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See table of contents

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"Negroes of the Crown": The Management of Slaves Forfeited by Grenadian Rebels, 1796–1831

K. J. KESSELRING*

Abstract

This paper examines how British officials dealt with and disposed of one group of Crown slaves — those forfeited by the Grenadian rebels of 1795-1796 — from their acquisition through to the emancipation of Crown slaves in 1831. Building upon the work of Alvin O. Thompson and Nicholas Draper in particular, it suggests that looking at the treatment of Crown slaves, and specifically at the disposition of slaves acquired through forfeiture, can provide a new vantage point on why emancipation happened when and as it did. Treasury Office documents produced in the course of suits and petitions from individuals who hoped to obtain rights to these enslaved people, as well as correspondence with the local manager of the plantations, demonstrate the tenor and tenacity of the belief that slaves constituted a legitimate form of property. The 1833 decision to compensate slave owners thus appears not simply a matter of pragmatic political compromise and but also a measure consistent with practices and preconceptions that had prevailed in government circles for some years.

Résumé

Dans cet article, l'auteure étudie comment les autorités britanniques ont géré et disposé d'un groupe particulier d'esclaves appartenant à la Couronne — ceux qui ont été confisqués aux rebelles de Grenade en 1795-1796 — du moment de leur acquisition jusqu'à leur émancipation en 1831. Inspirée par les travaux d'Alvin O. Thompson et de Nicholas Draper en particulier, l'auteure soutient qu'en analysant la manière dont

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la Couronne a traité les esclaves confisqués, et plus particulièrement comment elle s'en est départie, il est possible de mieux comprendre pourquoi l'émancipation a été votée au moment où elle l'a été ainsi que ses modalités. Les documents produits par le Bureau du trésor dans le cadre de diverses poursuites judiciaires et en réponse aux pétitions provenant d'individus réclamant la restitution de leurs esclaves ainsi que la correspondance entretenue par le gouvernement avec les administrateurs des plantations démontrent la prégnance de l'idée voulant que les esclaves aient constitué une forme de propriété légitime. La décision prise en 1833 de compenser les propriétaires d'esclaves apparaît dans ce contexte non pas seulement comme une mesure politique pragmatique, mais aussi comme une mesure conforme aux pratiques et aux préconceptions qui avaient cours au sein des cercles gouvernementaux de l'époque.

When the British parliament passed the act to abolish slavery in 1833, it did so with key caveats and conditions. The act did not free the enslaved immediately, but subjected them to varying terms of apprenticeship, ostensibly to mitigate the deleterious effects of a too-sudden freedom for both the enslaved and their former owners. Moreover, the act promised slave owners compensation for their lost property, to be drawn from a massive public fund of 20 million pounds. The act was not, then, a rousing declaration that persons held as slaves really "are, and henceforth shall be, free," but a measure shaped by a perceived need to find "a fair and equitable consideration of the interests of private property."[1]

The apprenticeship and compensation features of the British act are sometimes described as pragmatic compromises, sacrifices of principle necessary to get the measure through parliament. As Julian Hoppit observes, after quoting opponents of compensation, "yet compensation was paid, and paid to ensure that legislation passed, though it also had the consequence of confirming that slaves had been property up to the moment of abolition."[2] While the timing and terms of emancipation differed from one slave-owning society to the next, compensation proved a common feature.[3] That the British chose this route was not a foregone conclusion, however: Parliament abolished the transatlantic trade without reparations, despite the best efforts of some, and in the early 1830s heard heated arguments against reimbursing owners for

their slaves' freedom.[4] For many of slavery's opponents at the time, paying slave owners for their losses was indeed an unpalatable concession; but in our efforts to understand the torturous journey towards emancipation and why it took the form it did, it is perhaps worth reiterating that to some key decision-makers, compensation appeared a fair, equitable measure consonant with justice. Nicholas Draper's recent work on the widespread financial exposure to slave-ownership within Britain and the contours of the compensation debate certainly suggests as much.[5] So, too, does the history of colonial administrators' decisions when dealing with the British Crown's own slaves.

The Crown had owned slaves until shortly before the passage of the emancipation act. [6] Over the years, it had come to possess slaves through purchase, through conquest, and through the varieties of escheat and forfeiture. This paper focuses on the ways in which officials dealt with and disposed of one particular group of Crown slaves: those forfeited by participants in the Grenada rebellion of 1795–1796. Commissioners quickly sold off much of the property but some few estates — and the enslaved people who worked them — remained in Crown possession for years to come. Officials' decisions with respect to these slaves make the compensatory aspect of the 1833 act seem not simply a compromise of the political moment, but also consistent with the particular practices and preconceptions that had prevailed in government circles for some years.

Looking at Crown slaves, and specifically at slaves acquired through forfeiture, complicates the concept of "property" and its supposed inviolability, so often invoked by contemporaries to fend off emancipation and by historians seeking to explain its slow pace. A legal mechanism rooted in the feudal past and latterly justified with reference to the social contract that created property, the forfeiture of offenders' lands and goods rested on the contingency of possession.[7] To recall C.B. Macpherson's seminal studies, "property" properly considered consists not of things but of rights, or enforceable claims, which are inherently political and subject to change.[8] Even in a period in which property ostensibly became sanctified, the practice of forfeiture emphasized the qualified rather than absolute nature of rights of possession. Yet officials recognized legally dubious, merely

"moral" claims to the slaves owned by the Crown, which suggests the strength of the conviction that slaves constituted a legitimate form of property. Watching the contexts in which officials invoked "equity" rather than law, and talked of "equitable" claims rather than rights, in disposing of the forfeited slaves under their own control can thus provide a new vantage point for the history of emancipation. Besides speaking to the nature of emancipation, it also offers further evidence for arguments that mobilization among the enslaved themselves proved necessary in forcing the pace of change.[9]

The Crown acquired its Grenadian slaves as a result of one of the many conflicts of the "age of revolution," conflicts that propelled the issue of slavery to the foreground. In the 1790s, the French revolutionaries briefly secured freedom for slaves throughout their empire; the revolutionaries of Saint Domingue won and retained theirs in the new Haiti. The British slave system fended off all challenges until 1807, when parliament ended the transatlantic trade in humans.[10] Thereafter, abolitionists' energy and successes flagged, not simply because of opposition: few agreed on precisely what freedom should look like, or when it should come. "Amelioration" became the objective, one that many could agree upon in its broadest outline. Individuals backed amelioration for a variety of reasons: some slave owners had touted it at least since the 1780s to boost productivity and to deflect humanitarian objections, while for others it came to describe plans to prepare the enslaved for the responsibilities of freedom and the demands of free labour.[11] In 1812, abolitionists secured slave registries throughout the Crown colonies in order to enable the success or failure of amelioration to be measured; over the coming years, the legislative colonies instituted their own registries. From 1823, amelioration with an eye to eventual emancipation became the stated policy of the government, though in a set of resolutions so heavily hedged with caveats that it was by no means a foregone conclusion that the Emancipation Act of 1833 would follow when and as it did.[12] Throughout these developments, decision-makers concerned themselves not just with the slave-holding of others, but with that of the Crown itself. Examining what they did with the enslaved people for whom they were directly responsible provides a new perspective on the ways in which perceptions of property — entangled with con-

cerns about safety and how best to prepare slaves for a new labour regime — shaped responses to pressure from abolitionists and the enslaved themselves.

