

T O B A G O .

RETURN to an Address of the Honourable the House of Commons,
dated the 5th July 1820;—for

COPIES OF THE CORRESPONDENCE between
His Majesty's Secretary of State for the Colonial
Department, and the Governor and Chief Justice of
the Island of *Tobago*; relating to certain Charges
laid before that Department by His Majesty's late
Attorney General for that Island.

Ordered, by The House of Commons, to be Printed,
17 July 1820.

L I S T.

I.

Copy of a Dispatch from Major General Sir *F. P. Robinson*, K. C. B. the Governor of *Tobago*, to the Earl *Bathurst*, K. G. dated *Tobago*, 26th August 1819:—With Three Inclosures - - - - - p. 3.

II.

Copy of a Dispatch from the Earl *Bathurst*, K. G. to Sir *F. P. Robinson*, K. C. B. dated *Downing-street*, 29th October 1819:—With Two Inclosures, pp. 12.

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Copy of a Dispatch from Sir *F. P. Robinson*, K. C. B. to the Earl *Bathurst*, K. G. dated *Tobago*, 2d February 1820:—With Two Inclosures - - pp. 45.

Downing-street, }
July 1820. }

HENRY GOULBURN.

PAPERS relating to the Island of TOBAGO.

I.

COPY OF A DISPATCH from Major General Sir *F. P. Robinson*, K. C. B. to the Earl *Bathurst*, K. G. dated Tobago, 26th August 1819:—With Three Inclosures.

MY LORD,

Tobago, 26th August 1819.

I HAVE the honour to report to your Lordship, the resignation of Mr. Capper, as attorney general of this Island, and of his having sailed from hence for England about a fortnight ago.

I herewith transmit for your Lordship's information, the minutes of the Privy Council and other papers relating to the strange conduct of Mr. Capper. The colonial agent will also receive the resolution of the House of Assembly to be submitted to your Lordship, upon this very extraordinary circumstance.

Immediately upon my return from my tour of military inspection, the President reported to me the behaviour of the late attorney general, and as that gentleman did not think it necessary to call upon me, or to send in any explanation of what had passed, I felt it my duty to take the advice of the council, the result of which will appear in the minutes.

After Mr. Capper's departure, a very harsh libel appeared in the *Tobago Gazette*, in which he directly asserts that he stood alone, without support, and consequently that any efforts on his part for obtaining a due administration of justice would be useless.

In contradiction to Mr. Capper's assertion, I can assure your Lordship, that he received the most prompt support from me, in every instance, as he has fully acknowledged; but that gentleman's total ignorance of his profession, not only drew upon him the contemptuous sneers of the lawyers, but of the whole colony.

Mr. Capper's conduct in another respect was truly alarming to the inhabitants. He was endeavouring to make a party with the slaves, in such a manner as must, in a short time, have occasioned internal disturbances. He also avoided the society of the upper class, and associated only with those who are never invited to the government house.

No individual ever excited such universal indignation in a colony as Mr. Capper has done in this; although he alludes to attentions received from many respectable gentlemen, in his printed letters, those gentlemen I never met at any table in the Island.

To me Mr. Capper was totally useless. I left him two cases for his opinion and advice during my absence, both of which fully exposed his ignorance.

I have no doubt complaints will be made, according to the threats issued by Mr. Capper, but I can assure your Lordship, that I am fully prepared to refute any thing he may urge against me, or those who are united with me, in the administration of the government. The Island cannot boast of the luxuries of other colonies, but I cannot speak too much in praise of its general harmony, and of the perfect good order and content among the slaves. Loyalty is no where more prized and cherished; and I firmly believe, that justice in all criminal cases, is as impartially and fairly administered in our courts, as in any part of His Majesty's dominions.

I have, &c.

F. P. ROBINSON,
Governor.

The Earl Bathurst,
&c. &c. &c.

ENCLOSURES.

Inclosure No. 1, in Sir F. P. Robinson's, of 26 August 1819.

I.
Sir F. P. Robinson
to Earl Bathurst.

Minutes of a Privy Council, held the 23d of July 1819; present, His Excellency the Governor; the honourables George Cumine, John Robley, William Brasnell, James Crooks, William Wilson, and James Campbell.

Inclosure No. 1.

THE Minutes of last meeting were read and confirmed.

