¹⁰⁹ Mason, "The Slaves and Their Protectors," 116. Some of these resulted in multiple emancipations, such as one case involving the freedom of fourteen slaves.

through the compulsory process. Compared to 468 overall manumissions in the ten years prior to the amelioration ordinance, 682 slaves were manumitted in the Cape Colony in the eight years between 1826 and abolition in 1834. At least part of this upswing in manumissions owed to the modest number of successful freedom suits after 1826.¹¹⁰

The crown colonies encompassed a range of successes and disappointments when it came to adapting the principles of amelioration into law. Protectors from Gloster in Trinidad to Young in Demerara to Rogers in the Cape displayed varying degrees of zeal; their willingness to represent the slave population demonstrates how much the success of amelioration relied on the helpfulness of on-the-ground personalities. Between these three, perhaps, we witness the range of amelioration's implementation. Gloster noted where he felt the slaves had gotten a raw deal and was keen to intervene on their behalf insofar as he was able. Young sought to assert his own authority but was reprimanded multiple times for failing to go far enough in his defense of the slaves. Rogers considered most slave complaints unworthy of his attention.

Negotiating reform in these locales underscored how differences in the amelioration vision, between metropole and colony, had compromised the government's agenda. Planters, as we have seen, had been far less disposed to concede further ameliorative reforms both after the initial wave of amelioration legislation in the late-eighteenth century and, perhaps more to the point, as the antislavery movement had called more openly for emancipation (whether gradual or immediate). Colonial administrators remained willing to concede the principle of "bettering" the condition of the slaves but were rigidly unwilling to compromise the scope of a master's authority, fearing it would lead inexorably to emancipation.¹¹¹ The result had been a series of

¹¹⁰ Mason, "The Slaves and Their Protectors," 117.

¹¹¹ Ragatz, *The Fall of the Planter Class*, chapter 12.

ordinances that fell far short of the metropolitan vision. When those officials who were in the position of enforcing the new laws were themselves uninterested in the project of slavery reform, the effectiveness of the new laws could be even more limited.

By the end of the decade, the Colonial Office's pronouncement in favor of adapting "spirit" to "circumstance" would be abandoned. Efforts to involve and conciliate local colonists in the promulgation of the new laws had moreover failed. In early 1830 the Colonial Office resolved to impose a comprehensive order in council applying to all of the crown colonies.

By then more moderates in Parliament had been won over to the cause of greater direct intervention in the crown colonies for the purposes of enacting a more thorough policy. An early convert who had formerly endorsed the process of negotiation had been Henry Brougham, who in 1826 gave a speech denouncing both the new and old colonies for having done "absolutely nothing" to advance the metropolitan reform agenda. He urged direct parliamentary action to enforce compliance.¹¹² If Brougham was still in the minority in 1826, this was no longer the case by 1830. One by one, leading abolitionists and politicians abandoned the objective of "gradual" emancipation in favor of more immediate measures to emancipate the slaves.

In the Colonial Office itself, a shift in favor of greater authority owes much to the increasing influence of James Stephen, Jr. (an abolitionist like his father) and Henry Taylor, both low-level administrators whose work during this period significantly overshadowed the higher-ranking but indecisive colonial secretaries George Murray and Horace Twiss.¹¹³ Both Stephen and Taylor ardently believed that the objective of reform was more important than the ideal of

¹¹² HC Deb, 19 May 1826, vol. 15, 1284-1309.

¹¹³ Murray, *The West Indies*, chapter 9.

ensuring broad local support for the new laws.¹¹⁴

A series of orders in council beginning in 1830 streamlined the reforms of all of the crown colonies by implementing a single code, based on the 1824 Trinidad Order in Council but expanding its provisions to address problems that had come to light in various contexts.

Bathurst, now Lord President of the Council, took a leading part in drafting these orders.¹¹⁵

These orders applied to Trinidad, St. Lucia, the Cape Colony, Mauritius and British Guiana.

(Demerara and Berbice were officially unified in 1831.)

As we saw in chapter 3 in the context of Trinidad, many of the revisions involved mild additions to and expansions of the original 1824 law. Specific provisions in terms of food and clothing to be allotted the slaves were outlined more strictly; the legal number of lashes a planter could inflict was reduced from twenty-five to fifteen. The Protectors of Slaves were now banned from owning domestic slaves in addition to plantation slaves. Perhaps most significant, slave evidence was now to be more broadly admitted at court, theoretically given the same weight as white testimony. In 1824, even Bathurst had thought this suggestion unwise, fearing that the opportunity for slaves falsely to accuse their masters would lead to chaos. By 1830, it was clear to metropolitan observers that slaves were being kept completely out of the courts.¹¹⁶

Although by 1830 the Colonial Office was still keen to improve the amelioration policy, the more significant shift was a new emphasis on the broader goal of emancipation, something that only a few years previously very few politicians (who were not explicitly abolitionists) were willing to endorse. Increasing numbers of politicians were becoming disillusioned with the

¹¹⁴ See also Paul Knaplund, *James Stephen and the British Colonial System, 1813-1847* (Madison: University of Wisconsin Press, 1953).

¹¹⁵ Thompson, *Earl Bathurst*, 181.

¹¹⁶ HL Deb, 8 February 1830, vol. 22, 180-209.

process of negotiating amelioration. More than this, the shift within the Colonial Office itself owes much to the new influence of Stephen and Taylor alongside the departures of the moderate-minded Wilmot-Horton and Huskisson,¹¹⁷ who left the Colonial Office in 1827 and 1828 respectively. As we will see below, these changes in the political makeup of the Colonial Office would only slightly predate similar shifts in Parliament.

In 1831, colonial legislatures and councils were exhorted to remove many of the restrictions and obstacles that impeded the socioeconomic advancement of nonwhite free persons. In Trinidad, an 1822 Order in Council that had instigated extreme measures of corporal punishment against free people of color was summarily repealed.¹¹⁸ In British Guiana, a new Court of Policy ordinance similarly repealed all former ordinances that made distinctions on the basis of race. From 1831, free people of color in the united colony of British Guiana assumed a theoretical legal equality with their white counterparts.¹¹⁹

By 1830 a consensus had emerged among government officials that in the colonies where reform should have been easiest, the amelioration agenda had nevertheless failed. The agenda had known at least as many frustrations as it had triumphs. Further progress would need orders in council. Not far behind, a similar conclusion was being reached respecting the old colonies.

The Old Colonies

Despite the obstacles to introducing reform legislation in the older, self-governed colonies, Jamaica had long been a target of ameliorative efforts. The reasons are obvious. In the

¹¹⁷ Evidence of the faith both of these men placed in the process of negotiating amelioration can be found as late as 1828. See HC Deb, 6 March 1828, vol. 18, 1023-1048.

¹¹⁸ Bridget Brereton, *A History of Modern Trinidad 1783-1962* (Kingston: Heinemann, 1981), 65.

¹¹⁹ Cecil Clementi, *A Constitutional History of British Guiana* (London: Macmillan, 1937), Part II, chapter 2.

years between 1807 and the abolition of slavery in 1834, consistently between 44 to 47 percent of the empire's West Indian slaves resided on the island. In 1807, just prior to the abolition of the slave trade, 348,825 slaves resided in the colony – a number that steadily declined in the absence of fresh imports, down to 311,070 in 1834 (an 11 percent reduction).¹²⁰ The predominant contemporary perception of this decline, characteristic of the broader Caribbean, was that it was driven by poor living conditions and a high rate of mortality that was not offset by births.¹²¹ Any effort to address this decline on a large scale naturally focused on Jamaica.

The new slave registration laws had incited controversy over the ability of the imperial government to enact colonial laws, although slave registration was eventually imposed successfully in Jamaica as it was elsewhere.¹²² Similar objections abounded in Jamaica and the other old colonies in the wake of Buxton's 1823 proposals to ameliorate slavery. Even more than in the crown colonies, the struggle to reform slavery in the old colonies ignited a power struggle between metropole and colony. Colonial objections to the proposed policy tested the limits of their local sovereignty. Metropolitan officials initially hoped for the best but were eventually forced to make choices about their willingness to interfere with traditional imperial balances of power versus their desire to implement meaningful reform.

Although the early focus of the proposed reforms was Trinidad and subsequently the crown colonies, amelioration in the old colonies was on the horizon from an early date. In his March 1824 speech on the government's agenda, Canning directly invoked the case of Jamaica and the problems attending reform in the old colonies. He identified three possible courses of

¹²⁰ This data, which is derived from Higman's magisterial statistical analysis of West Indian slavery, does not take into account slave numbers from Africa, Mauritius, or South Asia. *Slave Populations*, 74.

¹²¹ Ward, *British West Indian Slavery*, chapter 5.

¹²² Ragatz, *The Fall of the Planter Class*, chapter 11; Petley, *Slaveholders in Jamaica*, chapters 4 and 5.

action. The first was “the application of direct force,” which could crush them into submission; the second, to “harass” them with fiscal regulations to encourage cooperation; the third, “to pursue the slow and silent course of temperate, but authoritative admonition.” He dismissed the second course and said of the first that it was an avenue for desperate times only: the “transcendental power” of Parliament over every crown dependency was “an Arcanum of empire, which ought to be kept back within the penetralia of the constitution.” Although it surely existed, “it should be veiled.”¹²³ This left only the moderate course.

While abolitionists preferred the use of force to the sacrifice of principle,¹²⁴ the moderates that dominated both Parliament and the Colonial Office favored a more restrained course of action until after 1830. From the first, moderates clung to the hope that colonial legislatures could be persuaded to embrace amelioration of their own accord. Canning had alluded to the possibility that direct pressure might be needed, but neither he nor anyone else had supplied any outline of what that pressure might look like.

Amelioration in Jamaica met with heavy resistance, though objections were not raised against the entire agenda. In the wake of the 1823 parliamentary push to amelioration, the Jamaica Assembly’s first act of cooperation (echoing local response in Trinidad and elsewhere) was to profess its agreement with the religious imperative of amelioration. In 1825 the Assembly passed a clergy bill authorizing Anglicans, Moravians, and Presbyterians to convert

¹²³ HC Deb, 16 March 1824, vol. 10, 1105-1106.

¹²⁴ See for example Buxton’s rejoinder to Canning’s speech. HC Deb, 16 March 1824, vol. 10, 1112-1134. He lamented: “if the advantages promised are to be granted indeed to the thirty-thousand slaves of Trinidad, but withheld from the three-hundred-and-fifty thousand in Jamaica, and the seventy thousand in Barbados . . . then I see no reason why ten centuries may not elapse, before the negroes are freed from their present state of melancholy and deplorable thralldom!” (1114).

slaves.¹²⁵ Missionaries had lived on the island since 1732, but as elsewhere in the West Indies, they had always had a troubled relationship with slave-owners, who feared that their message would prompt the sort of revolt that ultimately took place in Demerara in 1823. Nevertheless, with abolition lurking on the horizon, the religious instruction of slaves seemed one of the more innocuous ameliorative proposals on the agenda.¹²⁶

The correspondence between the Colonial Office and the old colonies walks a delicate balance between respectful distance and heavy-handedness on the part of metropolitan authorities. Indeed, in his dispatch to the Duke of Manchester, Governor of Jamaica, in late 1826, Bathurst was at times positively reassuring about the government's aims: "It is almost superfluous to remind Your Grace of the necessity of proceeding on this occasion with such discretion and with such a regard to the constitutional privileges of the Council and Assembly as to afford no reasonable cause for any jealousy or complaint."¹²⁷ Yet he followed this pronouncement with the strong hint that he was "not disposed to anticipate" continued differences of opinion between the legislature and the Colonial Office.

Despite receiving several drafts for the amelioration law from the Jamaica Assembly, the Colonial Office in London remained frustrated with the level of cooperation in Jamaica. In response to an 1827 draft, the colonial secretary Huskisson wrote that although the proposed slave code contained "many valuable improvements," he could not overcome serious

¹²⁵ Luster, *The Amelioration of the Slaves*, chapter 4.

¹²⁶ As we saw in chapter 3, it was also the concept most readily endorsed by the Trinidad council. See also DRO, D3155/WH/2940, *Confidential Papers on the West India Question 1823-6*, #67, Minutes on the State of the Slave Question, 1825 and 1826.

¹²⁷ CO 137/163, Bathurst to Manchester, 11 May 1826, Reproduced in Williams, ed., *Documents*, 21-22.

reservations about the law.¹²⁸ Particularly troublesome was the issue of slave marriages. While the initial Jamaican code had made a modest pronouncement forbidding the separation of families, Huskisson insisted that slaves be specifically permitted to marry without the consent or permission of their masters and even if they were not Christians.¹²⁹

Huskisson also objected that the proposed “council of protection,” a modification of the body that had existed locally since the passage of the 1788 regulations on slavery,¹³⁰ could not be considered an adequate substitute for an individual officer who would be set with the task of representing and defending the slave population. He cited the limited functions and authority granted the council under the proposed law.¹³¹ Unsurprisingly, the Assembly had also rejected compulsory manumission. The Colonial Office, however, was not yet prepared to insist upon the implementation of this policy in the old colonies. Instead, Huskisson restricted his objections on the subject of manumission to the observation that the act went too far to discourage masters from gratuitously or voluntarily freeing their slaves.¹³²

The updated Jamaican slave code abolished Sunday markets and revised existing regulations concerning food and clothing provisions. It asserted a slave’s limited right to hold property and put in place protections for the old and infirm, mandating that an owner make provisions for their livelihood.¹³³ These limited reforms fell far short of the imperial

¹²⁸ CO 320/1, no. 10.

¹²⁹ Luster, *The Amelioration of the Slaves*, 72.

¹³⁰ The council of protection had in 1788 been tasked with investigating slave complaints of maltreatment. Luster, *The Amelioration of the Slaves*, chapter 3.

¹³¹ *Slave Law in Jamaica: with Proceedings and Documents Relative Thereto* (London, 1828), 201.

¹³² *Slave Law in Jamaica*, 214.

¹³³ The 1826 slave code and its subsequent revisions are summarized in *An Abstract of the British West Indian*

government's broader aims. Huskisson and his colleagues reluctantly chose to accept the measure as written rather than force the issue.

Amelioration in Barbados posed similar challenges for the metropolitan government. Just as contemporaries often regarded the island as the site of many of slavery's worst abuses, historians have often regarded British amelioration as having been least successful on this island,¹³⁴ populated by some 70,000 slaves. The subject of slavery reform, moreover, had already had a troubled history in the colony, as the controversy over slave registration had provoked a major slave rebellion in 1816, involving 20,000 slaves on some seventy estates.¹³⁵ The suppression of the revolt had entailed the executions of over a hundred of the ringleaders.

The local governor, Henry Warde, wrote to Bathurst in response to the July 1823 circular on amelioration with apprehension. He claimed that being privy to the government's plans put him in an "embarrassing situation" with the colony's planters since he could not speak directly to the rumors that were circulating. Moreover, he had "every well founded reason to believe . . . that the measures proposed in your lordship's letter, would never be listened to; unless forced in the colonies."¹³⁶ The governor certainly had his hands full. When rumor turned into hard evidence of imperial plans, he began to receive more explicit complaints about the "rights" of colonists contra the pretensions of the imperial government. In 1825 the Barbados House of Assembly complained that they were being asked to "surrender" their "chartered rights," a grievance savoring slightly of those aired by the inhabitants of the Thirteen Colonies some fifty

Statutes, for the Protection and Government of Slaves (London, 1830), 8-10.

¹³⁴ See for example the comments in Mathieson, *British Slavery and its Abolition*, 161-163, 171, and 207.

¹³⁵ Craton, *Testing the Chains*, chapter 20.

¹³⁶ CO 28/92, Warde to Bathurst, 23 August 1823, ff. 147-148.

years earlier. They argued that it was unreasonable to expect their slave code to contain “no provision for the security of the lives and property of the whites.”¹³⁷

The early bills that were drafted by the Barbados Assembly were, unsurprisingly, just as unsatisfactory to the Colonial Office as the Jamaica proposals had been. The Barbados law passed in 1827, like Jamaica’s, instituted a council of protection that had the authority to appoint an acting Protector figure. Religious instruction of slaves was to be mandated and the Sabbath observed (both Sunday markets and Sunday labor were banned). Marriages among slaves were to be encouraged, although this was likewise subject to the consent of masters. Whipping was not restricted to the degree that it was elsewhere, though female slaves were to be punished only “privately” (to preserve modesty). Pregnant females could not be whipped at all. Baptized slaves could bear witness in a court of law, although their evidence was not to be taken seriously without corroboration from a white person. Crucially, the willful murder of a slave was to be punishable by death.¹³⁸ Previous to this law, Barbados had been notorious among reformers for the fact that murdering a slave was not considered a felony.¹³⁹

By 1830, the colonial legislatures of the British West Indies and the abolitionist wing of the British government were at an impasse respecting further slavery reform. Jamaica and Barbados, joined by most of the larger islands, had shown their steadfast refusal to yield the agenda any more than they already had. Canning’s moderate approach had relied on the assumption that these colonial legislatures would eventually embrace reform willingly. Years of

¹³⁷ CO 28/95, House of Assembly to Governor Warde, 15 November 1825. Reproduced in Williams, ed., *Documents*, 88-89. See also CO 28/93, Warde to Bathurst, 24 April 1824. Reproduced in Williams, ed., *Documents*, 113: “The whole of the Council . . . persevere in treating me avowedly and openly with marked disrespect.”

¹³⁸ Summarized in *An Abstract of the British West Indian Statutes*, 8-10.

¹³⁹ See for example [Jesse Foot], *Horrors of West India Slavery* (London, [1805]).

negotiation had proved otherwise. The combination of slave revolts and an increasingly radicalized abolitionist discourse in Britain persuaded the legislatures of the old colonies not to cooperate but instead to resist. Afraid that by giving an inch they would be forced to capitulate to the entire abolitionist agenda, the West India planters grew ever more obdurate – a marked shift from the late-eighteenth century, in which West India legislatures had seized the initiative as a means of staving off abolitionist initiatives and the threat of emancipation. This obstinacy would contribute directly to the chain of events culminating in 1833 with the passage of the Act of Abolition.

Emancipation

The slave registration policy had been a factor in the unrest in Barbados in 1816,¹⁴⁰ and the government's amelioration proposals had similarly at least partially provoked the slave revolt in Demerara in 1823. The third and final great slave revolt of the nineteenth-century British Empire occurred in Jamaica eight years later. It was Christmastime 1831, and once again a religious figure was at the center of it all. For ten days, Sam Sharpe, a Baptist preacher and slave, led as many as 60,000 slaves coming from more than 200 plantations in resistance against their masters. The slaves demanded freedom, their boldness inspired (like that of their predecessors) in part by rampant rumors that the King had already decreed their freedom.¹⁴¹

¹⁴⁰ As we saw briefly in chapter 3, the slave registration policy in Barbados had similarly prompted rampant rumor among the slave population that the King had intended more than just a registration policy. Craton, *Testing the Chains*, chapter 20.

¹⁴¹ The faith placed specifically on the person of the King is striking, particularly in the British dominions where parliamentary authority was demonstrably on the rise. The idea of a benevolent king remained a persistent trope across space and time in the eighteenth and nineteenth centuries, and is the subject of a vast literature. See Brendan McConville, *The King's Three Faces: The Rise and Fall of Royal America 1688-1776* (Chapel Hill: University of North Carolina Press, 2006); Laurent Dubois, *A Colony of Citizens: Revolution and Slave Emancipation in the French Caribbean 1787-1804* (Chapel Hill: University of North Carolina Press, 2004).

Only fourteen whites were killed in Jamaica that winter. Nearly 200 slaves died fighting for their cause, and other 344 were executed, by hanging or firing squad, for their participation. Indeed, the reprisals outstripped the loss of life during the rebellion itself, although the plantation owners claimed more than £1 million in damages.¹⁴² Whites and blacks could both perceive the consequences as catastrophic. The whites had lost property; the slaves had been brutally beaten into submission, many of them losing their lives for their daring. Not twenty months later, King William IV signed an Act of Parliament abolishing slavery in the British Empire.