In her study of one group of Spanish "esclavos del rey," María Elena Díaz asked what it meant —to all the parties involved — to be slaves of the king. She argued that the royal slaves of El Cobre, as well as the royal governor, came to see theirs as a separate and special status, the ambiguities of which the enslaved used to secure de facto freedoms.[13] Unfortunately, the records at hand do not let us know whether the Grenadian Crown slaves similarly imagined for themselves a new social identity with distinct entitlements by virtue of their distant royal master. The records do suggest, however, that Crown agents only slowly came to see the enslaved in their charge as a somewhat distinct category of property that incurred special responsibilities. This paper traces discussions about the Grenadian slaves, beginning first with brief overviews of British Crown slavery more generally and the Grenadian rebellion that culminated with these people coming into Crown possession. It then examines the rebellion's immediate aftermath, in which commissioners seized and sold rebels' property to recover costs and to secure order. The discussion then turns to a number of suits and petitions from individuals who wanted the enslaved people still in Crown hands. The resolution of these suits suggests that by 1813 treasury officials started to show a broadened range of concerns for how best to manage the human "property" in their charge. Even so, the sense of the enslaved as property remained. The final section examines the entangled discussions over the 1820s and early 1830s about restoring the remaining estates and slaves to rebels' children and about emancipating Crown slaves more generally. The Crown ultimately freed all its slaves in 1831, but only after bestowing the Grenadian plantations and workers upon the families of the rebels who had forfeited them so many years before.

Many people throughout the European empires, and some within Europe, worked as the slaves of sovereigns. The practice is not yet well studied, but the Spanish, Portuguese, Dutch, and French, as with the British, all had government slaves. The Spanish, in particular, made extensive use of enslaved labourers on public works and fortifications.[14] The British Crown tended to acquire its slaves more

haphazardly, with the notable exception of its purchases of enslaved men for military service. Indeed, as Roger Norman Buckley demonstrated in his 1979 book, *Slaves in Red Coats*, the Crown was perhaps the largest single purchaser of slaves in the years immediately preceding the abolition of the transatlantic trade. From 1795-1807, it bought some 13,400 men for its West India Regiments, a fact that may well have accounted for William Pitt's distinctly conflicted position on the trade and thus have delayed its abolition.[15] The enslaved soldiers technically became free in 1807, with their numbers swelled thereafter by people freed from captured illegal slaving ships to serve as apprentices. The Crown acquired some slaves through conquest, as it did when the British took the Dutch colony of Berbice in the Napoleonic Wars. The plantation slaves returned to their former owners at war's end but, as Alvin O. Thompson documented in his foundational study of Crown slavery in Guyana, the public works slaves remained in Crown possession until 1831.[16] The Crown also acquired slaves when the owner died without a legal heir. This happened most frequently through the escheats of smallholders who died intestate, without wills, and often with only common law spouses or illegitimate children to succeed them. It happened most dramatically when the owner died as a traitor. The law deemed individuals attainted of treason to have died without heirs, as their treachery had "corrupted" their blood. Their property, both real and personal, thus forfeited to the Crown.[17] In this manner the Crown obtained dozens of estates and hundreds of slaves after the Grenada rebellion of 1795–1796.

The British won Grenada from the French during the Seven Years War. Thereafter they faced on the island problems very similar to those found in Québec, in learning how best to deal with a French Catholic population. In Grenada, issues of race and slavery compounded the difficulties. Many of the Grenadian French Catholics were free persons of colour; many more were enslaved. The white French planters received some political privileges denied to Catholics in Britain itself, much to the disgust of a good many of the Scottish and other new British settlers on the island.[18] From 1779 to 1784, however, France once more controlled the island. Thereafter, the British-born subjects turned even more strongly against the free

French inhabitants. By 1792, the white French planters had lost their few political gains while free persons of colour faced more restrictions than ever before.[19] The Grenadian council decided, moreover, that the 1763 handover to the British should have denied the Catholic Church its glebe lands and other properties.[20] These restrictions and seizures proved particularly ill-timed, given developments in Saint Domingue and in France. In 1791, much of the enslaved population of the French colony of Saint Domingue rose in revolt. In 1792, the French revolutionaries proffered political rights to all free persons of colour in their territories. In 1794, they abolished slavery. Victor Hugues led republican troops in a successful assault on Guadeloupe and had similar plans for the rest of the Caribbean.[21]

On 2 March 1795, Grenadians arose in revolt as well, when Julien Fedon raised the republican standard. A free man of colour with some 96 slaves of his own, Fedon allied himself with Hugues and sought the overthrow of the British, the end of slavery, and equality for free men of colour. Within weeks, he had a force of some 7,000 people, consisting of slaves, free persons of colour, and white French planters. When attacked, they killed 48 of their prisoners, including the lieutenant-governor. They soon controlled all of the island except for the town of St. George's, and held it with little effective opposition for the better part of a year. British reinforcements finally arrived in March 1796. While a few insurgents remained in the interior for months and even years to come, by June the British had quashed the revolution and restored slavery.[22]

Vengeance came quickly and it followed the now traditional script for responding to rebellion: executions of some, the transportation of many more, and the forfeiture of all their property.[23] The presence of slaves as both forfeited possessions and guilty individuals made the proceedings somewhat distinctive, however.[24] In contrast to the ways in which Fedon and his fellows had depicted themselves, British authorities saw them as rebels and traitors: as one writer insisted, "the wretches who have desolated the island … are not foreigners, who have landed in arms to make war; they are subjects of the king of Great Britain, many of them born under his government, and all bound to pay allegiance to his majesty by the most solemn treaties and oaths."[25] Some people lost their lives and possessions

after trials, while others found themselves already attainted by acts of the colonial legislature.[26] Some slaves faced execution or banishment for their own actions in the insurrection, while others were seized as the property of rebels.

The Commission for Forfeited Estates began its work in January of 1797. Local officials intended the seizure of rebel property to restrict the material basis for future revolt, long a touted benefit of forfeiture. They hoped that the subsequent sales and redistribution of land would remake the character of the island as more securely British, with its free population no longer dominated by the French, Catholic, or coloured. Grenadian officials also hoped the proceeds could be used to repay the £100,000 loan they had received from the imperial treasury.[27] While their concern for the claims of creditors imposed some delays, their fear of the many now ungoverned slaves worked to speed their efforts.[28] With war and revolutionary activities continuing throughout the Caribbean, the loss of many white servants who had served in the militia, and the residual effects of freedom among the newly re-enslaved,[29] commissioners redistributed rebels' property with an eye to renewed security.