His Excellency informed the Board, that he had called them together in consequence of a letter from the chief justice addressed to the president, in his absence on military duty, and which was read by the clerk as follows:—

Sir,

Scarbro', 19 July 1819.

Some time ago, in the scarcity of magistrates in town, I was induced, on the instance of the House of Assembly, to sit in rotation at the public court-house, under the police act, which I might have been considered as not called upon to do, holding the situation of chief justice, but willing to do all in my power to preserve the police of the country, I have set in turn till the present time. In no situation of life can it be expected to please every body, and in the investigations which come before the justices of peace, either the accuser or accused will go away dissatisfied, and complain of want of justice; these complaints made little impression upon me, and though the office of a justice of peace is neither enviable or desirable, they never moved me to withdraw my services in that capacity. I have, however, been given to understand, that the whole administration of the government and of the public justice of this country have been impeached, in a company composed of the most distinguished characters of this community, by a gentleman lately appointed to an office of high rank, and recently arrived, with, as I understand, he states some superior power backed by the Crown. I form no part of the executive government, and I have no controul over the administration of justice in the criminal courts, and if the very unhandsome reflection so generally expressed were in anywise levelled at me, they could apply to me only as acting in the capacity of an ordinary justice, for I have held the appointment of chief justice for nearly fifteen years, during which I remember but one appeal from the judgment of the court in which I preside, and in that my judgment was confirmed by the ulterior tribunal resorted to at home. I have, under these circumstances, as I cannot reconcile any public reflections against me, determined to confine myself to the court of which I am chief justice. My reasons for troubling your Honour with this communication, is because there are not sufficient magistrates to do the duty required, and that you may consider what steps it may be necessary to adopt to remedy the inconvenience.

I have the honour to be, &c.

His Honour the President,
&c. &c. &c.

(Signed) *Elphinstone Piggott.*

Then the following statements were made by the gentlemen hereinafter named, and who subscribed the same.

The honourable George Cumine states, that on the 15th July, when president, he gave a dinner party to a number of gentlemen of the colony, and, amongst others, Benjamin Capper, esq. the attorney general, was present; that in the course of the evening, Mr. Capper, without any provocation whatever, declared that the governor, the chief justice, and all the gentlemen of property in the Island, were a set of jugglers, and in league against public justice; that he would write to the Privy Council at home to have the governor and chief justice removed, and that if Lord Bathurst did not comply with this suggestion, that he (Lord Bathurst) would be as great a rascal as either of them; that he would be supported at home by those who had sent him out.

(Signed) *Geo. Cumine.*

The honourable John Robley states, that he dined on the 15th of July with the president, in company with a great part of the gentlemen in the Island; that dinner was served about one o'clock, and that the utmost harmony prevailed till about nine o'clock, when he joined the ladies in the drawing-room; that while in conversation with

with a gentleman, he heard Mr. Capper violently exclaim, "I am the attorney-general, and do not care a damn who hears me express my sentiments; the governor and chief justice are in a league with the great landholders in the Island, and the poor people are deprived of justice; that he had written to Lord Bathurst to remove the governor and the chief justice, and if he (Lord Bathurst) did not send the governor and chief justice about their business, he would be as great a rascal as either of them;" that upon the honourable William Brasnell and the honourable James Crooks remonstrating with Mr. Capper, upon the impropriety of his conduct, he (Mr. Capper) appealed to Mr. Robley, who told him his language had been a gross calumny upon the two absent persons (the governor and the chief justice,) and his conduct that evening would close the doors of every gentleman in the Island against him, and certainly his own. Mr. Capper's reply was, that he did not care a farthing about that; in the course of Mr. Capper's violence he asserted that he had heard the state of affairs in this colony at Lord Bathurst's office previous to his leaving England, and that he came out to set things right; that after a considerable time, Mr. Capper went into the drawing-room again, and made a long speech of apology for his conduct to the ladies and gentlemen there assembled. Mr. Robley further states, that the attorney general called upon him the next morning, in company with Mr. Bradshaw, waiter of the customs, upon business, and the attorney general then renewed his apology to Mr. Robley and Mr. Brasnell, who was present, and repeated his assertion that he had been made acquainted with the state of affairs in this colony at Lord Bathurst's office, which was the reason of his giving the opinion he had declared of the administration of affairs in this colony. Mr. Robley declared, whoever had given that opinion of the judicial character of this colony had been guilty of a gross calumny against it, for that he believed justice was as impartially and purely administered in this Island, as in any part of His Majesty's dominions; and he was sure that was the case with respect to criminal justice. Mr. Robley further states, that he does not believe there was a single person of the party in any degree intoxicated, except Mr. Capper, who was so in some degree, but by no means in his opinion, but that he was perfectly aware of any thing he said or did.