It is no coincidence that the British Colonial Office's efforts to reform slavery can be bookended by slave rebellions. The eagerness of the slaves to secure their freedom was manifest, and this played an undeniable role in hastening the end of slavery.¹⁴³ In both the Demerara and Jamaica uprisings, there is evidence (emphasized by proslavery activists) that the slaves rebelled because they sensed freedom in the offing. The rumors that the King had ordained abolition rendered the oppression they endured all the more intolerable. In a sense, the planters were right. Amelioration did render the slave regime in which they lived more precarious. In the history of British slavery, organized resistance was a rare thing: this was not because slavery was in any sense benign or tolerable, but rather because the regime was so rigid and so brutal that it left the slaves with little chance to organize and little hope for success. By the nineteenth century, the opportunities were widening. Rumors of emancipation were a significant factor, and so were the increased communication networks brought by new

¹⁴² Thomas C. Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832-1938* (Baltimore: The Johns Hopkins University Press, 1992), 14.

¹⁴³ On this point, see Holt, *The Problem of Freedom*, chapter 1; D.A. Dunkley, *Agency of the Enslaved: Jamaica and the Culture of Freedom in the Atlantic World* (Lanham, MD: Lexington, 2013), especially chapters 8 and 9. Dunkley goes farther than I do by arguing that the slaves essentially won their own freedom. I agree that slave activity, especially revolts, contributed to the reception of amelioration and abolition but maintain that the efforts of domestic reformers and politicians were vital.

missionary presence as well as by the religious and education initiatives that had come with local late-eighteenth century amelioration schemes.¹⁴⁴

Even from a metropolitan perspective, it was clear that the slaves would accept nothing short of emancipation. But for the proponents of “gradual” abolition who had always looked to abolition as the ultimate goal, the revelation was in the futility of delaying emancipation in the name of moderation. The “moderate” approach had only succeeded in rendering enslaved populations less stable. Meanwhile, little meaningful reform had been effected. If amelioration was the start of a slippery slope toward emancipation, the obstinacy of the West India legislatures, assemblies, and planters was a critical factor hastening this conclusion.

The connection between amelioration and abolition is forgotten in the historiography, owing in part to the fact that most historians have overlooked the significance of amelioration in the history of slavery. Conventional historiographical narratives have tended toward two extremes, neither of which leaves much room for the study of slavery reform.¹⁴⁵ The first has been to explain abolition by emphasizing the declining profitability of sugar and the diminished significance of the Caribbean economies to the empire as a whole, rendering slavery obsolete. The second perspective has highlighted the clash between the ideology of free labor versus that of slavery, casting abolition in terms of political altruism.¹⁴⁶

Any account of emancipation must balance the economic changes that made

¹⁴⁴ By the early-nineteenth century, communication between and among enslaved populations in the Caribbean was more extensive than ever before. Increased church presence and missionary networks were contributing factors promoting a greater sense of community among slaves; no less significant was news of uprisings elsewhere in the Caribbean. On these themes see Julius Scott, “The Common Wind: Currents of Afro-American Communication in the Era of the Haitian Revolution” (Ph.D diss., Duke University, 1986).

¹⁴⁵ Williams, *Capitalism and Slavery*.

¹⁴⁶ Drescher, *The Mighty Experiment*.

emancipation politically expedient with the humanitarian language in which abolition was always framed. Yet neither of the prevailing explanations for abolition account for the late date at which the abolitionist leadership – let alone moderate politicians – came to embrace the principle of immediate emancipation. Although some abolitionists, many of them women, objected to the gradualist orientation of the Society for the Mitigation and Gradual Abolition of Slavery in the early years after 1823, this attitude did not become dominant for another several years. The course of amelioration in the colonies played an indispensable role in convincing moderates to embrace the principle of immediate measures.

Emancipation was a campaign issue during the general election of 1826 and again, more prominently, in 1832.¹⁴⁷ It was not until April 1831 – some months prior to the revolt in Jamaica¹⁴⁸ – that Buxton introduced his parliamentary bill for immediate emancipation, citing a decline in the West Indian slave population from 700,000 to about 600,000 since 1807.¹⁴⁹ The timing of Buxton’s bill is significant. By 1831, it was clear that the government policy of amelioration was not going as planned. Up until that point, the leadership of the abolitionist movement, whatever the stirrings and inclinations of the Society’s lower-ranking members, had declined to endorse immediate measures to emancipate the slaves. Eight years after the amelioration project had been launched, nothing much was changing.

In March 1833 Lord Edward Stanley became colonial secretary. Stanley’s speeches, which endorsed the “mighty experiment” of abolition, underscored the extent to which the failure

¹⁴⁷ Drescher, *Abolition*, chapter 9. Drescher points out that the King’s speech opening the new Parliament in 1833 did not make a single reference to the recent slave revolt in Jamaica (263).

¹⁴⁸ That Buxton’s push occurred several months *prior* to the slave rebellion in Jamaica undermines the argument of Craton and others that slave resistance was a significant instigating factor, although the latter certainly contributed to the abolition bill’s ultimate parliamentary triumph. Craton, *Testing the Chains*, chapter 22.

¹⁴⁹ HC Deb, 15 April 1831, vol. 3, 1413.

of amelioration helped to seal the fate of slavery. In 1823 it had been the “confident expectation” of the Commons that the colonial legislatures would carry into effect the Parliamentary resolutions for the amelioration of slavery. That “friendly warning,” however, had gone unheeded. Although the physical conditions of the slaves in some places and in certain respects might have been improved –

I do assert boldly, and without fear of contradiction even from themselves, that nothing has been done of that nature, extent, or character, which may fairly be characterized as a step towards the ultimate extermination of the system. I therefore now call on the House to take the matter at once into its own hands.¹⁵⁰

Why did abolition occur when it did? Abolition certainly relied on outside forces, such as the expansion of the electorate under the Great Reform Bill of 1832 and the returning of an overwhelming Whig majority, resulting too in the diminished influence of the West India Committee. These factors, which rapidly came together over the course of only a few years, made emancipation possible. The actions of slaves, too, in rendering the fabric of slave society unstable and inflecting metropolitan debates, cannot be ignored. It certainly mattered that the 1820s had been a hard decade economically, and that profits were also down from what they had been earlier in the century.¹⁵¹ This rendered slavery less profitable to the empire.

Yet any explanation for Parliament’s decision in 1833 to abolish slavery must take account of the planters’ consistent obstruction of the amelioration agenda of the 1820s. The planters’ lack of cooperation helped to convince the antislavery movement’s leaders and champions that “gradual emancipation” – which had never been thoroughly defined in terms of goals or timeline – was a fantasy. Gradualism had always been a somewhat nebulous concept,

¹⁵⁰ HC Deb, 14 May 1833, vol. 17, 1198.

¹⁵¹ I hold that Eric Williams’s thesis that abolition was more about economic interest than about humanitarian motives is misplaced when it comes to the abolition of the trade in 1807, but that there was much more to his “decline” theory by the 1820s and the eventual abolition of slavery in 1833. See Williams, *Capitalism and Slavery*.

particularly since most proponents of compulsory manumission had vehemently argued (against planter objections) that this would never be a common avenue to freedom.¹⁵² In 1823, the leadership of the abolitionist movement had yet to articulate precisely how the gradual measures of amelioration would lead to emancipation. By 1830, amelioration as a political expedient had been sufficiently discredited that the leadership had been inspired anew to articulate its vision for the best way forward, and it was no longer inclined to endorse gradualism. This was not itself a sufficient catalyst to the success of Buxton's abolition bill (inconceivable a decade earlier), but it was nevertheless a necessary precondition to the parliamentary debates beginning in 1831.

Abolitionist leaders were not always as radical as has sometimes been represented. For anything to happen politically the abolitionist leaders had to become themselves convinced that moderation was not working. This was even truer of their political allies, moderates in the ministry, who were only nominally committed to the cause of abolitionism.

And yet, to point to 1833 as the date that slavery was abolished is deceptive. Though the legal framework for abolition throughout most of Britain's empire was established in that year, it crucially did not address slavery in British India, which continued to flourish without any legal repercussions until 1843.¹⁵³ Moreover, although the date set for "emancipation" in most of the British overseas dominions was 1 August 1834, the Abolition Act continued to embrace moderation by including a provision that kept slaves under the thumb of their masters for another four-to-six years. Indeed, apprenticeship – it has often been remarked – was largely slavery by

¹⁵² For example SJ, Clarkson Papers, #62, Letter 2: "I aver then boldly . . . that almost the only slaves who will be able to avail themselves of the proffered Boon, will be a *few Tradesmen* Slaves, such as now and then a Tailor, now and then a Carpenter, now and then a Mason, now and then a Blacksmith, perhaps one on an Estate in five years. But with respect to the Field-Slaves I doubt if one in ten thousand will ever be able to buy his Freedom at all."

¹⁵³ The process of gradually abolishing Indian slavery began in 1843, but was not completed until well after the transition to crown rule beginning in 1857. See Andrea Major, *Slavery, Abolitionism, and Empire in India, 1772-1843* (Liverpool: Liverpool University Press, 2012).

another name.¹⁵⁴ The code for apprenticeship spelled out in the Act of Abolition, as we will see, was in some ways the final legal realization of the British amelioration vision. This regulated form of slavery would prevail in the sugar colonies until 1838. It is to this chapter in the history of slavery and emancipation that we now turn.

¹⁵⁴ See for example Henrice Altink, "Slavery by Another Name: Apprenticed Women in the Jamaican Workhouses in the Period 1834-8," *Social History* 26, no. 1 (2001); Holt calls apprenticeship a "half-way covenant" in which the relationship between planter and laborer changed little. *The Problem of Freedom*, 56.

Chapter 5. After Abolition.

The last ships legally to transport slaves from the west coast of Africa to the British West Indian colonies had embarked prior to the ban that went into effect on 1 January 1808.

Violations occurred over the next several years, but while Britain may be said to have benefited tacitly in numerous ways after 1808 from the slave trade as conducted by other nations,¹ direct participation in the trade was quickly eradicated.² For the next several decades, the labor force of the British Caribbean was almost completely insulated from new African arrivals. The years before emancipation saw a steady decline in the region's enslaved population.³ Many West Indian planters seemed to need more laborers, but Britain had rejected the slave trade.

Not thirty years later, the first Caribbean-bound shipments of indentured laborers would leave India for British Guiana, crossing the Indian Ocean and subsequently the Atlantic in much the same way that African slaves before them had done.⁴ There was, of course, an important distinction between this and African slavery: the Indians who left Calcutta and Bengal for the colonies of the West Indies (as well as for Mauritius, where the practice had begun several years earlier) were volunteering for a change that they hoped would better their lives. In spite of this semblance of choice, however, they were to be constrained in ways they cannot always have anticipated. They were allotted little personal freedom on the plantations of the New World; the

¹ For the most comprehensive study of this problem, see Sherwood, *After Abolition*.

² There were of course a few exceptions, particularly in the case of Mauritius, an island captured in 1810 from the French. See chapter 4.

³ The population in fact declined, on average, at a rate of perhaps 3 percent a year. See Ward, *British West Indian Slavery*; Higman, *Slave Populations of the British Caribbean*, chapter 4.

⁴ Madhavi Kale, *Fragments of Empire: Capital, Slavery, and Indian Indentured Labor Migration in the British Caribbean* (Philadelphia: University of Pennsylvania Press, 1998), 1.

conditions of their day-to-day lives often varied little from those that had been endured by slaves. The passage itself was dangerous. Many of these migrants never lived to see the Western Hemisphere.

1833 was a watershed in the history of the British Empire, but it did not mark a clear or immediate rejection of unfree labor. What followed emancipation often mimicked slavery in important ways. The intransigence of the colonial legislatures and assemblies had resulted in the abolition of slavery by Act of Parliament, but the year marks the start of a gradual transition rather than a definitive break with the past.⁵ The years that followed highlight the ways that planters, colonial administrators, and government officials alike were constrained in their visions for the future by the assumptions and experiences of the past two hundred years. Few could imagine white Europeans laboring in fields, or for that matter an alternative industry besides sugar, cotton, cocoa, or coffee that the proprietors of the West Indies could serve with a smaller labor force.⁶ As the turn to indentured labor illustrates, colonial and metropolitan actors alike continued to view the Caribbean labor shortage as a problem calling for nonwhite immigration.

The Act of Abolition itself, in many ways an ambitious document, was nevertheless limited by two key concessions to planters. In a major capitulation to contemporary apprehensions about seized property, some £20 million in taxpayer funds went toward compensating slave owners directly for their losses. Even more crucial, the slaves themselves were not immediately to be freed. They were first to become “apprentices,” bound to serve their owners in exchange for their subsistence for another several years.

Labor shortage remained a problem. In Trinidad and British Guiana, it always had been.

⁵ The most comprehensive treatment of abolition and apprenticeship together, spanning the 1833 divide, remains W.L. Burn, *Emancipation and Apprenticeship in the British West Indies* (London: Jonathan Cape, 1970 [1937]).

⁶ As evidenced, for example, in the debates over Trinidad’s future after the Peace of Amiens (see chapter 2).

In Jamaica and many of the other West Indian colonies, it had been an issue since the abolition of the slave trade had barred new shipments of slaves.⁷ The end of apprenticeship exacerbated this problem when many former apprentices elected not to continue to work for their former masters. In Mauritius, anticipation of abolition led to the immigration of Indian indentured laborers as early as 1829. This transportation system began in earnest in 1834 and commenced in British Guiana by the end of the decade.⁸

The “problem of freedom,” for Thomas Holt, was that it “was as if part of society would have to be enslaved to preserve the liberties of the rest.”⁹ The Act of Abolition posed a new problem for a self-professedly liberal empire that demanded new solutions, but got old ones. Apprenticeship bore few obvious differences from slavery; indentured servitude was an established alternative to chattel slavery. Originally a seventeenth-century transit mechanism for white Europeans, indenture now developed racial dimensions with the importation of migrants from India and China. The optimism of the British government in the 1830s and beyond rested on the persistent belief that racially-based systems of unfree (or semifree) labor could be ameliorated, moderated, and regulated through increased metropolitan scrutiny.

What limited the legacy of the Abolition Act most was metropolitan ambivalence about colonial governance, namely the relationship between liberal-humanitarian reform and central

⁷ Higman, *Slave Populations of the British Caribbean*, chapters 1-5; Vincent Brown, *The Reaper's Garden: Death and Power in the World of Atlantic Slavery* (Cambridge, MA: Harvard University Press, 2008).

⁸ For the two best authorities on this practice, see (on the Caribbean) Walton Look Lai, *Indentured Labor, Caribbean Sugar: Chinese and Indian Migrants to the British West Indies, 1838-1918* (Baltimore: The Johns Hopkins University Press, 1993); (for Mauritius) Marina Carter, *Servants, Sirdars, and Settlers: Indians in Mauritius 1824-1874* (Delhi: Oxford University Press, 1995).

⁹ Holt, *The Problem of Freedom*, 38.

authority.¹⁰ The Act itself would make slavery illegal, but it changed little else about the structure of labor relationships or race relations within the colonies. The ministries of Viscount Melbourne, Robert Peel, and John Russell remained optimistic about what could be accomplished through governing former slave colonies with nothing more than a light touch.¹¹ Consequently, the challenge for these politicians was not so much in fixing the economic relationships that undergirded apprenticeship (later, indentured servitude), but rather in hammering out sufficient checks to planter authority to protect laborers from abuse.

Successive ministries over the course of the 1830s and 1840s believed that they could apply the old standards of ameliorative reform – imposing a “protective” policy that would ensure that apprentices and immigrants received minimum standards of care. The old Protectors of Slaves became Protectors of Immigrants, advocating for the rights of laborers and penning half-yearly reports to the Colonial Office detailing problems and abuses as well as proposing solutions. These men were envisioned as the eyes and ears of a regulatory empire bent on ensuring that British imperialism stood for liberty and progress.

¹⁰ There is a large literature on the relationship of liberalism to authoritarian government. See Pitts *A Turn to Empire*; Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 1999). For a consideration of nineteenth-century liberalism that embraces the 1820s as well as “liberal” Tories (namely Canning), see Jonathan Parry, *The Rise and Fall of Liberal Government in Victorian Britain* (New Haven: Yale University Press, 1993). Parry writes that liberals in the 1830s and 1840s had confidence in the “ameliorative power of nationwide legislation,” (p. 10) a confidence that surely had implications both at home and abroad. He highlights the hierarchical and top-down orientation of liberalism in the early nineteenth century, precisely the model into which regulatory empire based on an ethos of “protection” falls.

¹¹ Perhaps it is this optimism – which resulted in an often incoherent imperial policy – that has resulted in so much historiographical confusion about the extent to which the 1830s and 1840s can be called a “liberal” era. See T.A. Jenkins, *The Liberal Ascendancy, 1830-1886* (Houndsmills: Macmillan, 1994); Eugenio F. Biagini, *Liberty, Retrenchment, and Reform: Popular Liberalism in the Age of Gladstone, 1860-1888* (Cambridge: Cambridge University Press, 2004). Parry, joined more recently by Stephen Lee, has argued for the coherence of an emerging liberal orientation during this era toward progressive reforms, an orientation that existed within contemporary aristocratic relationships and political structures. This orientation, which was anti-radical as well as anti-democratic, could and did include conservatives. Parry, *The Rise and Fall of Liberal Government*; Jonathan Parry, *The Politics of Patriotism: English Liberalism, National Identity, and Europe* (Cambridge: Cambridge University Press, 2006); Stephen M. Lee, *George Canning and Liberal Toryism, 1801-1827* (Chipenham: Anthony Rowe, 2008).

The ideas that undergirded amelioration therefore survived the abolition of slavery. Older ideals about the protective role of the crown, dating from the early modern era, were infused with more specific conceptions of regulatory government.¹² We have already seen that the protective system put in place during the era of amelioration was highly variable from one location to another, and that much hinged on the weight of individual personalities. Metropolitan officials attempted to address these shortcomings through increased scrutiny and record-keeping.

Meanwhile, the gap between the imperial government and the heirs of the antislavery movement widened. If the relationship had been at times fraught and uneasy, abolitionism had nevertheless aligned itself with Parliament and the Colonial Office during the successive campaigns to ameliorate and abolish slavery in the 1820s and 1830s.¹³ After 1834, however, antislavery advocates (who can still be called “abolitionists” insofar as they continued to campaign for the end of slavery around the world) found themselves increasingly disillusioned with the British government for its inaction on a range of issues that, to antislavery campaigners, smacked of bonded labor and related indignities.

While the Colonial Office itself was no monolith, those administrators favoring greater intervention were consistently overruled in the 1830s. Only gradually would centralization become a dominant goal, and only then in the wake of repeated failure. This slow transition would culminate mid-century with the embracing of crown rule from India to Jamaica.¹⁴ It

¹² The nineteenth-century revolution in government along more regulatory lines, ca. 1830-1870, is the subject of its own literature, especially with respect to domestic affairs. See Stephen Conway, “Bentham and the Nineteenth-Century Revolution in Government,” in *Victorian Liberalism: Nineteenth Century Thought and Practice*, ed. Richard Bellamy (London: Routledge, 1990). See also Oliver MacDonagh, “The Nineteenth-Century Revolution in Government: A Reappraisal,” *The Historical Journal* 1, no. 1 (1958).

¹³ It had not always been an easy alliance. Abolitionists had, for one thing, largely opposed apprenticeship.

¹⁴ Centralization of authority – if only gradual – was an important theme of Colonial Office attitudes toward empire throughout the British dominions throughout the nineteenth century. I concur with historians (such as Chris Bayly) who have seen this as taking place earlier than the 1850s and 1860s, when it is sometimes identified as beginning.

would, in many ways, signal the failure of protection as an ideal. Until then, metropolitan officials were willing to settle for oversight and veto power rather than direct legislation.