They immediately sold 360 enslaved persons who were not attached to estates. Many of the rebels had owned only small town lots and a handful of slaves, whom they presumably rented out.[30] The commissioners deemed the sale of these labourers necessary to provide working funds to settle claims, to prevent the masterless workers from becoming a nuisance, and to keep them from becoming idle, dissolute, and thus of diminishing value. They also quickly sold some 240 slaves belonging to small coffee and cocoa estates. When Liverpool merchants and creditors remonstrated that this devalued the estates in question, the commissioners insisted that the destruction of most buildings on these properties had already diminished their value, and that the eventual purchase prices could not possibly cover the intervening costs of overseers and provisions for the slaves.[31] However, many other slaves initially listed for sale could not be found. Slaves had died in the revolt in high numbers. One report estimated that some 4,500 more slaves had perished than in normal years; certainly, commissioners proved unable to find 7,222 persons listed in the tax returns that preceded the rebellion by the time they

began the sales, although a few of the missing slaves would later be found and sold as forfeited property in the coming months and years.[32]

The commissioners sold some estates with their enslaved labour forces largely intact. For just under £9,000 local currency, for example, Alexander Campbell obtained from the commissioners the 103 acre estate that abutted his existing properties, along with the 58 slaves then in residence.[33] Alexander Lumsden acquired nearly 20 acres adjoining his own estate that had been forfeited by three free men of colour who had risen in revolt.[34] Such purchases continued, as did the commissioners' efforts to survey and settle claims to the rebels' properties. While they initially set August 1798 as the deadline for claimants, the commissioners continued their work until 1802, when they passed their business on to a specially appointed receiver. They reported net proceeds to that date of £136,903 local currency, but also handed over unsold estates and gangs appraised at another £103,304.[35] These estates remained in Crown possession both because agents hoped for better sale prices at the conclusion of the war with France, and because problems of title continued to plague a few.

Indeed, problems of title kept the receivers and treasury officials occupied for quite some time thereafter. Claims and counterclaims commonly arose in the aftermath of treason forfeitures, but the nature of much of this property introduced new complications. Officials remained resolute, however, in treating the enslaved *as* property. When Louis Pasee, the son of a French planter who had rebelled, reclaimed four slaves who had belonged to his mother, and not to his rebel father, he regained not just François, Jean François, Rosailie, and Jason themselves, but also the profits from their labour over the intervening period.[36] Local courts adjudicated his and other similarly straightforward legal cases, with London officials called in only to reimburse the people who had bought the erroneously seized slaves from the Crown.

Treasury officials also responded favourably to somewhat more dubious claims presented to them by the children of former owners in petitions and appeals. In 1811, for example, Gerbait Dumont maintained that the Crown's agents had improperly seized slaves who

had been the separate property of his mother. One problem that emerged in the course of his case was that Hélène, one of the originally forfeited slaves, had since died, but left five living children. Treasury officials ultimately decided that Dumont could only claim against the sale price of the originally forfeited slaves (plus interest), not the present appraised value of them and their offspring. Another problem concerned the order of his parents' deaths. Both had been killed during the insurrection. If the mother expired before the father, then all her property became his and subject to forfeiture. If she had outlived him even by seconds, then her property remained her own, safe from forfeiture for her husband's misdeeds and free to be transmitted to her son. Treasury officials called upon the services of French lawyers to investigate the differences between English and French marital property law on this matter. In the end, the Attorney General and Solicitor General opined that they "thought it extremely doubtful whether in strictness of law Mr. Dumont is entitled to any compensation for the slaves in question." Nonetheless, they deemed it a matter of equity and justice to give him half of the amount the commissioners had received for these people.[37]

The Crown granted a number of such requests, typically favouring anyone having a plausible equitable claim. Indeed, in a few cases, rebels themselves received pardons and gifts of some or all of their former properties in land and slaves, or at least the assessed value of the same. Jean Baptiste Olivier, for example, secured a pardon in 1800 and years later a grant of his property, despite having been "guilty and active in the insurrection."[38] Pardons represented merciful mitigations of punishments justly ordered in accordance with law; they did not denote innocence, nor did they reverse the forfeiture attendant upon attainder.[39] As such, any property returned to a pardoned rebel constituted a discretionary boon, recognizing at best a moral claim to possession rather than a legal right.

Treasury officials, then, sometimes returned slaves to former rebels or their kin even in the absence of a clear legal right to the property. In doing so, moreover, they risked offending local officials, who in May 1815 reiterated their wish that the attainted and their descendants not be restored to possessions on the island. If any of these undesirables genuinely merited compensation, the Grenadian

council urged that it be in monetary form and ideally given on condition of the recipient leaving the colony.[40] This sentiment may have shaped the treasury's response to the petition of François De Coteau in the same year. The natural son of a white French planter and a free woman of colour, De Coteau claimed a number of slaves through his mother. While his father's estate had passed to his uncle, his father had stipulated that some slaves be given to his mother. When the uncle had engaged in rebellion, however, all the property had passed to the Crown. In 1815, De Coteau pressed his claim to the slaves his father's will had promised to his mother, or to such of them who still lived, as well any children they had produced in the interim. He also demanded compensation for his loss of their labour over the years since his uncle's death in 1796. Much depended on the precise wording of his father's will and how to translate it into English. Ultimately, the treasury officials deemed his claim to be legally doubtful but nonetheless fair and reasonable. They granted his request as an act of favour, but stipulated that he receive the appraised value of the original slaves, their children, and the mesne profits, rather than the slaves themselves.[41] In this case, the slaves in question had not been sold to new owners, but remained in Crown possession on the Duquesne estate. Crown officials could easily have given them to De Coteau, with some additional compensation for their labour over the years, but they seemed to think it best that the slaves remain at Duquesne. Grenadian officials' desire to minimize the French Catholic presence in the colony may have affected this decision, but given its timing and concurrent developments, it is possible that some concern for the well-being of the slaves themselves also began to intrude.

Only slowly had any sense emerged that the Crown's ownership and control of slaves might impose special considerations. The Crown retained possession of the people De Coteau had claimed, along with all their fellow enslaved labourers on the Duquesne, Bon Air, and Grosse Pointe estates, for some time yet. David MacEwan, the receiver general of the estates from 1807, regularly submitted his accounts and channelled the profits to the treasury. Only around 1813, it seems, did London-based officials begin to show any concern or consternation about these facts. In that year, a prospective purchaser offered to pay £25,000 for the three properties and to take

upon himself all objections to title, pending only the resolution of one claim by Louis Pasee to a third of the Duquesne estate. While debating the merits of this proposal, someone passed it to Zachary Macaulay for comment.

Macaulay was prominent in abolitionist circles, a one-time governor of Sierra Leone and now the secretary and accountant for the Berbice Commission. This commission had been established in 1811 to deal with another set of Crown slaves, those in the former Dutch colony captured earlier in the war. It came into being when the abolitionist lawyer and MP James Stephen had advised the treasury on an offer to lease the Berbice estates and slaves. A proponent of such ameliorationist measures as slave registration, Stephen argued that any contract must oblige the lessee to adopt measures that ensured the health and natural increase of the enslaved. When the proposed lessee baulked, citing the high death tolls already prevailing among these Berbice slaves, treasury officials seemed surprised and concerned. They turned the management of the properties over to a commission headed by Stephen, William Wilberforce, and their friends, whose stated goals were to improve the slaves' physical and moral health, and to do so while making a profit. Macaulay described it as "in some measure, a work of graduation and experiment."[42] They sought to put their ameliorationist message into practice, to show that Christianization and humane treatment of enslaved labourers could make good business sense. Macaulay now raised similar concerns in reference to the bid to purchase the Crown's Grenadian plantations, and offered the services of the Berbice commissioners as new managers.

Treasury officials concurred with his evaluation that as a means of divesting themselves of this property, a lease might be "the most destructive of the well being of the slaves that could be adopted." Apparently, for the first time in reference to the Grenadian slaves, government officials expressed concerns about their health and natural increase, and worried that by being leased out, they would be overworked and mistreated. Moreover, Macaulay opined, objections to the sale of slaves by the Crown existed now, too, "not merely of moral but of legal and constitutional principle, which … would render it very questionable whether the Crown should ever have recourse

to this mode of divesting itself of this species of property."[43] No one mentioned manumission as a third possibility. Instead, the remaining option discussed at this point was continued management by agents of the Crown.