(Signed) *John Robley.*

The honourable William Brasnell states, that he dined with the president on the 15th of July, and took his station, as colonial aid-de-camp, at the head of the table, and in uniform; that about half past nine o'clock, he heard the attorney general loudly exclaiming against the colony, and every circumstance relating to it; that the governor and chief justice were leagued against the common people in conjunction with the gentlemen of landed property; he further stated, that he either had written or would write to Lord Bathurst, advising the removal of the governor and chief justice, as the only means of doing justice to the colony; and that if he (Lord Bathurst) did not comply with his suggestion, he would prove himself to be as great a rascal as either of them; that he, Mr. Capper, was happy in having an opportunity for publicly explaining his sentiments; that he was sent out to redress colonial grievances, and that he would be fully supported by those who sent him out, and that he did not care a damn for any one in the place. Mr. Brasnell further states, that the attorney general continued in his abuse of the governor and all others connected with him in the government, until he felt it his duty to call him to order, in conjunction with the honourable James Crooks; that Mr. Capper then appealed to Mr. Robley, and the circumstances stated by that gentleman then took place. Mr. Capper the next day renewed his apology to Mr. Brasnell, and at the same time declared that he had heard the state of the colony at Lord Bathurst's office before he came out, and saw many written documents relating thereto.

(Signed) *Wm. Brasnell.*

The honourable James Crooks states, that he dined with the president on the 15th of July, in company with a large party of the gentlemen of the colony; that he heard the attorney general declare publicly that the governor and chief justice ought to be removed, for that justice would never be administered in the colony until they were; that he would write a full statement to Lord Bathurst, suggesting their removal; that Mr. Capper continued his abusive language until called to order, and under the suggestion of the honourable Mr. Robley, made an apology for his conduct.

(Signed) *J. Crooks.*

I.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure No. 1,
continued.

I.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure No. 1,
continued.

The honourable E. Piggott (chief justice) states, that he dined with the President on the 15th instant; and on the morning of the 16th, in passing Mr. J. Glanville's office, he was accosted by that gentleman, who told Mr. Piggott that he was desired by the attorney general to assure him in what had been said by him the evening before, he did not intend any thing disrespectful against him as chief justice, but his opinions were directed against the executive government, and the principal landholders. That upon Mr. Piggott's seeing Mr. Capper, he inquired whether Mr. Piggott had seen Mr. Glanville, and whether Mr. Glanville had said any thing from Mr. Capper; Mr. Piggott requested to know what he had desired Mr. Glanville to say; he replied, he wished to assure Mr. Piggott, that in what he had said the evening before, he meant nothing disrespectful to Mr. Piggott, but that his opinions were directed against the executive government of the country.

(Signed) *Elphinstone Piggott,*
Chief Justice of Tobago.

Mr. John Chadband states, that he dined with the president on the 15th of July, and that in the latter part of the evening, he heard the attorney general declare, that the ends of justice would be defeated unless the governor and chief justice were removed, for that they were in league with the gentlemen of landed property against the community; that he had written to Lord Bathurst for the removal of the governor and chief justice.

(Signed) *John Chadband.*

James M. Collier, D. P. marshal, states, that he dined at the president's on the 15th of July; that he heard the attorney general voluntarily exclaim, that he had been sent out here to see justice properly administered in Tobago, but that he must be defeated in his purpose, unless the governor and chief justice were removed, and that he would write to Lord Bathurst for their removal, and that if Lord Bathurst did not comply, he would be a greater rascal than either of them; that he had heard the character of the Island at Lord Bathurst's office, previous to his coming out; that Mr. Capper repeatedly declared he did not care a damn for any one; that he would be supported by those who sent him out; that Mr. Capper continued his abuse of the executive government, and the gentlemen of the colony, in a most unjustifiable manner, until called to order; Mr. Capper frequently said that there was nothing but juggling between the executive government, and the gentlemen of landed property in the Island to defeat the ends of justice.