The Terms of Apprenticeship

The period of forced labor for ex-slaves served dual purposes. By requiring forty-and-one-half hours of unpaid labor from the apprentices, the Act of Abolition eased the transition to freedom for the planters; by allowing apprentices to work for wages during “free” time, it seemed to prepare the former slaves for freedom by teaching them the rewards of industry. In this way, the Abolition Act¹⁵ followed the moderate course dating from the Commons’ adoption of Canning’s amelioration proposals in 1823. Emancipation was to be both gradual and compensated.¹⁶ It was designed to take place in a way that would limit abolition’s economic blow to planters, a consideration that would continue to inform metropolitan policy going forward.

For the new apprentices, the most important legal distinction was between those who served in plantation and personal capacities. In the parlance of the Act of Abolition, these were praedials and non-praedials (literally, those attached and not attached to the land). Apprenticeship was to end for domestics on 1 August 1838; for field slaves, it was to continue an additional two years. Children under six years of age were to be exempted from apprenticeship and immediately freed. Their parents could choose, at their own discretion, to keep them

Bayly, *Imperial Meridian*.

¹⁵ The full text of this act is printed in *The Debates in Parliament – Session 1833 – on the Resolutions and Bill for the Abolition of Slavery in the British Colonies. With a Copy of the Act of Parliament* (London, 1834), 929-64.

¹⁶ Burn, *Emancipation and Apprenticeship*, chapter 2; William Law Mathieson, *British Slave Emancipation, 1838-1849* (New York: Octagon Books, 1967 [1932]), introduction.

apprenticed, which would make their former owners responsible for their maintenance.¹⁷

In turning to apprenticeship in abolition's wake, Parliament was loosely invoking an old idea. Apprentices, alternatively "recaptives," "prize slaves" or (especially in Sierra Leone) "liberated Africans,"¹⁸ denoted Africans seized on condemned slave ships, mostly the product of illegal trading by other empires. In spite of Britain's fierce condemnation of the international slave trade after 1808, few of its diplomats seemed to regard the return of captured Africans to their home country as feasible. As we saw in Chapter 3, the most common solution was to send them to a British colony where they would serve under specific conditions, with a semi-privileged status compared to slaves, for a period of up to fourteen years' indenture.¹⁹

Yet while apprenticeship in England had long referred to a skilled trade and the conditions under which a young worker might provide unpaid work for an employer, acquiring skill and knowledge, the term had never been associated with specific job training when applied to liberated Africans.²⁰ As such, we should view apprenticeship as having been far more about conciliating planters than it was aimed at either civilizing or training Africans. It bought them a few years' time to make the transition to a free labor economy.

¹⁷ *An Act for the Abolition of Slavery Throughout the British Colonies* (Edinburgh, 1833), Articles IV-IX, XIII. Very few parents chose to subject their children under six to apprenticeship. See Gad Heuman, "Riots and Resistance in the Caribbean at the Moment of Freedom," *Slavery and Abolition* 21, no. 2 (2000): 145.

¹⁸ Different terms predominated in different regions. "Recaptives" was the predominant label in Trinidad and the West Indies, while "liberated Africans" tended to prevail in Sierra Leone. "Prize slaves" and "prize negroes" were more common in the Cape Colony. See Christopher Saunders, "'Free, Yet Slaves': Prize Negroes at the Cape Revisited," in *Breaking the Chains: Slavery and Its Legacy in the Nineteenth-Century Cape Colony*, ed. Nigel Worden et al. (Johannesburg: Wiltwatersrand University Press, 1994), 99-100.

¹⁹ Saunders's study of this "semi-privileged status" concludes that although prize slaves might receive better treatment during their indenture, they were often left to fend for themselves at the end of the fourteen-year period. Saunders, "'Free, Yet Slaves'."

²⁰ Nigel Worden points out that, in theory, the idea behind apprenticeship was in line with the rationale behind contemporary poor laws and workhouses in England—the exception being that there was never a specific plan for how training should be obtained under apprenticeship. "Between Slavery and Freedom: The Apprenticeship Period, 1834-8," in *Breaking the Chains*, ed. Worden et al., 117-144.

Many aspects of the apprenticeship code did reflect the concerns that had preoccupied metropolitan administrators during the era of amelioration. In a very limited sense, a few of the government's old goals were now codified. Sunday labor was prohibited, "except in works of necessity or in domestic services." Religious instruction was to be encouraged in a limited way, although no mechanisms were put in place to formalize religious education.²¹ Employers were obligated to provide food, clothing, medicine, and shelter to the apprentices. However, the exact requirements were to be determined according to traditional laws in place in each colony at the time of abolition. None of this was to be standardized.²²

Since Parliament was doing what it was generally loath to do – directly imposing its will on the sugar colonies – it had a real opportunity to limit the scope of local colonial authority. Accordingly, the Act of Abolition might have set up a comprehensive empire-wide code for apprenticeship in the tradition of other European *codes noir* dating to the seventeenth century. Instead, it took a more reluctant approach to the impositions it was making, insisting on a few fundamentals but otherwise preserving wide latitude for the old colonies to come up with their own schemes for apprenticeship. This strategy paid lip service to the old principle of ameliorative reform while ensuring that the sugar colonies retained wide latitude toward implementing economically favorable plans.

As to the future of the relationship between metropole and colony, the Colonial Office was certainly divided. James Stephen, Jr., permanent undersecretary from 1836 but also a significant administrative influence on the Office from the 1820s, has sometimes been singled out for his individual, zealous pursuit of cooperation from the West India legislatures with the

²¹ *An Act for the Abolition of Slavery*, Articles XIII and XXI.

²² *An Act for the Abolition of Slavery*, Article XI.

broader aims of metropolitan policy during the era of apprenticeship.²³ Yet even Stephen's vision for a reformed relationship between metropole and colony was limited. He was a strong advocate of representative, local colonial governments when it came to most issues. After an appropriate emancipation policy had been hammered out, he envisioned metropolitan authorities having little more to do with the quotidian affairs of the colonies.²⁴

Most of Stephen's peers were even more reticent than he about making any significant changes to the structure of imperial authority in the Caribbean. A wave of legislation in the early 1830s solidified the crown colony status of Trinidad, British Guiana, and the other new colonies. Decisions about the legal structure of the old colonies, however, were deferred.²⁵ Lord Glenelg, the new colonial secretary in 1835, was willing to consider the case for greater expressions of metropolitan authority in these contexts, but did not resolve the issue prior to his resignation in 1839.²⁶ His successor, Lord John Russell (who subsequently became Prime Minister in 1846) was completely opposed to making any such changes. In his view, dictating policy without the cooperation and consent of the planter class was counterproductive.²⁷

Instead of more decisive legislation, metropolitan officials put their trust in a new force of officials intended to oversee the apprenticeship regime in the former slave colonies. These

²³ William A. Green, "James Stephen and West India Policy, 1834-1847," *Caribbean Studies* 13, no. 4 (1974): 33; Knaplund, *James Stephen and the British Colonial System*, especially chapter 5.

²⁴ Murray, *The West Indies*, especially chapters 10-12.

²⁵ In 1832, Trinidad finally received a legislative council – of sorts. It was not popularly elected, but rather appointed by the governor. The councils granted to the crown colonies during this era were more an expansion of crown authority than a concession to self-determination. They were envisioned as serving as an arm of the governor's own authority. See Murray, *The West Indies*, chapter 10.

²⁶ Green has argued that the sudden end to apprenticeship brought an abrupt end to Glenelg's schemes to institute change in the governance of the old colonies. See Green, "James Stephen," 37.

²⁷ Green, "James Stephen," 40-42; Kale, *Fragments of Empire*, chapter 3.

special (or stipendiary) magistrates was deployed to cover many of the same functions for which Protectors of Slaves had been tasked, though in significantly larger numbers. The new watchdogs were divided among each colony's many districts and tasked with drawing up reports of the working conditions for apprentices within them; they were to oversee weekly court sessions as judges; and they were moreover tasked with inspecting jails and workhouses. They were charged both with enforcing work discipline among the apprentices as well as with administering all punishments, flogging or otherwise, on behalf of the planter employers.²⁸ Despite the moderation of most of the new law's other provisions, this was a major change from the days of slavery, when ameliorative laws had limited the extent to which a master could punish a slave outside of judicial channels, but had never completely abrogated his authority to punish.²⁹ It was a significant limitation of traditional planter authority that punishments of apprentices were now the sole domain of the special magistrates.³⁰

The special magistrates themselves were conceived of as agents of the law who were removed from slavery. This meant that they had not owned slaves previous to emancipation. Where possible, they were to hail from Britain. Newcomers were presumably more objective, less likely to fall prey to the abuses of West Indian society,³¹ although they could not always be

²⁸ Holt, *The Problem of Freedom*, chapter 2.

²⁹ See also Burn, *Emancipation and Apprenticeship*, chapter 5.

³⁰ See the *Anti-Slavery Reporter* for abolitionist reporting of planter brutality. A good example is *The Anti-Slavery Reporter*, vol. 4, no. 76, 15 February 1831, 105-144. Also on this theme see Hochschild, *Bury the Chains*, chapter 23.

³¹ It is important to note that arrivals, even those with abolitionist credentials, could be subject to the same biases and racist dispositions as colonials. One surviving journey of a special magistrate to St. Vincent, a Scot who arrived in the colony in 1835, reveals considerable racist sentiment, with a strong conviction that Africans were universally inferior to Europeans. Roderick A. McDonald, ed., *Between Slavery and Freedom: Special Magistrate John Anderson's Journal of St. Vincent during the Apprenticeship* (Philadelphia: University of Pennsylvania Press, 2001).

found in sufficient numbers.³² The largest slave colony, Jamaica, originally received thirty-three magistrates, a number later increased to sixty-three. In an analysis of the 119 individuals who served in this capacity on the island of Jamaica during the tenure of apprenticeship, 105 have been identified well enough to establish their previous careers; of these, sixty came from England. Twenty of those deployed from England came from military ranks – a popular choice, given the magistrates’ role in enforcing work discipline. Twenty-four of the magistrates, though, were white creoles already residing in the West Indies, and another seven were Jamaicans of non-white origin.³³

One thing that the Act of Abolition did mandate was a clear manumission policy. The controversial compulsory process was enshrined as an empire-wide law. In no uncertain terms, any apprentice desiring to “purchase his or her discharge” from the period of apprenticeship, “even without the consent, or in opposition, if necessary, to the will of the person or persons entitled to his or her services” would be entitled to do so. An appraisal would determine proper payment.

The conditions for appraisals were spelled out at length, and they mirrored the practice as outlined in the 1824 Trinidad Order in Council. In the crown colonies, appraisals were to continue according to the procedures that had been laid out by the amelioration laws. Where compulsory manumission was a new policy, the new special magistrates were to help in the process of appraising the apprentices. The process was to be negotiated by two special magistrates and a justice of the peace. An agreement among the three could be difficult to strike,

³² There was also the problem of timely arrival. One week before the new law was to go into effect, only one special magistrate had arrived in Trinidad. The governor was forced to appoint several locals, which included – ludicrously, given the goal of objectivity – William Burnley, the island’s largest slaveholder. Anthony de Verteuil, *Seven Slaves and Slavery: Trinidad 1777-1838* (Port of Spain: St. Mary’s College, 1992), 326-7.

³³ Holt, *The Problem of Freedom*, 58.

but the three-person system existed in theory to protect against unfair assessments.³⁴

Abolition in 1834 marked an important economic transition from forced to free labor, but what followed in its wake highlights the significant limitations, if not ambivalence, of the parliamentary vision for the future of the colonies. Planters were not alone in being unconvinced as to the relative benefits of free labor.³⁵ Abolitionist imagination had not gone much further than the theoretical abolition of forced labor. They had argued that free laborers would have greater incentive than slaves to put in hours of hard labor,³⁶ but this theory was untested.³⁷ Given this uncertainty, apprenticeship was devised as a transition period intended to soften the shock to the system. Metropolitan officials continued to prioritize the goal of finding a viable economic solution to labor shortage.

The outline of apprenticeship as drafted in the abolition law was the model for a “protective” imperial policy in the sugar colonies during the 1830s and 1840s. It was an outline that would continually be reworked. Requiring a handful of specific laws and regulations, the imperial government was prepared mostly to rely on a group of (ideally) hand-picked metropolitan officials deployed in the former slave colonies in order to maintain justice. Successive ministries hoped that they had supplied local legislatures and planters with sufficient incentives to cooperate with the new agenda. They also trusted that if the planters overworked or

³⁴ D.G. Hall, “The Apprenticeship Period in Jamaica, 1834-1838,” *Caribbean Quarterly* 3, no. 3 (1953).

³⁵ As we have seen, the economic dilemma was not new to a post-slavery era. See Williams, *Capitalism and Slavery*, chapter 8; Ragatz, *The Fall of the Planter Class*, chapter 10.

³⁶ Drescher, *The Mighty Experiment*, especially chapter 2.

³⁷ Drescher has highlighted colonial secretary Lord Stanley’s “mighty experiment” speech of 1833 as the moment when abolitionism first allied itself with the economic cause for free labor. Lord Stanley argued that the benefits of free labor would pay for the costs of compensating former owners. Having spent most of his career denouncing the Eric Williams thesis that the rise of capitalism and the economic unprofitability of slavery led to abolition, Drescher nevertheless demonstrates a late-developing alliance between humanitarianism and capitalist economics. *The Mighty Experiment*. See also Williams, *Capitalism and Slavery*.

abused their apprentices, they would hear about it.

The Planters

The Act of Abolition itself³⁸ was nebulous about details, but local legislatures had a powerful incentive to cooperate with the broad outline of the law.³⁹ The planters' compensation package included no less than £20 million in direct payouts for their lost property.⁴⁰ The catch was that compensation money would not be disbursed until the legislatures and councils of each colony had submitted to the Colonial Office an acceptable plan for apprenticeship.⁴¹

The gamble worked: most of the colonial assemblies responded promptly to the imperial legislation. In a move that surprised onlookers, both Antigua and Bermuda chose to bypass apprenticeship altogether; the emancipation of those islands' slaves in August 1834 therefore took place without strings.⁴² The vast majority of the sugar colonies quickly drafted schemes for apprenticeship that the Colonial Office deemed acceptable. Jamaica was the first colony to affirm the Act of Parliament with a corresponding apprenticeship scheme, doing so in November

³⁸ D.G. Hall called the abolition act "a vague inadequate piece of legislation which left the colonial legislatures free to fill in the details, or not, as they chose." Hall, "The Apprenticeship Period," 142.

³⁹ Murray, *The West Indies*, chapters 10-12 and conclusion.

⁴⁰ Hall, "The Apprenticeship Period," 142.

⁴¹ For a detailed discussion of the back-and-forth between the Colonial Office and the colonies, see Mathieson, *British Slavery and its Abolition*, chapter 4.

⁴² In Antigua, labor shortage was not a serious problem. Bermuda, an Atlantic isle beyond the Caribbean, was simply different: lacking sugar plantations and involving slave labor primarily on boats, slave society differed sufficiently from other slave colonies as to render apprenticeship, in the opinion of its assembly, superfluous. In Montserrat, apprenticeship was almost nixed, but the measure did pass by one vote. Burn, *Emancipation and Apprenticeship*, 169-70; David Watts, *The West Indies: Patterns of Development, Culture and Environmental Change since 1492* (Cambridge: Cambridge University Press, 1987), 470.

1833.⁴³

Following the submission of acceptable apprenticeship plans, the £20 million in compensation money was divided among the slave colonies according to their legally-enslaved population as of 1834. It worked out to approximately 40 percent of the market value of each slave. It was a considerable sum of money, though disappointing to planters such as William Burnley who, as we saw in Chapter 3, had long been calling for full compensation in the event of emancipation. Each colony's total share was based upon both the number of enslaved persons and the average value of a slave in that location.

The formula meant that slave compensation money remunerated planters at a lower rate in the old colonies (see Table 5.1). Jamaica, with a third of the empire's slaves, garnered more money than any other colony – £6.1 million in compensation for 311,070 slaves – but this worked out to less than £20 each.⁴⁴ In the crown colonies, scarcity had driven up the market value considerably. Trinidad's William Burnley owned 682 slaves at the time of emancipation and received a total of more than £34,000. He was compensated at a rate of roughly £50 per head.⁴⁵ The greatest payout to any one individual went to John Gladstone, who received more than £106,000 for his 2,508 slaves.⁴⁶

⁴³ Mathieson, *British Slavery and its Abolition*, 250-1.

⁴⁴ Hall, "The Apprenticeship Period," 142.

⁴⁵ Including jointly-owned property, he owned about 1000 slaves and received closer to £50,000 in remuneration. See Norman Lamont, "Burnley of Orange Grove," (lecture, meeting of the Historical Society of Trinidad and Tobago, Hall of Government Training College, 1946).

⁴⁶ Draper, *The Price of Emancipation*, chapters 3 and 4. Information for all (legal) slave-owners at the time of abolition is available on the University of London's Slave Compensation Database, which provides names, numbers of slaves owned, and payout amounts for each slave owner who claimed compensation after 1833. See Catherine Hall, *Legacies of British Slave Ownership*, Accessed 18 July 2013, www.ucl.ac.uk/lbs/.

Table 5.1 Slave compensation in several colonies⁴⁷

	No. of awards	No. of slaves	Total compensation	Compensation per slave
Barbados	5,344	83,225	£1,714,561	£20 12s 7d
British Guiana	2,674	84,075	£4,281,032	£50 18s 2d
Jamaica	13,240	311,455	£6,121,446	£19 13s
St. Lucia	861	13,232	£331,805	£25 0s 3d
Trinidad	2,052	20,428	£1,021,858	£50 0s 3d

The belief that plantations would flourish under free labor had sparked arguments from many abolitionists that such huge payouts to former slave-owners were both unjust and redundant.⁴⁸ But struggling plantation owners, who had not been compensated at full market value, felt otherwise. The records of many of these plantations show a significant period of hardship in the years following 1807, which would continue to fuel metropolitan sympathy for the planters' economic situation.

In Trinidad, the Scots absentee planting Cochrane family had long been trying to sell their two plantations, comprising more than one hundred slaves, in order to pay their creditors. For over a decade, the Cochranes had been borrowing heavily from a Glasgow-based firm in order to balance their annual accounts. When their debts reached a certain height by 1828, it seemed wiser to sell the estates and pay the creditors out of the proceeds. The downturn in the market as well as the growing recognition that abolition was on the horizon, however, had made it impossible to sell the plantations for anything close to their perceived value. Following

⁴⁷ Data gathered (and calculated) from Draper, *The Price of Emancipation*, 139.

⁴⁸ Buxton had conceded the principle of compensation but advocated partially withholding the funds until the end of apprenticeship. Buxton, *Memoirs*, chapter 20.

emancipation, Thomas Cochrane continued to haggle with his father's creditors for several years in hopes of preserving some of the compensation money for the family. In the end, the creditors won the claim based on an 1822 mortgage and received the entire cash payout.⁴⁹

Alexander Cochrane may not have been a wise businessman – in fact the Glasgow firm was not the only creditor hounding his son for payment after his death – but neither was the experience of his plantations atypical. The 1820s and 1830s were broadly a period for economic hardship for many planters. Compensation claims were litigated at the new Slave Compensation Commission. Eligibility for compensation was in theory to be determined only by lawful ownership,⁵⁰ but the various surviving records of suits and unsuccessful claimants reveal that lawful ownership could be difficult to prove. Many plantation owners found themselves in a position similar to that of the Cochranes, unable to balance their historical claim to the property against that of their creditors. Multiple claimants to the same property were not unusual.⁵¹

Although compensation was intended to soften the economic blow to the sugar colonies, only a fraction of compensation money was ultimately reinvested in the sugar colonies. The bulk of compensation money went to absentee planters residing in Britain or to their creditors. Larger claims of over £500 went to absentee claimants at a rate of two to one.⁵² In the colonies themselves, local disappointment with the scale of compensation – particularly the fact that planters had not been compensated for the full value of their slaves – made for substantial discontentment in the wake of emancipation.