Treasury officials did not, however, accept the overtures of the Berbice Commissioners. The commission had had its own difficulties; its agents on the ground seemed either incompetent or insufficiently committed to the ameliorationist cause, and unequal to the opposition from local planters. Slave numbers declined and profits disappeared. Joseph Marryat, an MP and agent for Grenada, soon intervened in the discussion. He attacked Macaulay, Stephen, and the rest, detailing in print the failings of their commission and arguing that they must not be allowed to take charge of the Grenadian properties. While he favoured selling the Grenadian estates for immediate profit, he urged that, at the least, the present management system remain in place. He maintained that MacEwan, the current receiver, and a man actually present in Grenada, had kept the slaves in his care both healthier and more productive than had the misguided and absentee Berbice commissioners. Unlike the Crown slaves in Berbice, he boasted, those in Grenada produced a respectable return for the treasury.[44] In the event, the Berbice Commission itself was soon dissolved. In 1816, in the settlements made at war's end, the government returned the Berbice plantations and their slaves to the Dutch company that claimed to have owned them previously, accepting the argument that they constituted private property. The British government retained as spoils of war only the urban public works slaves who had manifestly belonged to the Dutch state, and removed them from the commission's oversight in 1818.[45]

Other options existed, of course, for both the Crown slaves in Berbice and those in Grenada. While the British drew on other nations' slave codes for models on some matters, in the discussions about the Crown slaves no one at this point referenced anything like the Spanish practice of *coartación*, or self-purchase through instalments. Having acquired the slaves of El Cobre in 1670 when it confiscated the property of a failed contractor, the Spanish Crown subsequently offered them favourable rates of self-purchase. Moreover, it freed the slaves in question in 1800. While the Spanish

Crown had ordered their return to the heirs of the original owners in 1780, the former royal slaves resisted the transfer through flight, violence, and litigation. Their representative secured for them a royal edict of freedom, though one with restrictions, 20 years later.[46] Nothing similar seems to have arisen in the British discussions. While treasury officials developed reservations about selling or leasing out Crown slaves by 1813, they retained their commitment to treating their Grenadian charges as property.

For the time being, then, the Grenadian plantations remained under MacEwan's supervision, but treasury officials now expressed more concern for their good management. They urged that MacEwan privilege the health of the enslaved over their productivity. Emulating or anticipating ameliorationist measures taken elsewhere, MacEwan now received salary alone, rather than compensation based in part on commission; he responded to the treasury officials' directives to send regular returns of births and deaths; he proudly proclaimed his refusal to have the whip used as a symbol of authority in the fields. He also advocated the closure of the Grosse Pointe estate and the redistribution of its slaves and livestock to the other two. While early letters touted this transfer as an economy, later letters described it as a kindness to the slaves themselves, who would find themselves with better provision grounds and more salubrious conditions. Treasury officials concurred, but insisted that MacEwan effect the move only if the slaves themselves consented, and that he transfer them in one group to avoid breaking up families.[47] The Crown's agents, it seems, had come to feel obliged to be prudent managers of property that was, after all, human.

Whether such newfound concern made any practical difference in the lives of the enslaved seems unlikely, given that their numbers continued to dwindle, from 362 in 1802, to 307 in 1817, and down to 271 about ten years later.[48] On the other hand, when some local planters complained of MacEwan's inattentiveness to the slaves, they meant by this his inattentiveness to discipline. In 1825, Madeleine, Pierre, and five other slaves left the Crown's Duquesne estate to find MacEwan and complain about an overzealous driver. On their return, they crossed the Hermitage estate, where they apparently attacked a driver they saw flogging one of its workers. The seven received harsh

sentences from the local magistrates, with three to be banished and one to wear an iron collar for six months, though eventually, all punishments save for the floggings were lifted. Their case in effect became a trial of MacEwan. While one might see in it signs that MacEwan's pledge to do away with the whip did not accord with what his underlings did in practice, some Grenadian planters used the opportunity to complain that his management had allowed the Crown slaves to grow bold and poorly disciplined. In the end, however, the treasury officials backed MacEwan. They expressed their displeasure that local magistrates had punished slaves who belonged to the king, and endorsed what other local planters saw as MacEwan's undue lenience with his workers.[49]

The conviction that others besides the enslaved had good claims to their persons and labour remained undimmed, however. Treasury officials carried on protracted discussions about restoring the estates to the families of the French Catholic rebels who had lost them in the first place. Louis Pasee's attempts to reclaim a third of the Duquesne estate through the courts had failed, but he and Maxime Clozier now sought the full restoration of Duquesne and Bon Air, respectively, through direct appeals to the treasury.[50] They maintained their fathers' innocence, saying that they had only acceded to rebel demands out of fear for their families and that the rebels had thereafter forcibly kept them among their number. They questioned the propriety of the attainder acts themselves, passed by a colonial legislature that lacked its governor and more than half of its usual complement. Moreover, they said, their fathers had not had the chance to make a proper defence. They proclaimed their own loyalty and good service.[51] Even while dismissing most of these arguments, government officials sympathized. Crown agents decided that Pasee and Clozier had no valid legal claim on the estates, but perhaps enough of a moral and equitable claim that something should be done for them. In 1823, Pasee and Clozier received a grant of half the net proceeds of the properties.[52]

The men continued, however, to press for full restoration. Their solicitor referred frequently to the "patrimonial estates of the family," which these men's forbears had owned since the arrival of the French. He argued for the injustice of forfeiture in general, referring to recent

parliamentary attacks on the longstanding practice, attacks that highlighted the supposed sanctity of property and the natural justice of being able to inherit from one's parents.[53] Property was so inviolable a natural right that even an act of treason should not prevent that possessions from passing to one's offspring, more and more people argued.[54] For the time being, however, such arguments failed both to abolish forfeiture in general and to overturn this particular instance. A preponderance of MPs thought forfeiture sufficiently just and useful to retain, and treasury officials deemed half the profits enough of a discretionary gift in the circumstances. Officials resolved that the slaves ought to be kept under their own care.

In the meantime, some Crown agents began to voice concerns about a related class of Crown slaves: those escheated through their owners' intestacy. The governor of Dominica raised the issue in 1819, with no response, and again in 1823. He noted the usual practice in his colony of putting such escheated slaves up for public sale, but wondered if "his Majesty might be pleased to grant these people their freedom, as in the case of slaves illegally imported."[55] A number of escheated slaves petitioned government officials for their own freedom, which presumably helped keep the issue on the agenda.[56] In the colonial office, James Stephen Jr. took up the matter. Sharing with his famous father both a name and strong abolitionist views, Stephen had come to despair of amelioration through his work as a legal advisor to the colonial office.[57] Called upon to advise on the matter of escheated slaves, he crafted a report of significance primarily for its contribution to the eventual emancipation of all Crown slaves, and of interest in part because of his later work in drafting the Emancipation Act of 1833.