(Signed) *J. M. Collier.*

Mr. Capper being absent from town, the following letter was directed to be sent to him by the clerk.

Sir,

Council Chamber, 23d July 1819.

I am directed by his Excellency the governor in council to inform you, that in consequence of the accusation, made publicly by you on the 15th instant, after the dinner of his Honour the president, that no justice could be obtained in this Island while the present chief justice and the governor continued in it, and that they ought to be removed; and the chief justice having declined sitting in future as a magistrate, while any such unfounded calumny remains uncontradicted against his judicial character, by which means the public service suffers great injury and inconvenience; and as the above accusation has been confirmed by the testimony of many gentlemen present when it was made, you are desired to account and explain to his Excellency in council, at the next meeting, which will be on Thursday the 29th instant, on what grounds and by what authority you have thought proper to make this accusation, so injurious to the characters of the governor and the chief justice, and so deeply affecting the reputation of the civil and criminal jurisdiction of the colony.

I have the honor to be, &c.

To Benjamin Capper, Esq.
&c. &c. &c.

(Signed) *Samuel Cox,*
Acting Clerk Council.

Tobago.—Minutes of a Privy Council, held the 29th of July, 1819; present, His Excellency the Governor; honourables, John Robley, William Brasnell, James Crooks, W. S. Wilson, and James Campbell.

I.
Sir F. P. Robinson
to Earl Bathurst.

The Minutes of last meeting were read and confirmed.

Inclosure No. 1.
continued.

His Excellency laid before the Board a letter he had received from Mr. Capper, and which was read as follows:—

Sir,

I have just received a letter, directed by your Excellency, desiring my attendance on Thursday the 29th instant; I shall do myself the honour to attend. I know nothing more becoming the character of a gentleman than to offer an apology as soon as he discovers that any unguarded observation had fallen from him at a convivial board. I made a written apology the next morning to the president, and apologized in person to individuals; this was all that I think gentlemen should have required; nothing was further from my intention than to throw out a disrespectful observation against your Excellency or the chief justice. I did not mean to give offence to any one. I believe the purport of my words to have been, "Governors and judges should not remain too long in a place; that justice should be fully and impartially administered."

Not from motives of fear or sycophancy, I beg leave to assure your Excellency, that no one in this colony entertains a higher opinion of your public or private character than myself. Captain Fletcher and the Baron can say what have been my sentiments previous to the 15th instant; Mr. Scoby was then and there, and as I do consider him a more impartial person than any other one present, I beg leave to refer your Excellency to Mr. Scoby for the truth. I have attempted to discharge my duty, and by so doing, I have given offence to some, and the impression on my mind is, that combined efforts have been used to induce your Excellency to harshness towards me, or to induce me to resign my office, to make a vacancy for some one who would be *directed*. I wish to have nothing to do with any thing like juggling in any office. If your Excellency thinks necessary, I shall be happy to submit the whole or any part of my conduct for the consideration of Earl Bathurst. If I am continually opposed in the discharge of my duty, I shall take the earliest opportunity of writing to his Lordship, requesting some other appointment.

I have the honour to be, &c.

(Signed) B. Capper.

I cannot omit to add (with much deference to your Excellency,) that the privy council of Tobago has no jurisdiction over me, nor am I bound to attend: from feelings of respect to your Excellency, I will do as you point out. Your Excellency may advise with them as to any measure you ought to adopt, but I do not think it to be either law or etiquette, that a person holding so high and important an office as that of His Majesty's attorney-general, should be at the beck and call of a colonial privy council. I mean nothing disrespectful, individually or collectively, to the body alluded to, but I am persuaded that Earl Bathurst will not be able to get gentlemen at the English bar to accept offices in British colonies unless properly supported. As these subjects will probably find their way to England, and become subjects of subsequent discussion and consideration, I trust your Excellency will consult the dignity of the Crown and your own reputation, rather than listen to *ex parte* statements and the suggestion of persons incompetent to advise. I trust your Excellency will excuse the prolixity with which I express myself; I am a perfect stranger, wishing to do nothing but what is honourable and right, I cannot refrain from feeling irritated under the whole of the circumstances. I shall be in town on Wednesday next, and will do myself the honour of waiting on your Excellency on that day, or early on Thursday morning. If your Excellency or Mr. Piggott feel insulted (when no insult was intended,) I will repeat what I before said, in public or private, that I meant no insult. I beg leave to request your Excellency, that my communication may remain exclusively with your Excellency.