⁴⁹ NLS, Cochrane Papers, MS 2303; Hall, *Legacies*.

⁵⁰ The Slave Compensation Commission used the records of slave registration to determine legitimacy; in addition, there were many individual disputes litigated within these courts over the claim to a particular slave or plantation.

⁵¹ Draper, *The Price of Emancipation*, chapters 3 and 4.

⁵² Draper, *The Price of Emancipation*, 164.

Colonial legislatures had cooperated reluctantly in drafting schemes for apprenticeship, in order to secure compensation money. However, local dissatisfaction about the terms of emancipation, combined with general anxiety about their economic outlook, rendered many planters uncooperative with the spirit of the new law. Much of the challenge was that local planters and metropolitan politicians approached apprenticeship with vastly different expectations about the purpose it served.⁵³ Metropolitan actors saw apprenticeship as part of a process of gradual emancipation. Planters tended to see it as part of their compensation package – a remuneration many of them considered insufficient.

In this vein, there is evidence in Jamaica and elsewhere of embittered planters withdrawing certain indulgences they had once allowed their slaves, now that the days of apprenticeship were numbered. With a fixed end date in sight for forced labor, many proprietors concerned themselves with extracting as many pennies of value out of their apprentices as they were able. This could mean running a harsher regime than before. Barred from administering corporal punishment of their own authority, employers often turned to other means of exploiting their apprentices. Earlier in the century, a policy had evolved in Jamaica and elsewhere that exempted mothers of five or more children from all field labor.⁵⁴ Many planters rescinded this policy in light of what they considered to be an already onerous new imperial law. Customary food and provision allowances, too, were often withdrawn where they exceeded the minimum requirements mandated by the Abolition Act.⁵⁵

Despite planter anxieties, apprenticeship did not spell equal disaster across the former

⁵³ On this point see Holt, *The Problem of Freedom*, chapter 3.

⁵⁴ Mathieson, *British Slavery and its Abolition*, 260-1.

⁵⁵ CO 295/101, no. 1, Hill to Stanley, 8 January 1834, ff. 3-5.

slave colonies. The varied experiences, which included success stories, were as diverse as the apprenticeship schemes put into effect in 1834. Antigua, which had bypassed apprenticeship altogether, showed an increased sugar output of roughly 1 percent per year after abolition. This, of course, was a boon to abolitionist arguments about the profitability of free labor.⁵⁶ But the biggest success story was Barbados: a colony that had always clashed with metropolitan administrators over the implementation of slavery reform policies. In spite of this colony's history of recalcitrance, it had not struggled with labor shortage as many other colonies had done since 1807. Here, the post-emancipation increase in sugar output was a staggering 37 percent.⁵⁷

Elsewhere, though, the results of abolition seemed to justify planter anxieties about emancipation. In Jamaica, economic output following emancipation was dismal, such that by 1865, total sugar production in the colony was less than half of what it had been in 1834.⁵⁸ On the whole, enough other colonies had experienced plights similar to Jamaica's to sustain metropolitan anxieties about free labor. The success of Barbados suggested that the most important requirement for success might be an adequate labor force, meaning that in places like Jamaica, further migration of some kind would be necessary. In fact, both Barbados and Antigua ranked among the most densely-populated Caribbean colonies, in terms of slaves. In 1834 Barbados was populated at a rate of 500 slaves per square mile, Antigua 269. By contrast, Jamaica had only seventy-four slaves per square mile, and Trinidad just fourteen.⁵⁹ These labor-

⁵⁶ Drescher, *The Mighty Experiment*, 147-9.

⁵⁷ This upward trend, maintained through apprenticeship and again after 1846, endured a temporary setback in the years 1839-1846 as Barbados plantations adapted to post-abolition realities; here, however, the recovery was faster than elsewhere. Drescher, *The Mighty Experiment*, 148 (Table 9.1).

⁵⁸ Drescher, *The Mighty Experiment*, 148 (Figure 9.1).

⁵⁹ William A. Green, *British Slave Emancipation: The Sugar Colonies and the Great Experiment 1830-1865* (Oxford: Clarendon, 1976), 193.

scarce areas were hardest hit by emancipation.

The complaints of planters in these colonies would not fall upon deaf ears. As we will find, the economic considerations that had undergirded the Act of Abolition would continue to influence metropolitan policy in subsequent decades. Within the Colonial Office, the economic viability of the sugar colonies would remain a priority equal to that of the emancipation experiment itself.

The Apprentices

For the vast majority of slaves in the British Empire, 1 August 1834 was abolition day, but only in Antigua and Bermuda did abolition herald full freedom in any meaningful sense. The rest of the empire's slaves can hardly have been expected to react impassively to the news that their freedom was not yet absolute. Indeed, few onlookers thought that they would. The abolitionists were on pins and needles, nervous that uprisings would prove them wrong about emancipation posing no great threat to the civil order of the Caribbean. The planters seemed almost determined that the former slaves would riot and refuse to work, that they themselves might be proved right. Metropolitan officials mostly worried that the slaves would not understand the nature of their changed status.⁶⁰

In other moments of imperial slavery reform – 1816, 1823, and 1831 – rumblings of the changes to come had provoked widespread rumors among the enslaved population that total emancipation was imminent.⁶¹ 1833 was no different.⁶² In St. Kitts, a significant number of

⁶⁰ Holt, *The Problem of Freedom*, chapter 1; Burn, *Emancipation and Apprenticeship*, chapter 4.

⁶¹ The spread of news, information, and rumor among slaves has been a prominent subject of investigation beginning with Julius Scott's unpublished (but influential) dissertation on the era of the Haitian Revolution. See Scott, "The Common Wind." The theme has been taken up in earnest by scholars of the French Caribbean in particular. See especially Dubois, *A Colony of Citizens*.

slaves announced that they would resist apprenticeship and strike when August arrived.⁶³ Yet abolition day came and went, for the most part without violence.

It did not, however, go without incident. There was sporadic, though unorganized, striking beginning on 1 August, in St. Kitts and elsewhere. In Dominica, local authorities assumed that the striking had been directly inspired by the activities of the St. Kitts apprentices.⁶⁴ There was significant disruption, too, in Trinidad. There, Governor George Hill had taken the preliminary precaution of sending a circular letter to the commandants of quarters, attaching several copies of a new proclamation to be posted in public spaces, explaining the “nature of the new state in which they will be placed.”⁶⁵

Governor Hill had soon to lament that this proclamation had only caused more confusion. In a letter to the colonial secretary, he conveyed the “great difficulty” he had had in making them “comprehend the difference between slavery and apprenticeship,” for “the King having told them, as they say, that slavery was to be abolished on the 1st of August, they are too much disposed to discredit that His Majesty requires them to work for six years more.”⁶⁶ The slaves had been told that they were free, but they were not free. In Trinidad, local incidents of insubordination were widely reported during the first half of August, though order was for the

⁶² For an example, see Jamaica Governor Mulgrave’s letter to Lord Stanley on the eve of the passage of the abolition bill. He noted that “the misconstruction amongst the slaves extended to both extremes, some believing that they were already free, others that all change in their condition was postponed for 12 years.” CO 137/189, Mulgrave to Stanley, 6 July 1833. Reproduced in Williams, ed., *Documents*, 176.

⁶³ Heuman, “Riots and Resistance,” 136.

⁶⁴ Heuman, “Riots and Resistance,” 138-9.

⁶⁵ CO 295/102, no. 2, circular of Governor G.F. Hill to the Commandants of the Quarter, f. 240.

⁶⁶ CO 295/102, no. 6, G.F. Hill to F. Spring Rice, 30 July 1834, ff. 357-9.

most part quickly restored.⁶⁷

There were no mass revolts in August 1834, but discontent among the apprenticed population, combined with planter complaints about their work ethic, were important factors that contributed to the early demise of apprenticeship, two years ahead of schedule. Freedom was a valuable and elusive commodity that, whatever it meant, apprentices actively sought. Once liberated, large numbers of ex-slaves left their old plantations to make their own way in the world, buying whatever small plots of land they could afford and finding ways to subsist without hiring out their labor to their old masters.⁶⁸

There is substantial evidence of the lengths to which the apprenticed population would go to obtain their freedom, particularly on their own terms. The fact that palpable, indisputable freedom was nearing did not dissuade apprentices from using their hard-earned money to purchase early freedom.⁶⁹ In fact, there is evidence that self-purchase was on actually the rise as apprenticeship neared its end. This has been shown to have been the case on a number of islands, including Jamaica, St. Vincent, and Barbados, and may also have been the case elsewhere.⁷⁰ The upward trend can partially be explained by the fact that wage-earning was

⁶⁷ CO 295/103, no. 7, f. 25; no. 8, f. 35; no. 18, Rice to Hill, 26 August 1834, ff. 86-7.

⁶⁸ Holt, *The Problem of Freedom*, chapter 5. Holt writes, “The planters’ bungled efforts to gain greater control of their labor force only heightened the freed people’s desire to leave the plantations” (144). See also Green, *British Slave Emancipation*, chapters 6 and 7.

⁶⁹ It can be presumed that this would have been emotionally satisfying. Perhaps more important, though, was the threat of re-enslavement. Re-enslavement was a perpetual fear of the manumitted population throughout the Caribbean. Many slaves would have been aware of the not-too-distant tumult in Saint-Domingue, where Napoleon had emancipated the slaves in 1794 only to re-enslave the entire population in 1802 (an event leading directly to the colony’s successful revolution). On the subject of the value of an ex-slave’s freedom papers, see Rebecca J. Scott, “‘She . . . Refuses to Deliver Herself Up as the Slave of Your Petitioner’: *Émigrés*, Enslavement, and the 1808 Louisiana Digest of the Civil Laws,” *Tulane European and Civil Law Forum* 24 (2009).

⁷⁰ Gad Heuman, “The Legacies of Slavery and Emancipation: Jamaica in the Atlantic World,” (lecture, Gilder Lehrman Center International Conference at Yale University, New Haven, Connecticut, November 1-3 2007).

easier under apprenticeship than it had been under slavery; moreover, one, two, or three years into apprenticeship, the former slaves were more likely to have accumulated sufficient means to purchase their independence. Many apprentices favored the autonomy of self-purchase to the passivity of awaiting their eventual legal emancipation.

Of course, many more apprentices sought to purchase their freedom than were able.⁷¹ As had been the case where the practice had been implemented prior to abolition, urban and domestic (as well as female) slaves had greater access to this legal avenue.⁷² Only a small percentage of the population even attempted this process, as the price of self-purchase was sufficiently high to limit access among a class with little material wealth. Appraisals were also, of course, susceptible to corruption. Several petitions complaining of the unfairness of exorbitant appraisals reached the Colonial Office during this era. Like Earl Bathurst before him, Lord Glenelg became involved in several disputes over appraisals. What is most striking, however, in contrast to compulsory manumission the previous decade, is how much more often these anecdotes ended in the apprentice gaining freedom.

In Trinidad, the situation in 1836 of a slave called Marie Antoinette,⁷³ who objected to the high appraisal she had received in court, mirrors the famous case of Pamela Munro a decade earlier. Ten years later, the Colonial Office proved far more willing to intervene in the process

⁷¹ Analyzing the numbers from 1 November 1836 to 31 July 1837, Gad Heuman has shown that over 1000 apprentices successfully purchased their manumission, expending a total of almost £30,000. About 400 apprentices who began this processes, however, found the valuations too high and were not manumitted. “The Legacies of Slavery and Emancipation.”

⁷² Green, *British Slave Emancipation*, 134.

⁷³ There is an undercurrent of distinct royalism in slave names. In 1825 on the Good Hope plantation in possession of the Cochrane family, a slave called Rachael named her twin girls Queen and Charlotte – a reference, no doubt, to the late George III’s popular consort (who had herself died in 1818). This royalist leaning fits with the consistent theme we have seen, both in this dissertation and in other published material, of slaves associating freedom with the King’s will. NLS MS 2303, A list of the negroes belonging to the Good Hope Estate, 31 December 1825.

of appraisal than it had been during the era of amelioration. Lord Glenelg wrote to Governor Hill demanding a full inquiry into the nature of apprentice complaints and insisting that Marie's "well-founded" grievances be redressed.⁷⁴ Yet the colonial secretary's intervention would prove unnecessary. Marie and her owner were able to resolve the matter outside of court. Although the appraisal was not altered, the case came to a close when Marie reluctantly paid the high price demanded of her.⁷⁵

It is noteworthy that the Colonial Office was now much more willing to interfere in appraisals than it had been during the era of apprenticeship. What is even more striking is that interference was not ultimately needed. Although Marie's was just one case, her eventual manumission had been made possible because the potential for accumulating monetary savings was dramatically higher than it had been for slaves-turned-apprentices before 1834. Never before had the planters been subject to so many restrictions when it came to coercing labor. Wage-earning among apprentices, moreover, was now more broadly sanctioned throughout the Caribbean than it had been previously.

In other cases, for a variety of reasons, apprentices and their former masters were more likely to come to agreements outside of court. At times, masters relented and settled on a lower price. Former masters had increasing incentives to negotiate with their apprentices and agree upon a lower figure, even if it seemed to require what they might consider a small economic loss. As the end of apprenticeship neared, these planters felt a pressing need to come to amicable agreements with their former slaves – especially if they hoped to entice them to work their

⁷⁴ CO 296/12, no. 81, Glenelg to Hill, 10 February 1836, ff.75-6.

⁷⁵ CO 295/112, no. 127, Hill to Glenelg, 4 October 1836 ff. 221-226.

plantations under the new free labor regime.⁷⁶

Apprenticeship came to an early demise throughout the West Indies on 1 August 1838, exactly four years after it had begun. The date that domestic slaves only were to be set free became a date of general emancipation, the result of the combined efforts of antislavery activists in Britain and local resistance among the apprentices. The colonial legislatures conceded the early end to the system as a result of considerable pressure from both groups. The first island to act was Montserrat, its legislature voting in November 1837 to end apprenticeship the following August. After that, the system crumbled across the other islands with a rapid domino effect, with Barbados setting a prominent example in the spring. The most resistant colonies were those that suffered most heavily from labor shortages. Even in those places, however, resistance evaporated over the summer months.

In Trinidad, news of the events taking place on neighboring islands had propelled the issue to the forefront of political discussion by the spring of 1838.⁷⁷ The rumblings were sufficient to provoke threats from the apprentices, who were stating that they would refuse to work another day come August.⁷⁸ Governor Hill was convinced that apprenticeship must end, as much for the planters' own good as for that of the apprentices themselves, but the council remained obstinate.⁷⁹ In May, Hill wrote to Glenelg begging that the problem be resolved via an

⁷⁶ On these points, see Heuman, "The Legacies of Slavery and Emancipation."

⁷⁷ On the troubled transition to freedom in Trinidad, see William Burnley, *Observations on the Present Condition of the Island of Trinidad and the Actual State of the Experiment of Negro Emancipation* (London, 1842).

⁷⁸ CO 295/120, Hill to Glenelg, 31 March 1838, ff. 315-7; Hill to Glenelg, 21 April 1838, ff. 423-4.

⁷⁹ As we saw above, Trinidad received an unelected council (appointed by the Governor) in 1832. This council certainly had more authority than its predecessor (an advisory council) to resist the governor, and this was the first major instance of disruption.

order in council, which he feared was the only way forward.⁸⁰ Pressure from the apprentices, however, continued to mount, emboldened by developments on neighboring islands. Many of the island's leading plantation owners fled, fearing violent reprisals. Burnley was among them.⁸¹ With only a week to spare, the council voted on 25 July that apprenticeship would come to an end on the first of August.⁸²

The transition to freedom in Trinidad and other holdouts was unusual in British history. Doubtless the actions of abolitionists and politicians in Britain were important. But in perhaps no other moment in the history of British slavery did the actions of the enslaved themselves resonate so effectively, advancing the end of apprenticeship two years ahead of the sanctioned date. After a long tradition of resistance and obstinacy, all the colonial councils and legislatures acquiesced to the new date over the course of about eight months, with minimal pressure from Glenelg.

By 1838, the realities of a post-emancipation society were approaching rapidly, whether emancipation was to come in 1838 or 1840. Some planters certainly wanted those extra two years, but many others took the long view.⁸³ The apprentices were not content to wait any longer for freedom, especially with the domestic population already poised to make the transition. For once, their voices were heard. One by one, the colonial legislatures conceded.⁸⁴

⁸⁰ CO 295/121, no. 42, Hill to Glenelg, 5 May 1838, ff. 2-8; CO 295/121, no. 54, Hill to Glenelg, 27 May 1838, ff. 79-80.

⁸¹ CO 295/121, Hill to Glenelg, 22 July 1838, ff. 235-8.

⁸² CO 295/121, Proclamation dated 25 July 1838, f. 245.

⁸³ See Heuman, "The Legacies of Slavery and Emancipation."

⁸⁴ Not unusually, Mauritius was slightly behind schedule, with apprenticeship abolished 1 February 1839. See Nwulia, *The History of Slavery*, chapter 5.

Among colonial legislatures, however, acquiescing to metropolitan (and laboring) pressure was not about to become a trend. The patterns of metropolitan-colonial antagonisms that had colored slavery were long to endure. Government officials would soon find that planters and local legislatures could be just as obstinate in a post-slavery, post-apprenticeship world as they had been during the height of the era of abolitionism.

The Gladstone Coolies

On the whole, sugar production in the Caribbean plummeted after emancipation. There had also been a commensurate rise in prices,⁸⁵ but even so, the spoilage of unpicked sugar fields was a serious problem, especially on plantations that had lost as many as two-thirds of their laborers. Although some ex-slaves remained willing to hire themselves out to their former masters, significant numbers of the free blacks were not content to continue doing the same work they had always done. Many preferred subsistence farming, supporting themselves and their families in peace and relative obscurity. In colonies where unsettled land was plentiful, including Jamaica, British Guiana, and Trinidad, flight from the old plantations was especially dramatic.⁸⁶ Exact numbers are difficult to come by, but Thomas Holt has estimated that the sugar estate labor force in Jamaica declined 31 percent between 1838 and 1845.⁸⁷

Trinidad had already been on the hunt for new labor imports. The abolition of slavery brought a fresh wave of appeals that the island be allotted “liberated” Africans captured from illegal Spanish and Portuguese trade ships. One case involved the *Negrita*, a Havana-bound

⁸⁵ Mathieson, *British Slave Emancipation*, 103-4.

⁸⁶ Holt, *The Problem of Freedom*, chapters 4 and 5.

⁸⁷ Holt, *The Problem of Freedom*, 155.

slave ship captured in 1833 with 189 African slaves on board. The 182 that survived – seven had died *after* being liberated at the mixed commission court – were quickly distributed among several Trinidad plantations, ironically during the same weeks that the British Parliament was finalizing its abolition bill. In an era of labor scarcity, they were hot commodities, and the governor received a large number of applications for the apprentices.⁸⁸ In his report to the Colonial Office, Hill detailed the standard condition in which these apprentices would be kept:

Their services for the first year will not be of much value, for which the feeding, clothing, housing, and finding them in medical treatment will with a small pittance of wages be a sufficient return. At the expiration of that time, or as they increase in intelligence their employers will be required to pay them proportionate wages.⁸⁹

That was the prevalent attitude: these laborers might be unskilled and slow to train, but they were cheap. Often, this meant that the vast majority of compensation took the form of shelter and provisions, with only a tiny amount paid in cash or coin above this. As the products of an illegal trade, however, these “prize slaves” could never be obtained in large numbers. They would decline, too, as suppression of the international slave trade became more successful.⁹⁰

Also supplementing the labor forces of Trinidad and British Guiana were free blacks migrating from other islands. They came in hopes of fresh land and competitive wages, since the pay in these colonies was generally better than elsewhere. Between 1839 and 1849, an estimated 10,278 free blacks migrated to Trinidad from neighboring islands. Yet these migrants were no more effective than recaptives at resolving the labor deficiency. For one thing, few of them

⁸⁸ By August, the governor had received 184 applications for the relatively small number of Africans available. CO 295/98, no. 16, Hill to Stanley 1 July 1833, ff. 123-6; no. 24, 1 August 1833, Hill to Stanley, ff. 249-50.