While in some colonies Crown receivers sold the escheated slaves, Stephen noted that in others officials simply granted the escheated slaves to the person who would have inherited save for the intestacy and illegitimacy that complicated the normal transfer of property. This, Stephen wrote, accorded with English practice in respect to other types of property, and with the principle that a "title founded on natural equity and justice is in such cases always preferred to that which is founded merely upon positive law." That is, while the Crown obtained legal ownership of escheated property, it generally

recognized the moral or equitable claims of those who would have inherited had legal niceties been observed and gave them the goods in question. But in the case of slaves, he continued, the question became "what person, upon the principles of natural justice, has the strongest claim to consideration?" For other forms of intestate property, two interested parties contended — the Crown and the kin — but with an escheated slave, three parties had an interest. Stephen insisted that the enslaved person clearly had the strongest equitable claim in such a case. As humans, with natural rights to freedom and interests of their own, slaves could not be treated just the same as other forms of property. While their interests normally lost to the rights of legal owners, they must trump those of a merely equitable nature.[58]

The disappointed claimant did have an interest, though. Stephen discussed options for compensating the natural heir. The slave might be required to pay the claimant an amount to be saved from future earnings; the slave might serve as the claimant's apprentice; or the Crown might pay the claimant the equivalent of one third or one fourth of the slave's appraised value. Stephen rejected each of these options, however. The first would provide "liberty in name but not in fact." Apprenticeship or other labour service would "recur to a system leading to every species of abuse and inconvenience." To have the Crown pay the claimant would convert a prerogative intended to be a source of gain to one of loss. Dismissing compensation, he observed, finally, that prudent individuals might easily avoid the escheat of their property. If they failed to take precautions, the loss to their natural heirs was the fault of neither the Crown nor the escheated slave. As a general rule, then, he argued, the Crown should simply free any escheated slaves who came into its hands. It should retain only those unable to care for themselves because of age, debility, or indolence, and that for their own good.[59]

The colonial office pushed Stephen's recommendation as policy, but treasury officials initially baulked, seeing the equitable claim of the nearest relative as stronger than that of the enslaved. They were perfectly willing to order that slaves no longer be sold for the benefit of the Crown, but insisted that the claims of natural heirs of previous owners must be respected. Finally, after much discussion, they bowed

to Stephen's verdict in January 1831. By then, they also had to contend with the precedent posed by the 16 October 1828 decision to fully free those Africans bound as apprentices after being captured from illegal slave traders. They finally acceded to Colonial Office arguments that the right of natural heirs to slaves legally owned by the Crown, "if a right, is only that sort of qualified right which is called an equitable claim," and as such, might be superseded by other interests.[60] The colonial office immediately sent a circular dispatch ordering governors to set all escheated slaves free. Within months, it ordered that all Crown slaves, however obtained, were to be manumitted.[61]

The enslaved labourers on the Crown's Grenadian estates, long owned and worked to the Crown's benefit, did not, however, benefit from this shift in policy. In fact, officials intentionally omitted them. In the long course of the discussions between officials in the treasury and in the colonial office about escheated slaves, the forfeited Grenadian slaves had also figured. Indeed, treasury officials' inclination to recognize the equitable claims of the Pasee and Clozier families had proven a key hindrance to resolving the larger issue.[62] The lawyer representing the claimants had broadened the scope of his arguments, adjusting to the emerging priorities and concerns of government officials. While he continued to insist upon the legal and equitable merits of his clients' claims, he also tried to argue that restoration of the estates would "tend to the comfort and happiness" of the slaves, who would have resident masters concerned for their slaves' well-being in order to ensure their own profit. Lest Stephen's argument with respect to the manumission of other escheated slaves held sway, he also anxiously insisted that to free a group of nearly 300 slaves all at once "would not only be unjust to the petitioners, but would greatly endanger the peace of the colony."[63] Government officials agreed. Treasury officials endorsed both parts of the statement, and agents of the Colonial Office concurred grudgingly with the second.

Treasury officials accepted the argument that while "the mere law" stood against the Pasee and Clozier families, "the moral justice of the case is entirely with the petitioners." Their equitable claim should be respected. Yet, they reiterated, "[a]s the property in question was originally forfeited to the Crown by the criminal acts of its

possessors, my Lords consider the restoration of it to the heirs under any conditions to be an act of pure favour."[64] As a matter of favour rather than right, their lordships of the Treasury felt justified in bestowing the property in a manner intended to promote the well-being of the slaves. They proposed giving the petitioners 999 year leases with peppercorn rents, stipulating that the slaves could not be sold or otherwise removed without the treasury board's prior permission and that the lease could be revoked upon evidence of the slaves' mistreatment. They also reserved to themselves the ability to impose new conditions at a later date.[65] Colonial office respondents allowed that it was not "expedient" to have slaves manumitted in gangs so large. They suggested that devising a plan to train the slaves into a tenantry might mitigate the objection, but thereafter left the matter to the treasury. For his part, David MacEwan opined that all the workers on the Bon Air estate, at least, were "deserving of the favourable consideration of his Majesty's government," and recommended four in particular "as subjects whose continued good behaviour entitle them to every praise and commendation": John Phillips, the head driver; two young domestics named Julien and Mary Rose; and John Charles, a cooper he described as "superior, steady, and trusty."[66] Treasury officials, however, remained more impressed with the equitable claims of the natural heirs than those of the enslaved. Pasee and Clozier obtained the estates. Only then did treasury officials accede to the emancipation of Crown slaves more generally.[67]

Before learning that the decision to free the escheated slaves was to be extended to all Crown slaves, Zachary Macaulay gave an address to the Anti-Slavery Society. He referenced the Crown slaves in Grenada, along with those in Berbice, Demerara, Mauritius, and elsewhere, some 2,500 souls by his count. He asked: "Ought these persons to remain any longer in their bondage? Are they not at least as fit for freedom as the multitudes who have already been raised to the enjoyment of it from the holds of slave ships, both in the West Indies and at Sierra Leone?" He believed that these people must immediately receive their freedom and seemed particularly incensed by the condition of the Grenadian slaves, as they remained tied to the "deathful occupation of sugar planting." He noted the discussions

about whether to give them as slaves to the children of their former masters and thundered, "It seems not to have occurred to any one that the lands they now cultivate, as slaves of the Crown, might be advantageously allotted to them; and that they might be thus converted to a free and happy peasantry, instead of continuing as now a source of perpetual expense and embarrassment to the Treasury; of jobbing to individuals; of misery to themselves; and of disgrace to the Crown and to the country."[68] Of course, this seemed not to have occurred to him either, some 17 years earlier, when he had advocated that they and the plantations they worked be put under the management of the Berbice Commission. Even some ardent advocates of abolition and emancipation took time to abandon hope for amelioration and gradualism, and to argue that property in humans constituted a fundamental error.[69] Even when emancipation happened, the latter argument had not yet been effectively won.

The language used in the Crown's directive to manumit its slaves is instructive. It noted that slaves constituted "a species of property," but one "which many considerations concur to recommend that the Crown should forthwith relinquish."[70] Alvin O. Thompson suggests in his study of the Crown slaves in Berbice that discussions about what to do with the slaves in their charge helped draw government officials to a conclusion that amelioration did not suffice to allay the moral, ideological, and practical problems posed by owning human beings.[71] Studying the Crown's treatment of its own slaves, and its treatment of slaves acquired through forfeiture specifically, also shows the tenacity and tenor of the conviction that slaves did, in fact, constitute a "species of property." Forfeiture itself manifested the contingency of property rights. As one of its defenders argued in 1814, "property is the creature of society, and society may impose its own conditions."[72] When emancipation finally came across the United States, it was made possible by the confiscation of the property of southern rebels; this, as much as a repudiation of the very idea of human property, enabled uncompensated emancipation.[73] With Britain's first large scale experiment in manumission, during the American Revolution, much the same had happened: while the British did not formally declare rebellious colonists traitors and subject them to forfeiture as such, they did offer freedom to the slaves of those rebels.[74] Despite paeans to the

inviolability of property, property rights remained contingent and conditional throughout this period. As Julian Hoppit has recently argued in reference to the widespread expropriations of the years from 1688–1833 — whether of property in common lands, offices, heritable jurisdictions, or eventually of property in people — it was not the sanctity but "the flexibility of property rights that stands out."[75] Yet in the Grenadian case, Crown agents for the longest time showed no inclination to free these forfeited slaves, and no sense that their owners' disloyalty had done anything but transfer ownership of what remained, in essence, property.