This Postscript is all
in the hand-writing
of Mr. Capper.

And the same being read, the council were of opinion and did advise his Excellency, as Mr. Capper had stated he was not able to attend from indisposition, that the following letter should be sent to him by the clerk:—

Sir,

His Excellency has laid before the council your letter to him of the 25th instant, which he considers should have been addressed to him in council, and he declines

I.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure No. 1,
continued.

taking any notice of those expressions relating to either intended personal insult to him or the chief justice, or personal apology, as he considers it irrelevant to the subject, which as he and the privy council understand it, is an attack utterly unfounded upon the governor and chief justice in their public and official capacities, and against the general administration of civil and criminal justice in this colony. As your letter implies that you have been continually opposed in the discharge of your duty, and that therefore you will take the earliest opportunity of requesting another appointment, I am expressly desired by his Excellency in council, that you will point out to him, in writing, on what occasion you have met with that opposition by which you consider you have been prevented exercising the duties of your office, and that the administration of justice in this colony has been impeded, or any other proceedings which you consider can justify your general reprobation of the administration of justice in the colony. I am further directed by his Excellency to acquaint you, that no efforts have been made to induce any measures of harshness towards you, and that no communication whatever, other than the official letter of the chief justice of the 16th instant, has been made to him out of council by any person whatever, and that all the proceedings, and every thing connected therewith, that has passed upon this subject, will be found in the minutes of the privy council. I am directed by his Excellency to desire, that in future communication you will abstain from any expression so indecorous, as that of your wish to have nothing to do with any thing like *juggling* in office. His Excellency, after the receipt of your expected communication, will appoint an early day for its consideration in council.

I have the honour to be, &c.

Sam^l Hall.

In the mean time, the deputy provost marshal having been desired to see whether Mr. Capper was in town, returned, and informed the governor that Mr. Capper would attend directly; and which shortly afterwards he did, and being admitted in the council chamber, was informed by his Excellency, that he would receive a letter from the clerk.

Minutes of a Privy Council, held the 5th of August 1819; present, His Excellency the Governor; the honourables George Cumine, John Robley, James Crooks, William S. Wilson, J. W. Nichol, and James Campbell.

Minutes of last meeting read and confirmed.

His Excellency laid before the Board the following letter he had received from Mr. Capper, with his answer thereto.

Sir,

Scarbro', 2d August 1819.

In reply to the official letter of the 29th ult. directed by your Excellency, I beg leave to say that it is my determination to leave this Island for England, where I shall be ready to enter into full explanation for any words which I may have uttered, or any acts which I have done. After what has passed, I never could expect comfort and happiness in Tobago, I therefore resign my office. I attended this morning at the Court-house (agreeably to your Excellency's request) a few minutes too late—severe indisposition, and the want of a horse, occasioned the delay.

I have the honor to be, &c.

B. Capper.

Government House, Tobago, 2d August 1819.

The governor has received Mr. Capper's letter of this day, containing his resignation of his appointment of attorney general, which the governor accepts, and requests Mr. Capper will send his commission to the deputy colonial secretary. The governor is extremely sorry Mr. Capper did not attend the court of chancery this morning, as his professional advice was required on a point of considerable importance. His Excellency then required the opinion of the Board, what further steps ought to be taken in this business, and the honourable John Robley undertook to draw up a statement of the different facts, and to submit the same to the consideration of his Excellency and the Board on Monday next.

Certified by,

Samuel Hall, Deputy Secretary.

Extract from the Minutes of a Privy Council, held the 9th of August 1819; present, His Excellency the Governor; the honourables George Cumine, John Robley, William Brasnell, James Crooks, W. S. Wilson, F. W. Nichol, and James Campbell.

I.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure No. 1,
continued.