⁸⁹ CO 295/98, no. 24, 1 August 1833, Hill to Stanley, ff. 249-250.

⁹⁰ Between 1834 and 1867 (the date that the illegal traffic in slaves to the Spanish Caribbean was finally curbed) about 37,000 liberated Africans were recruited for the British West India colonies.

planned to reside permanently. For another, like other ex-slaves, this group tended to favor settling in towns or independent, small-scale cultivation to working on the sugar estates.⁹¹

As we saw in Chapter 2, Asian immigration had first been explored during the early years of British rule in Trinidad. The foray into Chinese indentured labor, however, had been short-lived. Most of the 200 men who arrived in Trinidad in late 1806 had died or departed by the end of the decade. The original impetus had come in large part from the reputed hard-working nature of Asians. Local Trinidad observers, however, had found the Chinese arrivals to be disappointingly “lazy.” In any case, Chinese migrants demonstrated limited interest in remaining in Trinidad, and this practice had quickly evaporated.⁹²

Yet in a new era of uncertainty, the idea of indenture remained a compelling one. With the end of slavery and apprenticeship on the horizon, planters were in search of potential new sources of cheap, unskilled labor. There were a growing number of reasons, moreover, to look to Asia, particularly India, whose overpopulation and frequent food shortages rendered many locals eager to emigrate.⁹³ Most of these Indian migrants imagined spending only a few years abroad working for wages, after which time they would return home with their new funds.⁹⁴

Mauritius was the first island to experiment with South Asian indentured labor. A succession of small attempts to instigate this traffic began in 1825 and continued sporadically over the next several years. Large-scale migration began in earnest in 1834, with seventy-five

⁹¹ Burnley, *Observations*, 13; Brereton, *A History of Modern Trinidad*, 96-97.

⁹² Epstein, “Freedom Rules/Colonial Fractures.”

⁹³ On the long and understudied tradition of slavery in India, see Indrani Chatterjee, *Gender, Slavery and Law in Colonial India* (Oxford: Oxford University Press, 1999); Richard M. Eaton et al., *Slavery and South Asian History* (Bloomington: Indiana University Press, 2006).

⁹⁴ For an outline of this background in India, see Hugh Tinker, *A New System of Slavery: the Export of Indian Labour Overseas 1830-1920* (London: Hansib, 1993 [1974]), chapter 3.

migrants arriving in an initial passage from Calcutta.⁹⁵ During the initial years of immigration, planters argued that immigrants would not be competing with ex-apprentices for work, that the immigrants would instead be employed in *extending* the land under cultivation. After it became clear that ex-apprentices were abandoning the former plantations in significant numbers, this argument was abandoned.⁹⁶

The initial experiment with South Asian indentured labor to the Caribbean began in British Guiana in 1837 in fits and starts. The initial wave of imports came at the behest of John Gladstone, who had returned to London from his Demerara plantations and actively lobbied Parliament and the Colonial Office to authorize new labor imports for both British Guiana and Jamaica.⁹⁷ He eventually obtained Glenelg's hesitant consent. An Order in Council, dated July 1837, authorized the initial shipment from Calcutta to British Guiana. These "Gladstone coolies," distributed among six estates, were guaranteed a free return passage to India upon completion of a five-year contract.⁹⁸ Glenelg had insisted upon the return passage in exchange for conceding Gladstone's request for a five-year, rather than a three-year, period.

That same year, Thomas Buxton initiated a campaign in the *Anti-Slavery Reporter* against coolie labor, which he derided both for the appalling work conditions it typically entailed as well as for the very limited freedom with which South Asians were able to make choices about the contracts into which they entered. A January 1838 issue of *The British Emancipator* published in full the Order in Council authorizing the transit to British Guiana. It condemned the

⁹⁵ Carter, *Servants, Sirdars, and Settlers*, chapter 1.

⁹⁶ Carter, *Servants, Sirdars, and Settlers*, 19.

⁹⁷ David Northrup, *Indentured Labor in the Age of Imperialism 1834-1922* (Cambridge: Cambridge University Press, 1995), 24; Kale, *Fragments of Empire*, chapter 1.

⁹⁸ Kale, *Fragments of Empire*, chapter 1.

indentured servitude scheme as “a modified slave-trade,” denouncing the Order’s lack of attention to coolie welfare, an oversight that ultimately left the laborers to the “tender mercies” of the planting class.⁹⁹

In 1839, the older anti-slavery society morphed into the British and Foreign Anti-Slavery Society, an organization committed to the universal end of slavery, free labor, and “the protection of the rights and interests of the enfranchised population in the British possessions, and of all persons captured as slaves.” This organization remained firmly opposed to coolie labor, for its similarity to slavery as well as for the objectionable circumstances under which many South Asians became indentured: stories of kidnap were prominent among the accounts circulating in its publications.¹⁰⁰

Humanitarian agitation in the wake of the Gladstone immigration policy moved quickly. In Parliament, Lord Brougham pressed for details of the venture. Following the publication of the 1837 Order in Council authorizing the experiment in January 1838, Brougham launched a debate in the House of Lords in February and March, flagging the utter lack of safeguards for migrants in place and the consequent “danger of slavery recurring.”¹⁰¹ Glenelg responded to the criticism by ordering new legislation to regulate the traffic. While a Natives of India Protection Bill promptly went before Parliament, the colonial secretary obtained a new order in council to regulate migration more closely over the short term.¹⁰²

The Order in Council addressed concerns that the immigrant laborers were unaware of

⁹⁹ *The British Emancipator*, II (January 3, 1838), p. 21.

¹⁰⁰ For example *The British and Foreign Anti-Slavery Reporter*, I (January 15, 1840), p. 1.

¹⁰¹ HL Deb, 6 March 1838, vol. 41, 416-476 (quote from 462).

¹⁰² Tinker, *A New System of Slavery*, 64-65.

the circumstances to which they were committing themselves. The new regulations included a stipulation that contracts could not be for more than one year, and another that they could not be executed until the laborers reached the destination colony.¹⁰³

The metropolitan response to humanitarian agitation did not end with this Order in Council. In 1839, the Secretary of the Anti-Slavery Society, John Scoble, along with two other members, visited British Guiana to draw attention to incidences of ill-treatment of the coolies. Scoble subsequently published an exposé highlighting instances of excessive brutality, including coolies flogged so severely that their backs were swollen and that “they were in the sick house for two days after the flogging.”¹⁰⁴

Their findings were serious enough to prompt broader governmental inquiry. A special commission was deployed to provide a detailed record of the Gladstone coolies and what became of them. The commission’s report tracked the 414 passengers from two ships who had embarked from Calcutta. 396 immigrants (eighteen migrants, or 4.3 percent, had died on the journey) had arrived in British Guiana in May 1838, a predominantly adult male group that included just fourteen women and eighteen children.

The new arrivals were distributed among six plantations, 101 of them (just over 25 percent of the total) passing to Gladstone’s own employment. Across all six plantations, the report revealed an alarming 25 percent mortality over the five-year period.¹⁰⁵ At the end of five years, only 236 returned to India. Another sixty opted to remain in the colony (see Table 5.2).

¹⁰³ Tinker, *A New System of Slavery*, 64-65.

¹⁰⁴ [John Scoble], *Hill Coolies: A Brief Exposure of the Deplorable Condition of the Hill Coolies in British Guiana and Mauritius and of the Nefarious Means by which They Were Induced to Resort to These Colonies* (London, 1840), 16-18.

¹⁰⁵ There was some lack of certainty over the precise figure. The report, however, suggested that 98 had died while two had run away, successfully, from the plantations shortly after arrival.

Table 5.2 What became of the Gladstone coolies

	Number of immigrants
Who embarked at Calcutta (1838)	414
Died during the voyage	18
Total landed in British Guiana	396
Returned to India in 1843	236
Number of deaths in British Guiana, 1838-1842	98
Number absconded or lost after arrival	2
Number remaining in the colony	60

The report recorded considerable variation among the six estates, with two of them noted for their severe conditions. These observations prompted three fines and one imprisonment of an overseer. Conversely, migrants residing on two of the plantations fared particularly better than the rest. Those who resided on the *Anna Regina* or *Waterloo* plantations took home an average of more than £37 and £33 per laborer, respectively, at the end of their contract. At the other end of the spectrum, for the sixteen immigrants employed in the *Wales* plantation, the average takeaway was less than £14 per head.¹⁰⁶

Agitation against the migration had not been confined to metropolitan circles but in fact had extended to India, where a group of Calcutta-based reformers was debating a range of issues including education and legal reform, self-government, personal liberties, and now indentured labor. In 1839, the government of India banned emigration for the purpose of manual labor, a

¹⁰⁶ Dwarka Nath, *A History of Indians in British Guiana* (London: Thomas Nelson, 1950), chapter 2; Look Lai, *Indentured Labor, Caribbean Sugar*, 109.

prohibition that curtailed immigration to Mauritius, British Guiana, and Ceylon as well as the limited transit to Australia and the French Indian Ocean colony Réunion. The ban came for several reasons, including fears of about a potential oversupply of laborers, but hinged on concerns about the potential for mistreatment of laborers.¹⁰⁷

The early years of immigrant labor had seen a new labor force emerging to fill the void left by slavery. Planters, colonial officials, and antislavery advocates quickly came to consider the new system within the language of slavery. Planters sought a ready labor force that was nonwhite, cheap, and exploitable. Antislavery advocates, ever suspicious of the former slave masters, tended quickly to see their efforts for what they were – an attempt to formulate a new system that was less than free.¹⁰⁸

The funny thing was that, although slavery itself had been deemed unreformable in the early 1830s, politicians within both the Colonial Office and Parliament clung to the notion that there was something nevertheless both salvageable about labor relations on the sugar plantations. By the early 1840s, the imperial government would resolve to proceed with a reform program that would fully extend the ideal of crown protection to encompass the new immigrant subjects. This meant increased regulation, which fundamentally depended the figure of the magistrate.¹⁰⁹

¹⁰⁷ Shipments to Réunion had begun as early as 1826. Tinker, *A New System of Slavery*, 64-9; Look Lai, *Indentured Labor, Caribbean Sugar*, 52-4, 61.

¹⁰⁸ These debates are very well traced in Kale, *Fragments of Empire*, especially chapters 2, 3, and 5; also Look Lai, *Indentured Labor, Caribbean Sugar*, chapter 6.

¹⁰⁹ This is a theme that Lisa Ford and Lauren Benton have explored in their article, Lauren Benton et al, “Magistrates in Empire: Convicts, Slaves, and the Remaking of Legal Pluralism in the British Empire,” in *Legal Pluralism and Empires, 1500-1850*, ed. Lauren Benton et al. (New York: New York University Press, 2013).

Protecting Immigrants?

After a brief termination, indentured migration from South Asia was reopened under limited circumstances in 1841, initially only to Mauritius. Immigration from China was authorized in 1843, although this migration would never flourish on the same scale.¹¹⁰

As they reopened the transit, metropolitan officials once again turned to the idea of deploying “protectors” to ensure the smooth implementation of official regulations. 1842 saw the creation of a new official called the Protector of Immigrants, loosely modeled on the Protector figure that had been established in the crown colonies during the era of amelioration and apprenticeship. The first Protector of Immigrants was Charles Anderson, whose previous service as special magistrate for the colony during the era of apprenticeship had recommended him for the post despite criticisms that he lacked knowledge of India.¹¹¹ He was charged both with ensuring that new arrivals were adequately provided for and with preventing planters from controverting their contracts.

Soon after taking up the post, Anderson visited India to inspect living conditions at the points of departure. He subsequently recommended the establishment of a parallel Protector of Emigrants.¹¹² Established the following year, this Protector was to serve in an advisory capacity to those Indians who were signing up for indentured servitude, helping them to understand the nature of their contracts, ensuring livable conditions at the depots prior to embarkation, and preventing illegal capture of individuals who had not consented to indenture. This Protector was also responsible for preventing Indians of poor health, especially those who carried infectious

¹¹⁰ Chinese imports were also much more expensive than those from South Asia. Northrup, *Indentured Labor in the Age of Imperialism*, 24-6.

¹¹¹ Tinker, *A New System of Slavery*, 18, 69, 75-77.

¹¹² Carter, *Servants, Sirdars, and Settlers*, chapter 2.

diseases, from boarding ships to the colonies.¹¹³

Immigration evolved separately and more slowly in the Caribbean colonies, where a Protector of Immigrants was not immediately created. In 1845 immigration was authorized to Jamaica and Trinidad as well as British Guiana. The colonies were to be responsible for raising the necessary sums to transport immigrant labor,¹¹⁴ which averaged about £15 per servant.¹¹⁵ Contracts of service were to be for no longer than one year. The colonies were required to provide free return passage for the migrants, but not until the migrants had served at least five years.¹¹⁶

Abolitionist and humanitarian suspicions that indentured servitude was little more than the slave trade revived were not without foundation.¹¹⁷ There were notable similarities to slavery, including the long and dangerous passage between Asia and the Caribbean, restrictions on the mobility of the indentured laborers once they arrived on the plantations, and the great propensity for physical abuse suffered by migrants on the estates. Stories of illegal floggings, similar to that which had been highlighted in Scoble's exposé, were prominent in accounts of indentured servitude throughout the century.¹¹⁸

¹¹³ BL, IOR, L/PJ/3/1086, Grey to Thompson, 9 October 1860, p. 7. Present-day India retains a modern incarnation of the Protector General of Emigrants, whose duties of oversight closely mirror the original intent of this position as outlined in 1842-1843.

¹¹⁴ Loans were necessary, but commissioners representing the interests of British sugar planters encountered difficulties raising the money in London. Green, *British Slave Emancipation*, 276.

¹¹⁵ CO 295/144, Stanley to MacLeod, 31 July 1844, ff. 41-4.

¹¹⁶ Look Lai, *Indentured Labor, Caribbean Sugar*, chapter 5.

¹¹⁷ Seymour Drescher has pointed out the incongruity of new abolitionist attention to Mauritius and India in the late 1830s, in contrast with neglect of the slavery issue in these regions prior to abolition. Drescher, *The Mighty Experiment*, 156.

¹¹⁸ For example, HC Deb, vol. 220, 6 July 1874, 1054-1065.

The planters themselves conceived of indentured servitude in much the same terms as slavery.¹¹⁹ In Mauritius, the new arrivals' accommodation was still called *camp des noirs*; in British Guiana, it was the still more jarring "Nigger Yard."¹²⁰ There is substantial evidence, too, that immigrants typically understood their status as bonded labor. Hugh Tinker writes that "in folk art, the indentured Indian was always portrayed with his hands bound together, and shoulders hunched; for he was now a tied-creature, a bondsman."¹²¹

In theory, corporal punishment had been permanently removed from the hands of the planters with the Abolition Act. (In the case of apprenticeship, magistrates did continue to sanction lashings of apprentices on a case-by-case basis.) One of the conceptual differences between slavery and apprenticeship on the one hand and indentured servitude on the other was that in the case of the latter, incarceration was intended to replace corporal punishment as the penalty for criminal deeds or breach of contract. In practice, however, immigrant transgressions were often met by physical brutality, much of it illicit, whether at the hands of the magistrate or the planter-employer himself.¹²²

Just as had been the case with slavery, working out the terms of colonial policy with respect to immigration required a continuous dialogue between metropole and colonies. In the 1840s, planters were largely dissatisfied with current arrangements and complained in particular that they were sometimes unable to enforce their rights as employers. Vagrancy was a particular

¹¹⁹ Sidney Mintz has written that the "very existence" of slavery "became a monstrous obstacle to any alternative labor forms." See Mintz's introduction to Look Lai, *Indentured Labor, Caribbean Sugar*, xxv.

¹²⁰ Tinker, *A New System of Slavery*, 177. Tinker writes: "...the plantation way of life survived the eighteenth century into the twentieth, with very little change."

¹²¹ Tinker, *A New System of Slavery*, 179.

¹²² Bridget Brereton, "The Historical Background to the Culture of Violence in Trinidad and Tobago," *Caribbean Review of Gender Studies*, no. 4 (2010); see also Look Lai, *Indentured Labor, Caribbean Sugar*, 99, 157.

problem. Each of the colonies passed local regulations and laws imposing harsh criminal penalties for migrant breach of contract. The Colonial Office, which remained ever watchful of the extent of the authority it granted colonial legislatures as well as the propensity for abuse of migrants, systematically rejected most of these regulations.¹²³

Metropolitan authorities remained sympathetic to planters insofar as they consistently authorized the labor migration. Humanitarian concerns infiltrated government circles in terms of the regulations imposed. After 1845, medical attendance and treatment for laborers were to be strict requirements of contractual arrangements, although it could substitute for earned wages when a laborer was necessarily confined to hospital. Employers were also required to provide housing and provision grounds for the personal cultivation of produce (a carryover from the amelioration era). Surgeons were appointed to attend to the coolies during their passage from India; they kept record books of illnesses as well as deaths.¹²⁴

A comprehensive system of supervision and reporting was critical to the metropolitan scheme for regulation. The supervision of labor and working conditions was to be managed by overseers called sirdars, who were each responsible for groups of between twenty and twenty-five laborers.¹²⁵ The special magistrates of the apprenticeship era were also required to make periodic inspections of working and living conditions.¹²⁶ They submitted written reports to the governor and the agent-general, an officer tasked with oversight of the stipendiary magistrates. These reports were summarized in dispatches to London.

¹²³ Burnley, *Observations*, 19; Look Lai, *Indentured Labor, Caribbean Sugar*, 55.

¹²⁴ Green, *British Slave Emancipation*, 276. Of course, specific requirements for the safety of the passage to the sugar colonies directly echoed the precautions that had been put in place during the African slave trade.

¹²⁵ CO 295/146, ff. 404-7.

¹²⁶ CO 295/144, no. 77, Rules and Regulations to Be Observed, ff. 191-194.

Although most migrants came to the sugar colonies in pursuit of wage-earning opportunities, incomes among indentured servants were never high. When the first immigrants arrived in British Guiana in 1838, they were often receiving less per month than free blacks received per day.¹²⁷ Wages were often reduced to account for the fact that the immigrants were receiving food, shelter, and medical provisions. In Trinidad, both the special magistrates and the governor drew attention to the “small” amount of work performed by the immigrants to justify the low rate of compensation. According to one magistrate, “These immigrants as yet perform only a little more than half a task, but their headsman [overseer] stated that this arose from their being as yet unaccustomed to the nature of work at present required of them, but that they would soon be able to perform full tasks.”¹²⁸

One of the problems was that wages were often allocated according to “task work” performed. This meant that immigrants, like ex-slaves, were paid on the basis of tasks performed, rather than hours worked. This was contrary to the way work was compensated in India. It also disadvantaged newcomers: newly-arrived immigrants could not perform at the same rate as seasoned laborers. The practice, moreover, provided no safeguard against lengthening workdays. Many immigrants worked much longer hours to compensate for the learning curve.¹²⁹

Very early on in Trinidad, it was evident even to Governor MacLeod that metropolitan regulations were often not operating as intended. One of the problems, he lamented in a June 1845 letter to Lord Stanley, was that the stipendiary magistrates were seldom able to

¹²⁷ Northrup, *Indentured Labor in the Age of Imperialism*, 117.

¹²⁸ CO 295/146, Report of Joseph Anthony Giuseppe, f. 403; see also ff. 404-7.