All this makes the ultimate decision to compensate slave owners seem less surprising, less a matter of pragmatic political compromise. Some people saw compensation as an unpalatable necessity, to be sure; but in the midst of widespread revolt among the enslaved abroad and ever larger petitioning campaigns at home, perhaps it was emancipation, not compensation, that to many officials and politicians of the day seemed the pragmatic concession rather than the principled response.[76]

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Endnotes:

1 The first quote comes from the American Emancipation Proclamation; the second comes from Canning's 1823 Resolutions, *Parliamentary Debates*, 2nd series, vol. 9, cols. 285–6; Emancipation Act, 28 August 1833, 3 & 4 Wm IV, c. 73.

2 Julian Hoppit, "Compulsion, Compensation, and Property Rights in Britain, 1688–1833," *Past and Present* 210 (2011): 119.

3 Stanley L. Engerman, *Slavery, Emancipation and Freedom* (Baton Rouge: Louisiana State University Press), 43.

4 For the failure of arguments insisting upon the sanctity of private property or the need to secure compensation at the time of the abolition of the slave trade, see David Beck Ryden, *West Indian Slavery and British Abolition, 1783–1807* (Cambridge: Cambridge University Press, 2009), 206–7, 265–7. For compensation debates leading up to the Emancipation Act, see Nicholas Draper, *The Price of Emancipation: Slave-Ownership, Compensation and British Society at the End of Slavery* (Cambridge: Cambridge University Press, 2010).

5 Draper.

6 Some historians have inferred that the Crown could not own slaves, based perhaps on such statements as that of Jamaica's Governor Keane in 1823 that "the Public have no property in slaves," quoted in Melanie J. Newton, "The King v. Robert James, a Slave, for Rape: Inequality, Gender, and British Slave Amelioration, 1823–1834," *Comparative Studies in Society and History* 47, 3 (2005): 592 and quote at 589. Either Keane and others who voiced a similar belief simply erred, or they were drawing a distinction between a "public" or "state" that could not own slaves and a Crown or monarch that emphatically could. As the present paper and the works cited in notes 15 and 16, below, make clear, the Crown did own slaves until 1831, and indeed it could technically have continued to do so until the end of slavery.

7 On forfeiture, though focused more generally on felony forfeiture rather than that for treason specifically, see K.J. Kesselring, "Felony Forfeiture in England, c. 1170–1870," *Journal of Legal History* 30, 3 (2009): 201–26; and ibid., "Felons' Effects and the Effects of Felony in Nineteenth-Century England," *Law and History Review* 28, 1 (2010): 111–39.

8 C.B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford: Clarendon Press, 1962), and ibid., *Property: Mainstream and Critical Positions* (Toronto: University of Toronto Press, 1978).

9 The literature on slave revolts and their part in emancipation is sizeable. For example, see Thomas C. Holt, *The Problem of Freedom: Race, Labour and Politics in Jamaica and Britain, 1832–1938* (Baltimore, MD: Johns Hopkins University Press, 1992); and Robin Blackburn, *The Overthrow of Colonial Slavery, 1776–1848* (London: Verso, 1988).

10 The scholarship on the history of abolitionism and the end of the transatlantic slave trade is especially rich. For example, see Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006).

11 For amelioration, see in particular J.R. Ward, *British West Indian Slavery, 1750–1832: The Process of Amelioration* (Oxford: Clarendon Press, 1988); as well as Justin Roberts, "Sunup to Sundown: Plantation Management

Strategies and Slave Work Routines in Barbados, Jamaica and Virginia, c. 1780–1810," (Ph. D. diss., Johns Hopkins University, 2009) and Newton. For the ways in which amelioration and gradualism infused and coexisted with debates on "the problem of freedom" and how best to move people from slavery to free labour, see, for example, Holt, especially 42–53; and Seymour Drescher, *The Mighty Experiment: Free Labor versus Slavery in British Emancipation* (Oxford: Oxford University Press, 2002).

12 Canning's 1823 Resolutions.

13 María Elena Díaz, *The Virgin, the King and the Royal Slaves of El Cobre* (Stanford, CA: Stanford University Press, 2000).

14 Ibid., 9–10. Díaz cites Pérez Guzmán's discussion of the roughly 2,000 unfree labourers at work on Cuban fortifications: "Modo de vida de esclavos y forzados en las fortificaciones de Cuba: siglo VIII," *Anuario de Estudios Americanos* 47 (1990): 241–57. See also Evelyn Powell Jennings, "War as the 'Forcing House of Change': State Slavery in Late-Eighteenth-Century Cuba," *William and Mary Quarterly* 3rd series, 62, 3 (2005): 411–40.

15 Roger Norman Buckley, *Slaves in Red Coats: The British West India Regiments, 1795–1815* (New Haven, CT: Yale University Press, 1979).

16 Alvin O. Thompson, *Unprofitable Servants: Crown Slaves in Berbice, Guyana, 1803–1831* (Kingston, Jamaica: University of the West Indies Press, 2002).

17 Forfeiture was closely related to escheat; legal writers debated the precise boundary between the two. William Blackstone, for example, insisted on a distinction between the escheat of real property to the immediate lord and the forfeiture of personal property to the Crown by those guilty of felonies other than treason, and described the loss of all a traitor's possessions to the Crown as a forfeiture that "intercepts" an escheat caused by a deficiency of the blood. Whether slaves were considered real property or personal would have mattered in cases of felony, but not in treason; in the latter, all possessions went to the Crown, whether via escheat or forfeiture. See William Blackstone, *Commentaries on the Laws of England*, 4 vols., 13th ed (London, 1800), II, 243–56, and IV, 380–9.

18 Douglas J. Hamilton, *Scotland, the Caribbean and the Atlantic World, 1750–1820* (Manchester: Manchester University Press, 2005), 153–9, provides a good overview of the difficulties between the French and the new British inhabitants.

19 For example, see The National Archives, Public Record Office (hereafter TNA/PRO), CO 103/8, Act of 28 December 1786, re: registration; ibid., CO 103/9, Act of 1 May 1789, re: travel at night.

20 Ibid., CO 101/32, Dundas to Lt. Gov. Ninian Home, 5 October 1792.

21 For the broader history of the Caribbean in the age of revolution, see in

particular Laurent Dubois, *A Colony of Citizens: Revolution and Slave Emancipation in the French Caribbean, 1787–1804* (Chapel Hill: University of North Carolina Press, 2004); David Geggus, *Slavery, War and Revolution: The British Occupation of Saint Domingue 1793–1798* (Oxford: Clarendon Press, 1982); the classic C.L.R. James, *The Black Jacobins* 2nd ed. (New York: Vintage Books, 1963); and Blackburn.