Mr. Robley having prepared a statement of facts of the business of the late attorney general, now read the same in his place, as follows:

Your Excellency having required our opinion and advice in this business of the attorney general, we are unanimous in this expression of our sentiments, and our request, that your Excellency will take the earliest opportunity of communicating the same, and all the papers, letters and minutes of the privy council on this subject to His Majesty's government. The declaration in Mr. Capper's letter to your Excellency of the 2d of August, wherein he declares "his determination to leave this Island for England, and there be ready to enter into full explanation of what words he may have uttered, or what acts he may have done," requires that we should enter more fully on the subject than merely to express our approval of your Excellency's acceptance of Mr. Capper's resignation, so that His Majesty's ministers may not be impressed with an erroneous opinion by any mis-statement of Mr. Capper's, but may receive, and know from us now, what the truth really is, instead of by any subsequent inquiry, in a distant country, remote from all the parties competent or able to give information, and to which inquiry or explanation, suggested under his own representation, we presume Mr. Capper alludes. It is impossible not to notice, and which we are able distinctly to assert, that the gross attack made by Mr. Capper upon the governor, the chief justice, and the country at large, was altogether without provocation; there was no previous conversation on the subject, or any dispute; and we believe that it was purposely done and intended at the time as an insult to the governor, chief justice, and gentlemen of the country; that he made use of the first large meeting of the gentlemen of the colony at which he was present for that purpose; and that the plea of intoxication, and that he did not know what he said and did, is quite insufficient even as an excuse. The reference Mr. Capper has so frequently made to his acquaintance before he left England, with the character of this colony, and the mal-administration of justice within it; that he had acquired this knowledge at the office of the colonial minister, and that he would be amply supported by those who sent him out, contains, as to the first part, the means of its refutation, by communicating all these proceedings to Lord Bathurst; and we apprehend that, by his supporters, he cannot and does not refer to His Majesty's ministers, but to some society whose views and sentiments, as connected with the West Indies, he has adopted, and would endeavour to maintain.

To an impartial observer, it must have appeared impossible for His Majesty's attorney general to have made the charge he has against the governor, the chief justice, and the administration of justice within the colony in terms so general, so grossly vulgar and obnoxious, unless he were able to adduce not one but at least many flagrant instances in which the *juggling* interference of the high officers he has named with the great landholders, had impeded, prevented, or distorted the justice of the colony. In the letters addressed to Mr. Capper, by your Excellency's direction, with the advice of your council, we considered it of the first consequence to call upon Mr. Capper to produce some instance or other of malversation to justify or excuse a charge, the most disgraceful to which a judge can be exposed, and which comes with increased authority when made by the attorney general, acting, as he has presumed to say, from information and instructions derived from the office of the colonial minister. To this appeal, although he has been twice called upon, in the mildest terms, for his justification, Mr. Capper has made no reply. He has shrunk from all proof, in support of such aspersions, and has preferred a disgraceful abandonment of a high and honourable office, to any attempt to excuse or to establish the truth of his unfounded and calumnious accusations. The spot where the parties, the evidence, and the records are, has appeared to us as infinitely more suitable for the investigation of his complaints and accusation, than the distant country to which he has referred for an explanation of his conduct; and we trust we are fully borne out in maintaining, that the charges made against your Excellency, the chief judge, and the general administration of justice, are false, and utterly unfounded, when the accuser has thus avoided every offer and opportunity to adduce or prove any one circumstance by which they could be established. We hope your Excellency will join with us in requesting our chief justice to resume those duties of a magistrate, by

I.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure No. 1,
continued.