¹²⁹ Tinker, *A New System of Slavery*, 183.

communicate adequately with the laborers, who spoke little English or French and whose complaints were often indecipherable to the local authorities. He recommended the introduction of a “coolie magistrate,” an individual vested with “the power of a stipendiary justice” in all cases of dispute between master and servant. “I would further observe,” he urged, “that in this capacity he would be a great protector to the coolies, that is between them and their sirdar, who I understand generally makes them pay him a percentage on all monies they receive.”¹³⁰

MacLeod’s dispatch, highlighting the fact that a Protector of Immigrants had not yet been commissioned for Trinidad, underscores the great gulf between intention and reality in the wake of the most recent immigration ordinance. The intended safeguards in place by that date did not prevent miscarriages of justice. It meant little that local magistrates served as advocates of the coolies if they did not speak a common language. Sirdars, moreover, were siphoning off some of the laborers’ earnings. A similar difficulty for wage-earning was the issue of deductions in cases of absence from work, usually owing to illness. It was common for the deductions to be so high that servants who missed several days in a month due to severe illness might end up owing money rather than receiving any sort of monthly paycheck at all.¹³¹

By the 1850s, wages per diem had risen considerably, averaging about £1 4s. in British Guiana and £1 5s. in Trinidad.¹³² (The first arrivals had been paid less than this daily wage each month.)¹³³ Even so, indentured laborers were not always able to take home the full amount. The very low rate at which servants were able to accumulate – and save – wages played a role in

¹³⁰ CO 295/146, no. 48, MacLeod to Stanley, 15 July 1845, ff. 389-93.

¹³¹ Tinker, *A New System of Slavery*, 188.

¹³² Look Lai, *Indentured Labor, Caribbean Sugar*, chapter 3.

¹³³ Northrup cites wages of 80¢ per month (in addition to benefits) for the first arrivals, “at a time when newly emancipated field hands were receiving 32¢ a day.” Northrup, *Indentured Labor in the Age of Imperialism*, 117.

reducing the likelihood of their returning to India upon the expiration of their contracts.

The British and Foreign Antislavery Society objected to material conditions in the colonies, where labor contracts subjected the immigrant population thoroughly to the will of the planters.¹³⁴ Often, however, activists placed the strongest emphasis on the system of transit itself, echoing abolitionist emphasis on the horrors of the slave trade in a previous era. Record-books of surgeons on board immigrant ships revealed the extent of disease and death over the course of the journey: cholera was a particularly dangerous scourge, but chickenpox and smallpox also claimed their share of lives.

Over a three-month journey from Madras to Port-of-Spain, a typical report detailed numerous illnesses and a few deaths.¹³⁵ By the 1850s, it was not uncommon for a ship to lose a quarter or even a third of its cargo during the voyage. Part of this owed to systemic neglect. Although Protectors of Emigrants, emigration agents, and surgeons stationed in India were supposed to prevent ill or unfit emigrants from boarding the ships, they were often under heavy pressure to have ships boarded and dispatched as quickly as possible.¹³⁶ It became common for administrators in the colonies to complain that significant numbers of the new arrivals were so unfit for manual labor that they ought never to have left India in the first place.¹³⁷

Between humanitarian and planter agitation, most metropolitan authorities were caught in the middle. Walton Look Lai has characterized the Colonial Office of this period as being

¹³⁴ CO 295/148, British and Foreign Antislavery Society: Coolie Emigration Ordinance, ff. 245-9.

¹³⁵ One surviving journal, authored by a ship surgeon, details the day-to-day developments on the *Poictiers*, the long illnesses and the slow deaths of several of the passengers. CO 300/34.

¹³⁶ Tinker, *A New System of Slavery*, 49, 139.

¹³⁷ For example CO 295/177, no. 23, George Harris to John Parkington, 27 April 1852.

“reluctant” but “increasingly sympathetic” to the project of indentured labor.¹³⁸ The crucial fact to underscore is that metropolitan authorities were convinced by planter arguments that indentured labor was an economic necessity. That being the case, they were committed to striking a balance between economic and humanitarian considerations in order to ensure a “benevolent” but profitable regime.

Shifting Considerations

Amid complaints of abuse, the entire project of indentured labor came to another halt in 1848. The break coincided with a broader economic crisis within the sugar industry. When indentured immigration was reopened in 1851 to British Guiana and Trinidad, it was with the addition of several “Superintendents of Immigrants,” offices with functions directly mirroring those of the Mauritius Protector of Immigrants. (These officers were renamed Protectors in later years.) Between 1851 and 1854, several new safeguards would be put into place both to protect immigrants and to promote economic efficiency in the sugar colonies.

Soon after the migration system was reopened, Thomas Caird, an emigration agent in Calcutta, made visits to British Guiana and Trinidad to evaluate the working and living conditions of migrants who had arrived there. His report was favorable, and it bolstered the position of advocates for the transit system. At his recommendation, contracts were effectively lengthened and free return passage deferred. In theory, contracts were limited to three years, but the 1854 ordinance on indentured labor required immigrants to pay \$12 per annum after the third year if they did not wish to remain bound to their current employers. They would not be granted

¹³⁸ Look Lai, *Indentured Labor, Caribbean Sugar*, 55.

free return passage until the completion of ten years.¹³⁹

Indentured labor had for a long time been considered within metropolitan circles as a short-term solution to labor shortage. The early emphasis that metropolitan officials like Glenelg placed on ensuring a free return passage for the immigrants underscores this temporary lens with which they viewed migration. By the 1850s, this was beginning to change.

Following Caird's report, the 1854 ordinance on indentured labor was in some ways more draconian, requiring immigrants to carry certificates of residence at all times and sanctioning the use of criminal sanctions for civil offences. As had been the case with the amelioration of slavery, indentured servitude reform had as much to do with outlining the rights of planters as with their obligations to their servants. Indentured servants increasingly faced fines, imprisonments, and even corporal punishment for breaches of their contracts.¹⁴⁰

Between 1838 and 1865, 96,581 indentured Indians traveled from South Asia to the West Indies, roughly half of them to British Guiana, a third to Trinidad, and the rest to Jamaica.¹⁴¹ More than twice as many immigrants arrived in Mauritius over the same period.¹⁴² Rates of immigration continued to increase into the early twentieth century. So, too, did the destination colonies for emigrants. In 1860, migration was opened to the South African port of Natal. That same year, British officials in India began to concede recruitment initiatives to the French, which had been halted decades earlier, first to Réunion and subsequently to the French West Indies.¹⁴³

¹³⁹ Look Lai, *Indentured Labor, Caribbean Sugar*, 55-57.

¹⁴⁰ See Brereton, *A History of Modern Trinidad*, chapter 6.

¹⁴¹ Green, *British Slave Emancipation*, 283.

¹⁴² Carter, *Servants, Sirdars, and Settlers*, chapter 1.

¹⁴³ BL, IOR, L/PJ/3/1123, no. 11, To the Right Honourable Viscount Cranbrook, 17 October 1878; Northrup, *Indentured Labor in the Age of Imperialism*, chapter 3.

In an era in which British reformers and politicians were vehemently working to curb the transatlantic slave trade, which was still supplying Cuba, Puerto Rico, and Brazil in contravention of international abolition treaties,¹⁴⁴ indentured servitude was rapidly catching up to slave trading in terms of real numbers. With the long-overdue curbing of the slave trade to Brazil in 1851, the number of indentured servants sent to the British Caribbean officially overtook the number of slaves sold to the West Indies.¹⁴⁵ The number of immigrants indentured in Mauritius dwarfed all of them: by 1871, 220,000 immigrants, most of them South Asian, had been introduced in the former Île-de-France.¹⁴⁶

The widening of British legislation on indentured servitude in the 1850s and for the rest of the nineteenth century reflected the increased significance of indentured labor to the economic outlook of the sugar colonies. Look Lai has accordingly identified a shift in imperial legislation on immigrant labor after 1854, reflecting the increased perception of the need for immigration and control. For Look Lai, the bent of legislation after this date reflects a diminished emphasis on humanitarianism and instead emphasizes greater regulation of economic priorities.¹⁴⁷ Yet as we have already seen, humanitarian concern and economic interest had always coexisted uneasily, with metropolitan officials ever hoping to balance the two. What changed in the 1850s was that the imperial administration began to see immigration as a long-term solution to Caribbean labor shortages. This change put renewed emphasis on accountability, in terms of both legal documentation and contract enforcement. Metropolitan officials, however, remained

¹⁴⁴ Huzzey, *Freedom Burning*; Murray, *Odious Commerce*; Bethell, *The Abolition of the Brazilian Slave Trade*.

¹⁴⁵ See The Trans-Atlantic Slave-Trade Database. Eltis, *Voyages*.

¹⁴⁶ Carter, *Servants, Sirdars, and Settlers*, chapter 1.

¹⁴⁷ Look Lai, *Indentured Labor, Caribbean Sugar*, 57.

committed to the idea that Protectors could balance the system's propensity for abuse.

The shift was not only in seeing immigration as a long-term necessity, but also in seeing the migrants themselves as potential long-term residents.¹⁴⁸ Very low wages often prevented South Asians from returning to their homeland; planters and local administrators often seized upon this fact to suggest that the indentured laborers did not want to return to India. They often advocated the abolition of return passages.¹⁴⁹ Over the course of several decades, return passages became less common as immigrants increasingly accepted allotments of land instead. This had a dramatic transformation on the makeup of colonial societies, as immigrants continued to arrive – and remain – in large numbers. This also resulted in increased numbers of female migrants: while men had always significantly outnumbered women in the transit ships, new regulations began to require that women be transported in sufficient numbers, initially 1 in 5, later raised to 2 in 5.¹⁵⁰

The objections of former abolitionists continued to resound. One anti-immigration tract, which drew attention to the parallels between indentured transit and the slave trade, highlighted a death rate of 11 percent in the years 1857-8 on ships bound for British Guiana. The same period revealed uneven results for Trinidad, where one vessel lost three passengers out of 379, but other ships saw sixty or even 120 deaths.¹⁵¹ These high mortality rates were exceptional but publicized, even as technological advances in maritime travel allowed for a broad decline in

¹⁴⁸ This was partly at the urging of local authorities. CO 295/170, no. 35, Governor Harris to Earl Grey, 7 May 1850, ff. 292-4.

¹⁴⁹ CO 295/181, no. 72, Charles Harris to the Duke of Newcastle, 5 June 1853, ff. 98-104.

¹⁵⁰ Northrup, *Indentured Labor in the Age of Imperialism*, chapter 3; on the gender disparity, see also Kale, *Fragments of Empire*, chapter 7. For a treatment of female indentured laborers specifically, see Gaiutra Bahadur, *Coolie Woman: The Odyssey of Adventure* (Chicago: University of Chicago Press, 2014).

¹⁵¹ William Garland Barrett, *Immigration to the British West Indies. Is It the Slave-Trade Revived or Not?* (London, 1859), 11-15.

mortality later in the century.¹⁵² Average mortality rates aboard indenture ships throughout the middle decades of the nineteenth century in fact remained 3 or 4 percent or under, rates consistent with mortality aboard passenger ships.¹⁵³

It was not only aboard ships that immigrants were susceptible to disease and death. The detention centers, or depots, where these contract workers waited to set sail were often disease-ridden, even late into the nineteenth century. A report of the Secretary of State for India, written in October 1878, concluded that the previous year had witnessed a mortality rate of 11.1 percent. There was considerable variation among the depots: rates were highest in the depots with immigrants bound for Mauritius (160 per thousand), British Guiana (124 per thousand), French colonies (160 per thousand), St. Lucia (144 per thousand), and Jamaica (77 per thousand), but lower for Natal, Grenada, Surinam, and Trinidad.¹⁵⁴

Mortality could also be high during an immigrant's first year in a sugar colony. As late as 1871 in Jamaica and 1900 in Mauritius, the Colonial Office was receiving alarming reports of mortality rates approaching and sometimes exceeding 10 percent per annum among new arrivals.¹⁵⁵ Unlike had been the case with slaves, planters contracted immigrant laborers for specific periods of time. The short duration of the contract, sometimes three years or less, provided incentives for a planter to extract the maximum output from his workers. He did not have the same motivation, as he once had with his slaves, to consider his workers' long-term health. We have already seen in Trinidad that planters were reluctant to employ their slaves in

¹⁵² Northrup, *Indentured Labor in the Age of Imperialism*, 99.

¹⁵³ Northrup, *Indentured Labor in the Age of Imperialism*, 99.

¹⁵⁴ BL, IOR, L/PJ/3/1123, no. 11, To the Right Honourable Viscount Cranbrook, 17 October 1878.

¹⁵⁵ Tinker, *A New System of Slavery*, 181-182.

overly arduous, insalubrious, and deadly labor. This was far less of a consideration for immigrant laborers.

Related to this was the old notion of “seasoning.” Contemporary onlookers felt that people of all races required a certain period of months if not years to adjust to the new climate. During the era of the slave trade, new African arrivals had been granted an initial “seasoning” period in which they were not expected to put in a full day’s work, to allow for their bodies to adjust to the sugar colonies’ tropical conditions. Africans, like white Europeans, had been expected to fall subject to frequent illness in the initial period after their arrival in the Caribbean. This logic had never entirely faded, but the stakes with immigrant labor were changed. For the hard-minded economically-oriented planter, it made little sense to spare an immigrant during his or her initial months or years, only to have the contract run out before the immigrant had been duly seasoned or a sufficient amount of work supplied.¹⁵⁶

Despite the efforts of abolitionists and humanitarians, the anti-immigration cause never generated the same level of popular enthusiasm that antislavery sentiment had done.¹⁵⁷ Never achieving a high level of notoriety, this migration did not end until 1916, with both the First World War and the rise of Indian nationalism well underway. The shock to British society that the Great War brought, combined with a upswing in public interest in (and condemnation of) migration, convinced more officials than ever before that indentured servitude was incurably corrupt, subject to the whims and exploitations of plantation owners, and that it had no place in the British Empire. Crucially, the concession owed much to the challenges to British rule that

¹⁵⁶ Tinker, *A New System of Slavery*, 181. Thomas Picton also referenced this problem with respect to white settlers. CO 295/10, ff.23-43.

¹⁵⁷ A primary distinction between this campaign and the antislavery campaign was that the former was primarily contained to intellectuals, politicians, and elites, whereas the latter famously mobilized public opinion. On the challenges confronted by the anti-indentured labor movement, see Kale, *Fragments of Empire*, chapter 5.

were being raised in India by Mohandas Gandhi and others.¹⁵⁸ Until then, government officials persisted in their attempts to regulate as well as ameliorate. As with slavery, their success in mitigating the potential for abuse, corruption, and ill-treatment was mixed.

A Second Slavery?

Ever since the 1830s, contemporaries and historians alike have debated whether indentured labor can reasonably be considered a form of slavery. Some historians have seen indentured labor as a mere continuation of old practices under a new name and with a new group of subject people, but repressive in the same meaningful ways.¹⁵⁹ Critics of the comparison, who insist that African slavery was an incomparably brutal institution, have highlighted the modicum of choice involved in the decision of the indentured servant to sign a contract with fixed terms.¹⁶⁰ Some have also ventured to suggest that indentured laborers upon reaching their destinations experienced better health and better standards of living than they would have done had they remained in their native lands.¹⁶¹ In contrast to slavery, corporal punishment was not legal in most cases for indentured labor (although it certainly happened). Nor was their period of obligatory labor permanent.¹⁶²

In spite of these important distinctions, the similarities in terms of mortality as well as

¹⁵⁸ Tinker, *A New System of Slavery*, chapters 7, 8, and 9.

¹⁵⁹ Tinker, *A New System of Slavery*, preface.

¹⁶⁰ For another opposing viewpoint, arguing that indentured labor should be seen less as an offshoot of Atlantic slavery than as stemming from entangled Indian practices of slavery and convict transportation, see Clare Anderson, "Convicts and Coolies: Rethinking Indentured Labor in the Nineteenth Century," *Slavery and Abolition* 30, no. 1 (2009). See also Eaton et al., *Slavery and South Asian History*, especially chapter 1, on the nebulous bounds between slavery and freedom in Indian history.

¹⁶¹ Northrup, *Indentured Labor in the Age of Imperialism*, chapters 1 and 5.

¹⁶² Carter, *Servants, Sirdars, and Settlers*, conclusion.

living conditions are difficult to ignore. Many laborers may have improved their individual situations, but the potential for individual migrants to improve their lots does not negate the system's proclivity for abuse and exploitation. Kidnappings and illegal seizures of Indians meant that not all migrants were presented with clear choices. At the same time, those Indians who did sign contracts of their own volition were grappling with a limited set of options – famine and overpopulation at home, coupled with limited understanding of the nature of living and work conditions on the sugar plantations. It may not have been “equivalent” to slavery, but these laborers were certainly less than free.

It is tempting to be skeptical, too, about the nature of British protective impulses. Marina Carter flatly calls the protective aspect of regulation attempts a “misnomer.” She observes that historians have been too apt to assume that in the realm of migrant legislation, “more meant better.”¹⁶³ On the contrary, she argues, many of the reforms that were put in place did little to ameliorate effectively the condition of the indentured immigrants. Protectors, especially those stationed in India, were officials intimately connected with the system of migration. They were interested parties, not the most effective advocates of migrant rights.

In the final assessment, nineteenth-century reforms imposing limits and regulations on immigrant labor reveal more about official attitudes toward labor, race, and metropolitan-colonial relations than they reveal about actual treatment experienced by immigrant laborers. The commitment to free wage labor was nominal, what Madhavi Kale has called a “plastic concept.”¹⁶⁴ Extracting the maximum out of nonwhite, non-native laborers was perceived as critical to the future of the sugar colonies.

¹⁶³ Carter, *Servants, Sirdars, and Settlers*, 4.

¹⁶⁴ See also Kale, *Fragments of Empire*, 87.

Still, the specter of slavery and the success with which abolitionism had transformed public opinion on the subject meant that debates about labor in the empire were inflected in important ways by concerns about coercion and abuse. The planters were to be economically defended, but they were never trusted again. Nevertheless, Colonial Office officials persisted in the stubborn belief that labor conditions could be ameliorated through comprehensive legislation as well as through intermediary figures tasked with advocating for migrant rights.

The persistent faith in regulation is particularly striking in light of the failure of the plan to ameliorate slavery, a compromise scheme that satisfied no one and was abandoned in under a decade. Ultimately, metropolitan officials concluded – in agreement with abolitionists – that African slavery was unreformable. They did not draw the same conclusions about planters, plantation labor, or race relations in the colonies. Nor would they: coolie labor was to survive into the second decade of the twentieth century. Until then, abolitionists remained suspicious, but metropolitan officials were hopeful that a regulatory system of Protectors, contracts, restrictions, and frequent reporting could keep immigrant labor free of the vices that had dogged slavery.

Most government officials hoped that increased regulation could forestall a transition to more strident forms of intervention in the structure of colonial authority (i.e., the extension of the crown colony model to encompass the old colonies). The post-abolition empire was ostensibly liberal and benevolent,¹⁶⁵ but metropolitan officials were not yet prepared fully to commit to reining in colonial legislatures in the name of reform. The 1833 Act of Abolition had intervened in colonial affairs without eliminating the power and authority of local legislatures. Subsequent orders in council dealt with indentured labor in a similarly limited manner.

¹⁶⁵ On this point see Huzzey, *Freedom Burning*.

It was not until later in the century – the 1860s and beyond – that Parliament moved more swiftly to abolish independent legislatures in the Caribbean, systematically sweeping away many of the privileges that white colonists had long enjoyed. This shift occurred in Jamaica only after a local riot (and the subsequent backlash) demonstrated abolition’s long-term failure in ameliorating race relations in the colony.¹⁶⁶ As many historians have argued, the transition to direct forms of imperial rule was often a reluctant one, brought about by the failure of less formal methods.¹⁶⁷ In the Caribbean the triumph of the crown colony model was a move brought about by a total breakdown in confidence in local colonists.