22 Unlike other rebellions of the 1790s, Fedon's has received little treatment in the scholarly literature. For the most extensive discussion, see Edward L. Cox, "Fedon's Rebellion 1795–96: Causes and Consequences," *Journal of Negro History* 67, 1 (1982): 7–19, and ibid., *Free Coloreds in the Slave Societies of St. Kitts and Grenada, 1763–1833* (Knoxville: University of Tennessee Press, 1984), chap. 5. Michael Craton offers some discussion in *Testing the Chains: Resistance to Slavery in the British West Indies* (Ithaca, NY: Cornell University Press, 1982), as does Michael Duffy, *Soldiers, Sugar and Seapower: The British Expeditions to the West Indies and the War against Revolutionary France* (Oxford: Clarendon Press, 1987), 142–6, 238–40. See also Thomas Turner Wise, *A Review of the Events which have happened at Grenada from the Commencement of the Insurrection to the 1st of May, by a sincere wellwisher to the Colony* (Grenada, 1795), which includes the proclamations issued by Fedon and Hugues; and Anon., *A Brief Enquiry into the causes of, and conduct pursued by the colonial government for quelling the insurrection in Grenada* (London, 1796), for a scathing attack on Lieutenant-Governor Ninian Home's anti-French policies and decision to seize the glebe lands. The Home of Wedderburn collection at the National Archives of Scotland (hereafter NAS) also contains relevant papers; see especially those in GD 267/5/18.

23 TNA/PRO, CO 101/35, 70–78, letters from Gov. Green to Duke of Portland, 12 and 24 July 1797.

24 For example, see Margaret Sankey, *Jacobite Prisoners of the 1715 Rebellion: Preventing and Punishing Insurrection in Early Hanoverian Britain* (Aldershot: Ashgate, 2005); Annette Smith, *Jacobite Estates of the Forty-Five* (Edinburgh: John Donald Publishers, 1982); and J.S. Simms, *Williamite Confiscation in Ireland* (London: Faber and Faber, 1959). The commitment to reimbursing creditors from the proceeds of forfeitures was relatively new, apparently first acted upon after the forfeitures of 1689–1701; see Sankey, 135.

25 Wise, 29.

26 The first attainder act passed as early as 17 September 1795. Various problems with it and a subsequent act required a third, the text of which can be found in TNA/PRO, CO 103/10, ff. 14–27.

27 Ibid., CO 101/36, 96.

28 Ibid., CO 101/35, 8-11, Lt. Gov. Houston to Duke of Portland, 22 November 1796; see also the copy of the *St. George's Chronicle and Grenada Gazette* (30 July 1796), inserted as no. 214 in ibid., CO 101/36.

29 For example, see Anon., *A Brief Enquiry*, 121; and the report of Mather Byles, the local agent for the Home's Waltham plantation, who later became a receiver of forfeited property for the Crown, NAS GD 267/5/19/27. Incidentally, as part of the Loyalist flight from Boston in 1776, Byles presumably had some familiarity with forfeiture and its effects.

30 See the returns in TNA/PRO, CO 106/12, for a list of the 120 attainted owners of 514 slaves unattached to estates, although the commissioners had been unable to locate many of the slaves in question.

31 Ibid., CO 101/35, 106–118, 254.

32 *St. George's Chronicle and Grenada Gazette* (30 August 1799; 6 September 1799), report on losses. See also the issue of 15 June 1798, announcing for sale "several Negroes belonging to sundry attainted persons, which were not to be found at the time of the general sales." Copies of this paper are located in the American Antiquarian Society Library

33 Genealogical Society of Utah mfm, Supreme Court of Grenada, Registers of Records, Registrar's Office, vol. N4, 325–33.

34 Ibid., vol. P4, 728–32.

35 TNA, PRO, T 1/3806, pt. 1, especially the March 1802 report from receiver Mather Byles to the treasury.

36 Ibid., pt. 2; and ibid., TS 25/6/20. The efforts by Pasee and other children of Grenadian rebels to have their mothers' property restored to them echo the famous Loyalist case discussed by Linda K. Kerber in "The Paradox of Women's Citizenship in the Early Republic: The Case of Martin vs Massachusetts, 1805," *American Historical Review* 97, 2 (1992): 349–78. Grenadian officials acted upon concerns about the complicity of free women of colour in the revolt by barring those who had left the island in its immediate aftermath from returning. Otherwise, the assumptions of Grenadian and London officials about women's general lack of civic or legal responsibility for actions in this revolt seem to have echoed those of their American counterparts, who resolved in Martin's favour in deciding that his mother was merely the wife of a Loyalist, and not a Loyalist herself, and thus her property ought to have been safe from seizure.

37 TNA/PRO, T 1/3806, pt. 1, packet dated 11 December 1811; ibid., TS 25/5, 65 ff.; ibid., TS 25/5/14.

38 Ibid., T 1/3806, pt. 2.

39 See Blackstone, IV, 397–402. See also the early and explicit example afforded in a letter dated 21 October 1797 from the newly appointed

governor, Charles Green. Green noted that a local jury had convicted but recommended for mercy two rebels. Green wondered if they might receive more than their lives alone: "as that act of mercy has been extended to many others far more culpable, I ask whether some additional mark of favour should not be attached to them, such as restoring their property." TNA/PRO, CO 101/35, 120–1.

40 TNA/PRO, T 1/3806, pt. 1, letter dated 28 May 1815.

41 Ibid., TS 25/7/7.

42 Thompson, 70, and *passim*, for the foundation and efforts of the commission. See also *Parliamentary Papers* (hereafter *PP*), "Copies of Commissions of the Lords of the Treasury, Appointing Commissioners for the Management of the Crown's Estates in Berbice and on the Continent of South America," 1812, 355; and ibid., "Copy of the Report of the Commissioners Appointed for the Management of the Crown Estates in the Colony of Berbice, to the Lords Commissioners of His Majesty's Treasury," 1816, 528. Drescher, 108, discusses the prevalence of talk of "experiments" on all sides of the slavery debates, and the utility of such rhetoric in providing a common ground. Note, though, that a few anti-slavery activists, notably James Stephen, refused to countenance talk of "experiments" with the enslaved; this objection, as well as the evident failure of the Berbice Commission if measured in these terms, accounts for his refusal of this label when reporting before parliament.

43 TNA/PRO, T 1/3807, Macaulay to treasury, 19 November 1814.

44 Joseph Marryat, *An Examination of the Report of the Berbice Commissioners, and an answer to the letters of James Stephen, Esq.* (London, 1817); and ibid., *More Thoughts, Occasioned by Two Publications which the Authors Call 'An exposure of some of the numerous misstatements and misrepresentations contained in a pamphlet commonly known by the name of Mr. Marryat's Pamphlet, entitled Thoughts & C.* (London, n.d.). Marryat maintained that he had paid £9,000 sterling to the treasury over the past three years as profits from the Crown's Grenada estates. A later report, included in TNA/PRO, T 1/3806, pt. 1, noted total net profits from 1 August 1815 to 31 December 1827 of £29,966 local currency.

45 See Thompson, 101–2, 263–4.

46 Díaz, *Royal Slaves of El Cobre,* 75, 323–37.

47 TNA, PRO, T 1/3807, letters from MacEwan to treasury, 12 July 1817, and 13 October 1819.

48 Assorted returns throughout ibid., T 1/3806 and 3807.

49 *St. George's Chronicle and Grenada Gazette* (7 May 1825); TNA/PRO, T 1/3806, pt. 1, especially correspondence dated 4 July and 10 August 1826.