Viewed in this way, the administrative changes at mid-century were not a sharp break. They fell within a longer tradition, dating as far back as the American Revolution, of gradually consolidating imperial authority against unruly legislatures. Despite initial reluctance to take on too much of the quotidian functioning of colonial governments, over the long term, it was a more explicit form of direct rule that won out in most of the empire.¹⁶⁸ The colonies that took the opposite course, Canada and Australia, did so not just because they were majority white, but also because they did not experience the same racial stratification that existed elsewhere in the empire.¹⁶⁹

Compared with other empires, the British Empire has often been noted for its proclivity for informal rule. This contrast can be drawn not only with the Spanish Empire, but also (as has

¹⁶⁶ See Hall, *Civilising Subjects*.

¹⁶⁷ See for example Ronald Robinson et al., *Africa and the Victorians: The Official Mind of Imperialism* (London: Macmillan, 1961); Bernard Porter, *The Absent-Minded Imperialists: Empire, Society, and Culture in Britain* (Oxford: Oxford University Press, 2004).

¹⁶⁸ Murray, *The West Indies*, 231-2.

¹⁶⁹ It was also a strategy to bind these colonies closer to the metropole.

been shown more frequently) with the centralized tendencies of the French and its famed *mission civilisatrice*.¹⁷⁰ Centralization within the British Empire, however, as this dissertation has shown, had a much longer history than has typically been acknowledged. It was gradually and somewhat reluctantly endorsed, and only in fits and starts. Slavery reform proved that planters would not change on their own – that they had to be made to accept new policies. The development of both apprenticeship and indentured labor showed that nothing much had changed.

Australia: A Coda

It is an irony of the antislavery movement that, even at the same moment that intellectuals, politicians, and nascent middle-class opinion were beginning to call bonded labor into question, forms of coerced labor were proliferating worldwide.¹⁷¹ Beyond indentured servitude, this included convict labor,¹⁷² which continued in the Australian colonies until the middle of the century. But it would be another aspect of the Australian frontier where the British policy of protection would broaden in the nineteenth century. As it happened, humanitarian agitation after emancipation would come to encompass yet another category of *miserables*: the displaced Aboriginals being squeezed out by British settler colonialism.

¹⁷⁰ See Elliott, *Empires of the Atlantic World*. On the French, see especially Alice L. Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930* (Stanford: Stanford University Press, 1997).

¹⁷¹ Coerced labor was, of course, proliferating not only in the sugar colonies, nor only in the British Empire. It was a global phenomenon. Lauren Benton makes this point, too, about the period ca. 1780-1850. *A Search for Sovereignty*, chapter 4.

¹⁷² Convict labor was subject to mounting criticisms in the nineteenth century and was phased out in the various Australian provinces in the 1840s, 1850s, 1860s. (It survived until 1868 in Western Australia.) I exclude convict labor from this study because although it drew humanitarian concern from many of the same critics as slavery and immigrant labor, official responses to the problem did not take the same shape or fit the same protection model that came out of the amelioration of slavery. On convict labor see Benton, *A Search for Sovereignty*, chapter 4; and Benton et al., “Magistrates in Empire.”

The story of the new Australian frontier owes much to the controversial George Arthur, perhaps the epitome of an imperial careerist. Born in Plymouth in 1784, Arthur began his military career in 1804, serving in Sicily and Egypt during the war against Napoleon. He served briefly in Jamaica before being posted as superintendent and commandant to British Honduras (modern Belize) in 1814, a small British settlement of only a few thousand people. Ill health sent him home in 1822 ostensibly temporarily, but his run-ins with unhappy British settlers, who thought him hostile to slavery,¹⁷³ made him think better of his return. In 1823 he was posted to Van Diemen's Land (modern Tasmania) as lieutenant governor. He remained until 1836, again leaving amid complaints from British inhabitants. His career would take him to Upper Canada and then Bombay before he retired to England in 1846.¹⁷⁴

Arthur was lieutenant governor of Van Diemen's Land during a transitional era of Australian history. Although the British settlements on the continent were still receiving new shipments of convict laborers in the 1820s, it was in that decade that free settlement accelerated. The new settlement patterns brought Britons increasingly into contact with Australia's aboriginal peoples, who were resistant to the project of British expansion and who decidedly met violence with violence.

Arthur's governorship, consequently, is best remembered for the Black War, the period of martial law between 1828 and 1832 during which a human chain of some 1,000 men, convict and free, soldier and civilian, swept the settled districts in an effort to corral the region's

¹⁷³ In spite of this, he was not entirely hostile to slavery, as has sometimes been claimed. "Although I came to the West Indies three years ago a perfect 'Wilberforce' as to slavery," he later recalled, "I must now confess, that I have in no part of the world seen the labouring class of people possessing anything like the comforts, and advantages of the slave population of Honduras." CO 123/25, no. 22, Arthur to Bathurst, 7 November 1816.

¹⁷⁴ A.G.L. Shaw, "Arthur, Sir George, First Baronet (1784-1854) and Colonial Official," *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

aboriginal peoples out of the British-controlled regions. There were deaths and atrocities committed on both sides, but the losses were markedly greater among the aboriginal peoples.¹⁷⁵ This dark period in colonial history has been described as “the clearest case of genocide in British imperial history.”¹⁷⁶ If not an “official” imperial goal from the vantage point of metropolitan administrators, extermination was certainly on the agenda of a good number of colonists. Left unchecked, these settlers seemed poised to eliminate the native population.

Yet Arthur had secured the post through the patronage of none other than Wilberforce. He had been posted to Van Diemen’s Land in recognition of his religious evangelism (and related humanitarian orientation) as well as his zealous prosecution of illegal slave trading in British Honduras.¹⁷⁷ Although British Honduras had officially been only a settlement (as opposed to a colony) of the British Empire,¹⁷⁸ Arthur had seen to the forcible application of slave laws, particularly those originating in Jamaica, that would both curb slave imports from other British colonies and protect local slaves from cruelty. At the same time, he cracked down on the illegal enslavement of natives from the Mosquito Coast, which had become rampant in the absence of sufficient numbers of slaves.¹⁷⁹ He had earned his unpopularity among the local British settlers precisely because he had been so zealous in his enforcement of antislavery laws,

¹⁷⁵ Lyndall Ryan, *Tasmanian Aborigines: A History since 1803* (Crow’s Nest, New South Wales: Allen & Unwin, 2012).

¹⁷⁶ Alan Lester, “Personifying Colonial Governance: George Arthur and the Transition from Humanitarian to Development Discourse,” *Annals of the Association of American Geographers* 102, no. 6 (2012): 1472.

¹⁷⁷ Lester, “Personifying Colonial Governance,” 1477. For Arthur’s career in British Honduras, see CO 123/23-33. On his activities in Van Diemen’s Land, see CO 280/1-69.

¹⁷⁸ This distinction was the cause of considerable debate during Arthur’s tenure as governor. The main distinction seemed to be a limited applicability of British laws, even more than in the crown colonies. For his part, Arthur advocated a stronger articulation of British imperial authority over the island. See for example CO 123/25, no. 18, Arthur to Bathurst, 4 August 1816.

¹⁷⁹ Lester, “Personifying Colonial Governance,” 1476.

even where they could not be strictly said to have applied.

When he arrived in Van Diemen's Land, Arthur was uncomfortably a proponent both of British territorial expansion and of what he called an "ameliorative" policy toward the continent's native peoples.¹⁸⁰ He quickly earned the distrust of British settlers, as he issued proclamations announcing his intention to promote equal justice for the native peoples among those of the newcomers. He was chiefly responsible for recommending the establishment of a Protector of Aborigines official in the person of George Augustus Robinson. Yet in spite of this swift action, Arthur presided over one of the bloodiest periods in Australian history. What Arthur's career in Britain's southernmost territory confirms is that protection and humanitarianism could produce violent ends. With respect to the Australian aborigines, British policy officially courted both forcible removal and even extermination on the one hand while articulating a policy of protection, amelioration, and humane governance.¹⁸¹

George Robinson, Australia's first Protector of Aborigines, had first arrived in Hobart Town in 1824 and had quickly been employed in the removal of the aboriginal population from the mainland to Flinders Island, just off the north coast. Robinson's early impressions of the natives were sympathetic, and he found them less prone to violence than his compatriots' reports often suggested.¹⁸² These early projects of removal were conceived of by the imperial administration as acts of "protection." The official goals were both to preserve the Tasmanian natives from extermination at the hands of British settlers and also to shield those same settlers

¹⁸⁰ CO 280/56, Arthur to T. Spring Rice, 10 March 1835, ff. 101-103.

¹⁸¹ On the sincerity of the imperial mission's professed assimilationist aims, see Seliha Belmessous, *Assimilation and Empire: Uniformity in French and British Colonies, 1541-1954* (Oxford: Oxford University Press, 2013), especially 85-91.

¹⁸² See for example his reflections in CO 280/41, letter dated 24 January 1832, ff.51-53.

from the aboriginal presence on the continent.¹⁸³

Early reports of Robinson's mission to Flinders Island were favorable, such that Arthur – who had originally been somewhat more hostile in his opinion of the natives – came increasingly to see these as a degraded people worthy of saving. The natives, Arthur later recalled, were “children,” and furthermore “no conduct whatever on the part of the ignorant savages towards the intruders on their native soil . . . can possibly justify retaliation.” Indeed, nothing less than an act of self-defense could “constitute a justification for any act of violence towards them.”¹⁸⁴

It was Robinson's activities, then, that convinced the lieutenant governor to bolster the “defenses” of the natives. In 1832, in light of the success at Flinders, Arthur commissioned Robinson to continue his activities in Spencer Gulf and Swan River, similarly befriending and civilizing the natives while nevertheless removing them from open contact with the British settlers. In 1835, Robinson was commissioned to Portland Bay. By 1836, through Arthur's intervention, Robinson was offered the new title of Protector of Aborigines, an office that would have made official his role as an intermediary between settlers and natives. Robinson, however, was by this point weary of the tasks he was put to with little monetary remuneration, and it was not until he was offered a more lucrative post under the newly-established Port Phillip Protectorate in Victoria the following year that he accepted the new post.

The Port Phillip Protectorate, commissioned by Glenelg, was established with a clear aim of “civilizing” the natives, in addition to the older goal of keeping them separated from British settlers. In these efforts, the chief Protector would be aided by several assistant protectors, and together they were to be tasked with learning the native languages, watching over their rights,

¹⁸³ See Arthur's vision of the office as sketched in CO 280/84, Arthur to Glenelg, 22 July 1837, ff. 265-270.

¹⁸⁴ CO 280/84, Arthur to Lord Glenelg, 22 July 1837, ff. 265-270.

guarding against further encroachments of their property interests, and protecting them from cruelty, oppression, and injustice.¹⁸⁵ These were not unlike the tasks that had officially been set to the previous incarnations of the Protector office. Yet this mission was abandoned with the dissolution of the Port Phillip Protectorate after just eleven years in 1849. As an experiment, it was not unlike the project of slavery amelioration.¹⁸⁶

For all the accolades that Robinson had received for his work in Flinders, his subsequent work in Victoria was widely regarded as an unmitigated disaster.¹⁸⁷ The native population by this time had dwindled alarmingly. Mere dozens of natives survived where, prior to British settlement, there had once been thousands.¹⁸⁸ By mid-century, there were few aborigines left to protect. Of course, a “protection” policy that had demanded removal might never have been a happy one, but this policy favoring the separation of races in the name of peace was one with eighteenth-century antislavery resonances in British and American contexts.¹⁸⁹

The figure of Protector was just one way that amelioration and antislavery more broadly seeped into nineteenth-century Australian history. Founded in 1837, the Aborigines Protection

¹⁸⁵ CO 280/84, Arthur to Lord Glenelg, 22 July 1837, ff. 265-270.

¹⁸⁶ For a sympathetic account of the mission and its aims, see Alan Lester, “George Augustus Robinson and Imperial Networks,” in *Reading Robinson: Companion Essays to the Friendly Mission*, ed. Anna Johnston et al. (Hobart: Quintus Publishing, 2008).

¹⁸⁷ At least one biographer has used this disaster to completely rewrite our understanding of Robinson, casting him in a monstrous light. See Vivienne Rae-Ellis, *Black Robinson: Protector of Aborigines* (Melbourne: Melbourne University Press, 1996).

¹⁸⁸ This pre-dated the Port Phillip Protectorate. An estimated population of 4000 had shrunk to about 150 by 1835. “Robinson, George Augustus (1791–1866),” *Australian Dictionary of National Biography*, vol. 2 (Melbourne: Melbourne University Press, 1967).

¹⁸⁹ Examples include the African free colony of Sierra Leone, the result of an abolitionist vision that would remove many former slaves from British colonies. This, too, had resonances in the United States, where many early antislavery sympathizers (such as Thomas Jefferson) could not imagine a post-emancipation nation where blacks and whites lived freely together. Of course, the forced migration of native peoples was also a significant feature of nineteenth-century United States government policy.

Society was a direct offshoot of the antislavery campaign, founded, among others, by Buxton and Clarkson.¹⁹⁰ For many critics of slavery, the extermination of native peoples was yet another objectionable byproduct of British imperialism. Aboriginal protectionism thus came under the same umbrella of liberal humanitarianism that characterized much of the reforming impulse of the 1820s-1840s, both at home and abroad.¹⁹¹ Like slaves, factory workers, and the poor, these indigenous populations were a class of people in need of state protections to safeguard them from the predations of more privileged subjects.¹⁹²

The greatest difference between abolitionism and aboriginal protection, perhaps, was in results. The amelioration of slavery knew some measurable success in some locales even if those results fell far short of metropolitan expectations. Aboriginal protection was a different story. Aboriginal Australians were almost entirely eliminated over the course of the nineteenth century. Attempts to relocate these natives to smaller, out-of-the-way settlements, such as Flinders Island and Oyster Cove, only succeeded in sparing a few dozen native peoples from death and disease.

The first *protector* in Spanish America was the *protector de indios*, founded in the sixteenth century in light of Bartolomé de las Casas's criticisms of Spanish native policy. It is fitting to end with the Australian Protectors of Aborigines, one final iteration of the Protector figure in the British Empire, an empire that had by now replaced the Spanish as the world's most expansive. Like the Spanish *protector*, the new British office had been designed to contain the

¹⁹⁰ The new society eventually merged, in 1909, with the Anti-Slavery Society, forming the Anti-Slavery and Aborigines Protection Society.

¹⁹¹ On the age of reform, see Michael Turner, *British Politics in an Age of Reform* (Manchester: Manchester University Press, 1999).

¹⁹² James Heartfield, *The Aborigines' Protection Society: Humanitarian Imperialism in Australia, New Zealand, Fiji, Canada, South Africa, and the Congo, 1836-1909* (London: Hearst, 2011).

ruthless ambitions of British settlers, to ensure that empire served fundamentally benign, if not benevolent, ends. It is, however, a dark chapter in British imperial history, a particularly sobering note on which to conclude at the end of our discussion of other failed and disappointed ameliorative projects in the nineteenth century.

Conclusion.

A riot unfolded on the streets of the southeastern coast of Jamaica in early October 1865. An angry crowd marched on the courthouse, protesting an unpopular verdict handed down by a local magistrate. At first the scuffle involved only rocks and sticks, but the situation turned murderous when the local police force began firing into the crowd. In the end, several dozen people, both rioters and police, were dead. The next day, Governor Edward Eyre received the ominous message that “the blacks have risen.”

The Governor’s response was swift. Eyre declared martial law and ordered the execution of some 439 rioters. Another 600 men and women were flogged; 1,000 of their homes were burned. Among the executed was George William Gordon, an ex-slave and member of the Jamaican House of Assembly accused of inciting the violence.¹

The metropolitan response to this episode both highlights the underlying tensions in imperial governance as well as a fundamental shift in strategy taking place at precisely this moment. At first, the Colonial Office affirmed Eyre’s actions. Less than a decade after the Sepoy Rebellion of 1857 in India, the predominant attitude of the era was one of suspicion toward indigenous and nonwhite peoples. Colonial authorities were increasingly responding to sources of discord in the empire with an iron fist. The Governor, according to this line of thinking, seemed justified in taking strong action against riot and disorder.

This response, however, met with public outcry at home. Abolitionists, humanitarians, and religious dissenters flooded the Colonial Office with petitions and swamped newspapers with reports of British atrocities that had been committed in the aftermath of the riot. The

¹ The preceding synopsis is drawn from Hall, *Civilising Subjects*, prologue.

ensuing debate mobilized prominent intellectual opinion on either side of the issue, with Charles Dickens, John Ruskin, and Charles Kingsley coming to Eyre's defense. Opposing him were John Stuart Mill, Charles Darwin, Thomas Huxley, and Herbert Spencer.²

The imperial government responded to the popular outcry by establishing a Royal Commission to investigate. Charles Buxton, son of the antislavery leader, was chair. The report that came out of this Commission's inquiry took a moderate yet critical line. It conceded that the violence had been dangerous and martial law necessary, but charged Eyre with having authorized unnecessary and excessive executions, flogging, and destruction of property. Eyre was recalled from his post in July 1866. He would be charged with murder upon his return to England, although he was never convicted of wrongdoing.

More significant, the riot led directly to the revocation of the Jamaica Assembly's charter. No longer were local officials to be trusted with the administration of this important colony. Jamaica, Britain's largest Caribbean island, thus became a crown colony, and many other sugar colonies would follow.³ In the West Indies, only Barbados would escape this shift in governance.

The transition to crown colony rule was therefore cemented after more than six decades of experimentation with only a select number of new territories. The reasons accord with the overall trend that has been the theme of this dissertation. Despite significant metropolitan concerns about the activities of nonwhite subjects, in the Caribbean, white Britons were often the problem. They could not be trusted to mete out justice in the racially-stratified societies in which they lived. If the British government hoped that it could continue to oversee a benevolent empire

² Susie L. Steinbach, *Understanding the Victorians: Politics, Culture, and Society in Nineteenth-Century Britain* (New York: Routledge, 2012), 68-69.

³ See Hall, *Civilising Subjects*, chapters 4 and 7; Greene, "Liberty and Slavery."

that stood for liberty,⁴ it would have to take a firmer hand.

Age of Reform

The first half of the nineteenth century constituted a critical era in the negotiation of empire with a humanitarian reforming impulse that had first emerged in the late-eighteenth century. If it suggests too strong a rupture with past imperial endeavors to call the post-1783 era a “Second British Empire,”⁵ there was nevertheless a conscientious shift in imperial policymaking following the loss of the North American colonies alongside the vast new acquisitions of nonwhite, non-Anglophone, and non-Protestant territories.⁶ New challenges of rule demanded new solutions. These challenges included not only the question of how to govern an empire that encompassed fewer and fewer traditional British subjects, but also the influence of reforming impulses at home. Antislavery sentiment was new to the scene in the 1770s and 1780s, but it was there to stay, inflecting debates about empire, slavery, race, and indigenous peoples over the whole of the nineteenth century.⁷

As we have seen, abolitionism was not anti-imperial; in some cases, it could be vehemently pro-empire. Antislavery advocates such as Wilberforce, Sharp, and Buxton were all

⁴ On empire and liberty, see Greene, ed., *Exclusionary Empire*, introduction. Greene writes, “For Englishmen, liberty was thus, according to the English jurisprudential and libertarian traditions, not just a condition enforced by law, but the very / essence of their national identity” (3-4).

⁵ For an excellent example of a work that bridges the divide between the so-called “First” and “Second” empires, see Marshall, *The Making and Unmaking of Empires*. For a defense of the older terminology, see Bayly, *Imperial Meridian*, 9.

⁶ In this vein, Bayly emphasizes the period circa 1780-1830 as one in which British officials attempted to reinforce authoritarian forms of rule in the context of imperial expansion. *Imperial Meridian*.

⁷ A particularly thorough investigation of antislavery after 1833 can be found in Huzzey, *Freedom Burning*.

anxious to cleanse empire of its inhumane and irreligious elements.⁸ This meant not only finding ways to justify and improve British imperialism where it already existed, but also at times promoting expansionism.⁹ With respect to the Caribbean colonies, the antislavery movement provided the impetus to more direct forms of rule, begun with the tentative crown colony experiment in Trinidad in 1802, picking up pace with amelioration and emancipation in the 1820s and 1830s, and culminating throughout most of the old colonies by the 1860s. Over this period, metropolitan officials moved to exert their authority in response to ostensibly liberal and humanitarian concerns arising within British territorial holdings, particularly atrocities committed by white subjects. In these contexts, centralization of imperial authority meant exerting greater control over the master narrative surrounding the British Empire and what it stood for.

In the early-nineteenth century, perhaps no statesman endorsed and anticipated centralization more stridently than the elder James Stephen. Convinced that representative government could only function in a society as free, cultured, and civilized as Britain, Stephen believed it heralded the ultimate breakdown of imperial rule to allow for independent local colonial rule. His voice, more than any other, called for a change in policy for the integration of the new wave of territorial conquests that fell to Britain during the Revolutionary-Napoleonic

⁸ For examples of how the critique of empire could in turn fuel enthusiasm for imperial projects, see Dirks, *The Scandal of Empire* and Epstein, *Scandal of Colonial Rule*.

⁹ Indeed, antislavery has a long history of encouraging British colonialism in Africa, beginning in 1787 with the founding of Sierra Leone. Abolitionism provided a justification for empire on the basis of ostensibly liberal and humanitarian ideals. The empire expanded as Britain increasingly took on an international role of policing and eradicating international slavery and slave trading. See Huzzey, *Freedom Burning*, chapter 6. Although it was divisive, Huzzey traces the close link between anti-slavery and empire and shows how British participation in the struggle for territorial control of Africa throughout the nineteenth century was closely tied to its antislavery political stance, both before and after the Scramble for Africa. In this case, antislavery preceded the push to empire.

Wars.¹⁰

Ideas about the ideal structure of imperial authority would be sharpened during the “Age of Reform,” an era that would come to be characterized by an ethos of benevolent paternalism both at home and abroad. Though this era is typically taken to have begun in 1829 with Catholic emancipation in Britain and Ireland, I take this era to have begun in earnest with the initiative to ameliorate slavery endorsed by the Commons in 1823. Over the next three decades, the British state exerted itself in a series of domestic and imperial initiatives designed to regulate the social and economic order, extending a series of protections to disadvantaged groups while declining to rewrite the fundamental political and economic structure of society.

At home, the franchise was expanded to encompass a burgeoning middle class while baseline provisions were established for the working poor.¹¹ These reforms were at once progressive and conservative, preserving existing socioeconomic and political hierarchies while expanding the electorate only slightly and providing minimal state protections for the disenfranchised. With the Poor Law of 1834, workhouses were built to provide food and shelter for the truly needy, but their harsh conditions were intended to discourage broad reliance on this social safety net. Government provisions were designed to protect the deserving poor from the sometimes-harsh realities of the working world. Between the 1830s and 1850s, a series of Factory Acts extended the scope of state protection to safeguard both women and children, limiting the number of hours that could be demanded of these special categories of laborers.¹²

¹⁰ Stephen, *The Crisis of the Sugar Colonies*.

¹¹ A negative view of the reform bill of 1832 has been taken by several historians, with the emphasis that the limited political reform checked radical impulses within society and aided aristocrats in their efforts to preserve a fundamentally aristocratic and authoritarian society. See Kenneth O. Morgan, *Ages of Reform: Dawns and Downfalls of the British Left* (London: I.B. Tauris, 2011), chapter 1; Colley, *Britons: Forging the Nation*.

¹² On these reforms, see Peter Mandler, *Aristocratic Government in the Age of Reform: Whigs and Liberals, 1830-*

Abroad, metropolitan control was similarly expanding to encompass new categories of subjects: slaves, apprentices, and subsequently indentured laborers were increasingly comprehended in a series of legislation aimed at restraining the authority of white planters and colonial legislatures. Much in the vein of domestic legislation, these reforms aimed at increasing centralized state authority, bettering work conditions, and enforcing baseline standards of living. By the mid-to-late 1830s, this agenda had expanded to include indigenous peoples, as new legislation aimed both to “ameliorate” their condition and also to establish a protectorate functioning much in the way this system operated in the sugar colonies.

Historians and political theorists alike have often remarked on the apparent tensions within an empire that theoretically espoused liberty but also resorted to authoritarian and hierarchical forms of rule.¹³ The blanket category of “liberalism,”¹⁴ so often used to describe the nineteenth-century empire,¹⁵ is problematic in that it encompasses as many divergences, departures, and transitions as it does commonalities. Yet a liberal ethos of the Age of Reform can be coherently described in terms of benevolent trusteeship both at home and abroad, where vast swathes of both the white and nonwhite population were denied full participation in political

1852 (Oxford: Oxford University Press, 1990); Parry, *The Rise and Fall of Liberal Government*.

¹³ For instance Gunn et al. eds., *The Peculiarities of Liberal Modernity*; Frederick Cooper et al., *Tensions of Empire: Colonial Cultures in a Bourgeois World* (Berkeley: University of California Press, 1997), chapter 1.

¹⁴Theodore Koditschek has described nineteenth-century British liberalism as “a loose constellation” of ideals ranging from freedom of trade, labor, association, press, and equality— a definition that conveniently leaves out the more troublesome category “property.” By this definition, antislavery and abolitionism meshed with the British liberal mission. Antislavery was not, however, necessarily “liberal,” particularly in its origins. It did, however, become integral to the British liberal mission. Theodore Koditschek, *Liberalism, Imperialism, and the Historical Imagination: Nineteenth-Century Visions of a Greater Britain* (Cambridge: Cambridge University Press, 2011), 1. On the conflict between liberty and property, as demonstrated in the slavery question, see especially See Smallwood, “Commodified Freedom.”

¹⁵ On the liberal “turn to empire,” see Pitts, *A Turn to Empire*. See also Sankar Muthu, *Enlightenment Against Empire* (Princeton: Princeton University Press, 2003); Mehta, *Liberalism and Empire*.

society.¹⁶

As this dissertation has traced, protection was the link that supplied empire from about 1823 to 1854, often described as liberal, with a justification for exclusionary rule. This was conceived not in permanent but in ostensibly temporary terms (although historians have sometimes cast doubt on the sincerity of the notion that Britain would ever withdraw its influence from areas under its control once they were truly “caught up” with western progress).¹⁷ A persistent narrative of civilization and human progress, defined and understood within Anglo-assimilationist terms, justified the exclusion of slaves (subsequently apprentices), immigrant laborers, and indigenous peoples from full participation in civil and political society.¹⁸ At the same time, this era was characterized by a series of legislation and ordinances designed to protect these classes from the predations of white settlers.

The fact that the principle of protection could be applied both at home and abroad satisfies some of the apparent tensions within the empire that stood for both liberty¹⁹ and authoritarian rule. These contradictions would become yet more manifest in an era of nascent democracy at home, following the passage of the Second and Third Reform Acts passed in 1867 and 1884 respectively. Once broad swathes of the domestic population had been enfranchised, the differences between domestic and imperial rule would become more pronounced.

As we have seen, the origins of British protection in the empire borrowed heavily from

¹⁶ See Mandler, *Aristocratic Government*, especially introduction and chapters 1-3.

¹⁷ Hall, *Macaulay and Son*; Metcalf, *Ideologies of the Raj*.

¹⁸ Mehta, *Liberalism and Empire*; Pitts, *A Turn to Empire*; Koditschek, *Liberalism, Imperialism, and the Historical Imagination*.

¹⁹ Antislavery provided an ideology of liberty that resonated with the traditional self-congratulatory attitude that many Britons espoused regarding freedom in their own society relative to others. It was an ideology that ran to the core of the imperial project even from its earliest days. David Armitage, *The Ideological Origins of the British Empire* (Cambridge: Cambridge University Press, 2000), 173.

Spanish and Roman legal categories and traditions and also proliferated in much the same way that Spanish protectors had once done. Indeed, the entire project of benevolent paternalism both at home and abroad has surprising roots in continental European law and culture, often conceived as fundamentally distinct from British jurisprudence. Certainly in the British Empire, older concepts were revised for a nineteenth-century context, and Spanish traditions were blended with and informed by a domestic British tradition of both liberty and antislavery. But what an examination of the category of imperial protection ultimately suggests is that British abolitionism, law, and politics during the Age of Reform are less exceptional than sometimes imagined.²⁰

Over the course of the nineteenth century, an old idea of protection, rooted in the concept of benevolent kingship (even during an era when parliamentary authority was on the rise in Britain),²¹ infused an emerging regulatory conception of empire. Even as free market ideology became cemented in British political thought, the role of the state expanded. It was to intervene – though a system of checks on colonial rule – to prevent the downtrodden from being victimized by elites. The goal, in most cases, was for a routinized system of state protection to work through and within existing structures of law and administration without fundamentally changing the fabric or structure of society and its political and economic relationships. Only when this relationship broke down would the state extend its grip.²²

²⁰ The legal component of these themes is touched on in Benton, *A Search for Sovereignty*.

²¹ McConville, *The King's Three Faces*. Neither is this trope uniquely British. On this idea in the Spanish imperial dominions, see Colin M. MacLachlan, *Spain's Empire in the New World: The Role of Ideas in Institutional and Social Change* (Berkeley: University of California Press, 1988).

²² This mirrors an argument that is often made about the shift from “informal” to more “formal” modes of imperial rule, particularly in the late-nineteenth century. The argument often runs that Britain’s “free trade” imperialism in much of the world, particularly Africa, only sought territorial bounds when the state’s influence broke down and its economic interest were compromised. See especially John Gallagher et al., “The Imperialism of Free Trade,” *The Economic History Review, New Series*, 6 no. 1 (1953).

Metropolitan reluctance to extend the crown colony model of imperial governance stemmed in no small part from metropolitan anxiety about taking on more of the day-to-day governance of the colonies than seemed manageable, something that had long been a problem in places like Trinidad. Even the younger James Stephen, tougher than most of his colleagues within the Colonial Office in his attitude toward the colonies over questions relating to apprenticeship, was more conservative than the elder James Stephen about the expansion of the British imperial state. Unlike his father, the son hoped to revert to a hands-off pattern of rule, allowing local government in most of the colonies following emancipation.

Despite the intentions of the younger Stephen and most of his peers, however, this structure of authority would not survive over the long term. The reluctant (and targeted) authoritarianism of the 1820s and 1830s would be cemented by the 1860s and 1870s in the face of both the breakdown of relations between planters and ex-slaves as well as mounting difficulties with the new system of indentured labor. These economic and moral dilemmas proved that the problems of coercion, racial stratification, and inhumanity had not been stamped out with emancipation. This shift culminated with a series of abolitions of independent colonial legislatures and with the extension of the crown colony model of government to most of the Caribbean colonies, ultimately excluding only Barbados.²³

Historians who have written about this mid-century transition in imperial rule have often emphasized hardening theories of racial difference, the “failure” of ex-slaves to work for their former masters as hoped, and the Indian sepoy mutiny of 1857 as prompting a stark shift in British “liberal” imperialism to accommodate more rigid forms of authoritarian rule.²⁴ The shift

²³ Murray, *The West Indies*, 230-2. Murray calls this the triumph of the younger Stephen’s liberal model of imperial government.

²⁴ The argument often runs that events such as the sepoy mutiny in India and the Morant Bay rebellion in Jamaica

has been described in terms of changing attitudes toward progress: if Enlightenment-era optimism had held that all cultures could be civilized to a point of near-equality, the mid-nineteenth century attitude tended to hold that nonwhite and indigenous populations were indefinitely, if not perpetually, inferior, and that their childlike characters required direct structures of authoritarian rule without an end in sight.

As this dissertation has shown, however, the transition to imperial centralization had roots in an evolving set of priorities that dated to the late-eighteenth century that had as much to do with the behavior of white planters as they did with nonwhite actors. The transition occurred in fits and starts, picking up speed during moments of breakdown of negotiations and slowing during moments of relative tranquility. The gradual move to the crown colony model of government in one locality after another reflected the reluctant conclusion that climate, sugar, and slavery had a tendency to corrupt – that Caribbean planters would not go along with metropolitan reform agendas unless they were forced.²⁵ In this way, the response to the riot at Morant Bay was the culmination of a long process that had as much to do with insubordinate whites as it did with uncivilized nonwhites and natives.²⁶ Here, the elder Stephen's pronouncement against allowing the privileges of the British constitution in foreign territories would ultimately triumph.

Did British metropolitan officials ever envision devolving more control to these

resulted in hardened theories of racial difference that appeared to calm for less conciliatory forms of colonial rule. Hall, *Civilising Subjects*; Holt, *The Problem of Freedom*.

²⁵ On climate and empire, see Emma Rothschild, "A Horrible Tragedy in the French Atlantic," *Past & Present* 192 (2006); Thomas R. Metcalf, *Ideologies of the Raj* (Cambridge: Cambridge University Press, 1995); Elizabeth Buettner, *Empire Families: Britons and Late Imperial India* (Oxford: Oxford University Press, 2004).

²⁶ Of course, this did not happen in Australia, where protection had expanded to encompass the indigenous population. The anomaly can likely be explained in terms of the tiny size of the indigenous population by mid-century. For all intents and purposes, Australia was a white colony without a substantial nonwhite class.

territories, as it did with the “white” colonies? There was never a master plan. There may, too, have been as many opinions on the issue as there were personnel within the Colonial Office, as the varied administrations of successive colonial secretaries suggest. Regardless, the structure of hierarchy and subordination mirrored the ones that were being strengthened at home. Protection was the concept meant to fill the gap between the empowered and those without power, preventing those who lacked political voices from having their rights trampled by the people in charge.

Did “Protection” Matter?

How can we evaluate the ideal of imperial protection against the specter of its apparent failures? Did humanitarian ideas matter, if they came to nothing, or worse, if they contributed to the violence? The failed project of aboriginal protection in particular reminds us of the illusory nature of ameliorative projects in the nineteenth century. With slavery, the mistake had been in assuming that laws and practices could easily be translated from one context to another. It turned out that the desired characteristics of eighteenth-century Cuban slavery could not be easily mapped onto the nineteenth-century British Empire. (Indeed, against the economic realities of sugar economies during the nineteenth-century, slavery was becoming more brutal everywhere.²⁷) With the Australian natives, the fatal flaw in the plan for amelioration may have been in the confident expectation that British expansionism could preserve a place for the humane treatment of indigenous peoples, that a policy of removal could ever function in a

²⁷ On developments in Spanish America that hardened the slave regime in new economic contexts, see Josep M. Fradera et al., *Slavery and Antislavery in Spain's Atlantic Empire* (New York: Berghahn, 2013); Christopher Schmidt-Nowara, *Empire and Antislavery*; Josep M. Fradera, *Colonias para después de un imperio* (Barcelona: Bellaterra 2005).

benevolent way.²⁸

It is easy to be dismissive of the concept of protection within the British Empire, whether we are talking about slaves, indentured laborers, or indigenous peoples. In every case, British policy aimed at “mitigating” the circumstances of each of these groups explicitly authorized exploitation, violence, and brutality. Protectors of Slaves were tasked with regulating and limiting the extent of planter violence, and even that broke down in practice. Perhaps half of the empire’s Protectors of Slaves were true allies to the slaves, with the rest being demonstrably in league with the planters. Protectors of Immigrants and Emigrants, too, regulated a system that could be shockingly brutal and demonstrably less than free, even in a post-emancipation era. The Protectors of Aborigines had perhaps the most dubious of jobs, as they were directly involved in the forced migration of thousands of Australian natives out of their homeland into small encampments where their numbers plummeted. It was a policy not far removed from extermination.

Yet it would be unfair to regard protection as mere window-dressing, as a hollow concept aimed only at justifying the severities of imperialism. It was rooted, as we have seen, in a distinctive view of universal human potential alongside the presumed supremacy of Anglo political and cultural forms.²⁹ It was born, too, out of a distinct reformist sense of obligation – to slaves, to immigrants, and to indigenous peoples – to take responsibility for British rule and provide for the peoples who resided within the borders of the empire. This was not inconsistent

²⁸ See Inga Clendinnen, *Dancing with Strangers: Europeans and Australians at First Contact* (Cambridge: Cambridge University Press, 2005). On the troubling history of removal projects more broadly, see James Merrell, *The Indians’ New World: Catawbas and Their Neighbors from European Contact through the Era of Removal* (Chapel Hill: University of North Carolina Press, 1989); and (on Sierra Leone), Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and Their Global Quest for Liberty* (Boston: Beacon Press, 2006), chapters 9 and 11.

²⁹ In this way, it is deeply linked to nineteenth-century liberalism itself. See for example the definition of liberalism in Koditschek, *Liberalism, Imperialism, and the Historical Imagination*.

with domestic politics. If misguided, imperialist, and Anglo-supremacist, it was nevertheless sincere, and it began to infuse government ideology during an era when those sympathetic to reform were increasingly in positions of power in both Parliament and the Colonial Office.

The ideal of protection, closely linked to that of amelioration, broke down repeatedly in practice. The length of time that it took for this model to break down entirely is a testament to the reluctance of the imperial administration to take on a more direct role in its colonies, until greater intervention was deemed necessary.³⁰

The amelioration and protection of slaves ended in 1834 when this project was abandoned in favor of emancipation; the same happened to apprenticeship in advance of the anticipated end date of apprenticeship. The failings of these projects might have demonstrated the failure of these ideals on a larger scale. The result in imperial policy, however, was that metropolitan officials chose to expand the experiment. Of the Protector offices that proliferated during the Age of Reform, the Protectors of Immigrants and of Emigrants had the longest life, and these officials survived into the twentieth century for the duration of indentured labor immigration. Indeed, the office of Protector of Emigrants persists in modern-day India.

But even these concepts underwent sharp shifts in the 1850s and following. The economic dependence of the Caribbean plantations on sugar output, and therefore on labor exports, meant that this form of labor migration needed to be regulated in pragmatic ways. The result was that the concept of protection itself was gutted: although not abandoned entirely, those aspects of protection that emphasized Christianizing, civilizing, and individual improvement

³⁰ Of course, Australia did not follow the same imperial trajectory as the sugar colonies, with the scandal over the treatment of indigenous peoples in this context diminishing as the numbers of surviving Aboriginals declined. On this history, the best source is Heartfield, *The Aborigines' Protection Society*.

took a backseat in favor of policies that simply aimed to minimize cruelty.³¹

As an ideal, crown protection was gradually swallowed by reality. Regulation remained ever a goal of imperial policy, and it heightened in the wake of breakdown, distrust, and disaster. Whereas regulation and ameliorative protection had once been twin goals, regulation was now the dominant factor in official policymaking. The idealism had faded. The colonial experience of the 1850s and 1860s was sobering, marked by mutinies and rebellions from India to Jamaica, accusations of official misconduct, and economies that struggled to keep up with free market and free labor. Increased intervention from Britain itself would be necessary to maintain a semblance of rule of law and to prevent the grossest miscarriages of justice. However, the idea that the condition of immigrants, ex-slaves, or native peoples could be “improved” took a back seat within official imperial policy. Official aims were distinctly moderated from the optimism of the earlier part of the century, although never abandoned entirely.

As to the most effective strategy of colonial rule, the elder Stephen, it seemed, had been right. The British Constitution, “that noble machine,” he had warned, could not work on so small a scale as within the British colonies, which were removed from Britain itself and a poor model of English society. The settlers themselves, even the freeborn Englishmen among them, were “peculiarly unfit” to form their own local assemblies or provide for their own self-rule.³² Authoritarian empire was never only about racial and cultural hierarchy. It was built, equally, on the fear that white Britons, when they left home, might be distinctly less British in foreign climates, both political and geographical.

³¹ Here, Marina Carter’s cynicism about protection is not without justification. *Servants, Sirdars, and Settlers*.

³² Stephen, *The Crisis of the Sugar Colonies*, 190.

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