Even before the treasury's manifestations of concern, MacEwan would seem to have been a better manager than some, at least. In an 1815 case reported in *The Times*, George Whitfield sued MacEwan for negligence causing the deaths of slaves, but had the verdict go against him. Whitfield had purchased an interest in a coffee estate and its 150 slaves from the Crown in 1810; after two years he was briefly ejected and the property restored to MacEwan's charge until he completed his purchase. In the ten months that MacEwan resumed management of the estate, 18 of the enslaved workers died. The court heard much evidence, however, that the slaves died from illnesses that originated with the overwork and privations Whitfield himself had adopted, ones of a sort that apparently scandalized even a planter court. *The Times* (1 January 1816), 2.

50 TNA/PRO, TS 25/6/14, judgement dated 8 January 1814. The case hinged on whether or not his attainted uncle died before age 25, and thus had not yet become vested with his third of the property.

51 Ibid., T 1/3806, pts. 1 and 2.

52 In addition to the documents in ibid., T 1/3806, see ibid., TS 25/2040/61 and TS 25/2036/61.

53 Ibid., T 1/3806, pt. 2.

54 As early as 1709, corruption of blood in cases of treason was nearly abolished by parliament as an injustice to heirs, but concerns about the appeal of Jacobite pretenders delayed and ultimately defeated the measure. See 7 Anne, c. 21 and *Cobbett's Parliamentary History of England* (London, 1810), vol. 6, cols. 794ff. The question had reappeared in more recent years. Sir Samuel Romilly proposed a bill in 1813 to abolish corruption of blood in cases of treason and felony, arguing that "all confiscations forming part of a sentence by which death is inflicted are founded, in my opinion, upon the greatest injustice …. [T]he forfeiture can only affect those whom he leaves behind him." See *The Speeches of Sir Samuel Romilly in the House of Commons* 2 vols. (London, 1820), I, 434, II. 3–17; and *The Debate in the House of Commons, April 25, 1814, Upon Corruption of Blood* (London, 1814). The act ultimately preserved corruption of blood for treason and murder: 54 George III, c. 145. The lawyer for the Cloziers and Pasees referenced another failed attempt to do away with corruption of blood in 1825. The practice survived, however, until 1870.

55 TNA/PRO, CO 239/9, 8 May 1823.

56 See Cox, 165; and Newton, 595.

57 Mary Reckord, "The Colonial Office and the Abolition of Slavery," *Historical Journal* 14, 4 (1971): 733.

58 TNA/PRO, CO 239/9, 30 May 1823; also printed in *PP*, "Escheated Slaves: Return to an address of the Honourable House of Commons dated

3 June 1829 for an account of the final disposal of the slaves escheated to the Crown in the Colonies of the West Indies since 1st January 1821," 1830–31 (121), 3–5.

59 Ibid.

60 Ibid., 14–15. Beyond the argument for maintaining consistency with the decision to emancipate apprenticed Africans, the timing of the first cracks in their resolve suggests that treasury officials may also have succumbed to an argument advanced in a colonial office missive of 16 August 1830, which maintained that most petitioners for escheated slaves were "low, coloured people" who would be least injured by the loss "since their position in life would make it no great hardship to gain their own subsistence," ibid., 10–11. When Newton examined individual cases of escheated slaves being manumitted rather than given to the natural heirs of intestates, she found no evidence that the colour of the claimants influenced treasury decisions. See Newton, 595 fn. 43. This colonial office letter suggests that such thinking played at least some role, however.

61 *PP*, "Slave Emancipation: Crown Slaves … Copies of the Several Orders Sent to the Colonies for Emancipating the Slaves Belonging to the Crown," 1831 (305), 3. See also ibid., "Jamaica: Captured Negroes and Crown Slaves … who have been liberated in each of the colonies," 1833 (542), and the earlier responses to colonial office inquiries into the numbers and disposition of escheated slaves, ibid., "Slaves accounts respecting slaves in possession of government and expense of maintaining them," 1824 (423). Authorities in Mauritius obtained extra time before freeing the many Crown slaves held there.

62 Ibid., "Escheated Slaves," 1830–31 (121), 7–8.

63 TNA/PRO, T 1/3806, pt. 1, letter from R. Maltby to the treasury, 12 August 1828; ibid., T 1/3806, pt. 2.

64 See assorted documents in ibid., T 1/3806, pt. 1, especially the letter from the treasury dated 17 February 1829.

65 In the event, it seems that the men soon transferred the lease to Edward and Peter Gibbs, with their solicitor, Rowland Maltby, acting as the mortgagee. In the Compensation Returns, Maltby's widow Louisa, the brothers Gibb, and the tenants in common split the payment for slaves that may well have still been technically the Crown's. See Draper, 134, citing TNA/PRO, T 71/880, T 71/1229, and T 71/1609, for claims 565 and 684.

66 Ibid., T 1/3806, pt. 2.

67 See *PP*, "Escheated Slaves," 1830–31 (121), 9, 11.

68 *The Anti-Slavery Reporter* IV, 5 (1 March 1831): 154–5.

69 See Holt, especially 42–53.

70 *PP*, "Slave Emancipation," 1831 (305), 3.

71 See Thompson, especially 266.

72 *The Debate in the House of Commons, April 25, 1814, upon Corruption of Blood,* xi. This was spoken by MP Charles Yorke; his father, of the same name, wrote a much cited treatise defending forfeiture, largely upon this premise. See Charles Yorke, *Some Considerations on the Law of Forfeiture for High Treason* (London, 1745).

73 Daniel W Hamilton, *The Limits of Sovereignty: Property Confiscation in the Union and the Confederacy during the Civil War* (Chicago: University of Chicago Press, 2007); and Silvana R. Siddali, *From Property to Person: Slavery and the Confiscation Acts, 1861–1862* (Baton Rouge: Louisiana State University Press, 2005).

74 On the decision not to label American rebels as traitors, see Lisa Steffen, *Defining a British State: Treason and National Identity, 1608–1820* (Basingstoke: Palgrave, 2001), 98. Of course, not all the former American slaves who made their way in the Loyalist migration were free; slaves of white Loyalists remained slaves, whether they stayed in America as forfeited property or joined their masters in British colonies elsewhere. See Maya Jasanoff, *Liberty's Exiles: American Loyalists in the Revolutionary World* (New York: Knopf, 2011), especially 358, which suggests that "it seems entirely legitimate to conclude that loyalists carried some 15,000 slaves out of the United States"; and Amani Whitfield, "Black Loyalists and Black Slaves in Maritime Canada," *History Compass* (2007): 1980–97. For the later migration of slaves freed in the war of 1812, see Amani Whitfield, *Blacks on the Border: The Black Refugees in British North America, 1815–1860* (Burlington: University of Vermont Press, 2006).

75 See Hoppit, *passim*; and Draper, especially 85ff.

76 For slave revolts preceding emancipation, see, for example, the works in note 9. Note, too, that the emancipation of Crown slaves helped trigger at least a couple of these protests, in Jamaica and in Demerara. For domestic anti-slavery campaigns, see, for example, Clare Midgley, *Women Against Slavery: The British Campaigns, 1780–1870* (London: Routledge, 1992); and J.R. Oldfield, *Popular Politics and British Anti-Slavery* (London: Frank Cass, 1998).