which the colony has continued to derive such benefit in the administration of justice, and the maintenance of our police; and that he will not allow a malicious and calumnious imputation, for which the accuser can bring forward no proof, or offer any excuse, and which we know, by an experience of our chief justice in his office for fifteen years, must be unfounded, to prevent him from continuing to exercise, as a justice of peace, those judicial talents, and those legal acquirements, he so eminently possesses, for the advantage of this community. Our own intercourse with the attorney general has been so limited, that we must confess our surprize on what grounds Mr. Capper has ventured to caution your Excellency against acting on any opinion we might give you on this subject. In common with every gentleman of this colony, we have felt the insult offered to your Excellency, the chief judge, and the whole of our community; and when called on by your Excellency in council, we have, without reserve, stated individually what passed in our presence, and our sentiments on the occasion; but we are sure that there is nothing in our general or individual conduct, and least of all any thing within the knowledge of the attorney general which can enable him to charge us with any combination, to prejudice him in your Excellency's opinion, and induce him, by measures of harshness, to resign his office, to make a vacancy for one who would be *directed*. In our opinion, it is no slight aggravation of the conduct of Mr. Capper, that he has thus endeavoured to disparage His Majesty's privy council of this Island in your Excellency's opinion, and imputing such dishonourable motives for our conduct, to suggest to your Excellency "our incompetence to advise you, either for the dignity of the Crown, or your own reputation." Against such a charge so deliberately made, we safely trust to your Excellency's report to His Majesty's ministers for our complete vindication; and we only consider it as a part of a deliberate and intended insult to this whole community, that Mr. Capper has thus, without the excuse of inebriety, extended his accusation to us, on whom His Majesty has been graciously pleased to confer our high and honourable appointment. By Mr. Capper's assertion, of "being continually opposed in the discharge of the duties of his office, and that no gentleman at the English bar will accept of offices in British colonies unless properly supported," we cannot understand any thing else, but that he has experienced the opposition and want of support he mentions. We have therefore carefully reviewed every matter connected with the public justice of the colony, or the duties of the attorney general, which have occurred since his arrival, and as we are at a loss to guess to what circumstance he alludes, we rather consider it as part of the groundless and general charge against the colony, by which this business is so peculiarly distinguished. The only matters to which, by any possibility, we suppose, he can refer, are that of the mutinous conduct of the sailors of the brig Margaret, the affair of Hoskins, and the quarrel and assault on board the brig Robert and Ann. As to the first, we think that the misconduct of the sailors on board the Margaret was rather promoted and continued, by the countenance and advice they received from Mr. Capper; but as their violence and misbehaviour is likely to become a subject of judicial inquiry in England, we shall abstain from any further observations thereon. In the matter of Hoskins, whose extreme violence from constant intoxication, we suppose Mr. Capper mistook for insanity. We know that his application to your Excellency, as chancellor, for a writ *de lunatico enquirendo*, was instantly granted; that in the execution of the commission, the said Hoskins was found sane; that the violence of his conduct and language arose solely from drunkenness; and that he had been regularly committed by the chief justice, under a warrant directed to the provost marshal, in consequence of a charge, upon oath, of a most violent assault committed by him: and we state these facts rather in detail, because it was endeavoured, at the inquiry before the commissioners, to establish, that the man Hoskins had been treated with great and unnecessary cruelty, and that his committal to gaol was altogether illegal. How indispensable, for the man's own safety, his confinement was, is best evinced by the fact, that when released from gaol, on the night before he embarked for Europe, on the 18th of July last, in consequence of being provided, by a vote of the legislature, with money to pay for his cloathing, maintenance and passage to England, such was his violence towards himself and his outrage towards the persons in charge of him, that he was obliged to be confined in the strictest manner. In reference to the last matter we have adverted to, we have to notice, that during your Excellency's recent absence on your military duties, an affray happened in the harbour, on board the brig Robert and Ann, between two sailors and the mate, and in the course of the scuffle the mate was thrown into the water. The two sailors were taken before a magistrate and the mate having abandoned his charge against one man, who resumed his duty,

on board the brig, the other was committed to gaol to take his trial for the assault. The attorney general applied to his honour the president, commanding in chief, to call into activity the standing commission of the court of Admiralty, for the trial of criminal offences committed on the high seas, to try this sailor for the assault. The letter of the attorney general was laid before the council, by his honour the president, on the 23d July, and our opinion required thereon; when we were unanimously of opinion, that as the case complained of did not involve either death or mayhem; that the delinquent was already in the possession of the civil power, and therefore could not for that purpose require the authority of the criminal jurisdiction of the court of Admiralty; that the regular court of grand sessions for general gaol delivery would be held on the first Tuesday in October; that it was inconvenient to call together (particularly during the wet season) almost all the principal inhabitants of the country for so inconsiderable an offence, and at so great an expense to the colony as every special commission is; and therefore generally, that the requisition of the attorney general was inexpedient, and ought not to be complied with. These are the only instances to which we suppose the attorney general can have referred, as where he was either opposed or not supported; and we very confidently state them to your Excellency, as utterly insufficient to maintain any such declaration. Your Excellency has now, with the utmost advantage to the interests of this Island, presided over this colony near three years; during that time, we believe, no capital punishment, or any trial for a capital offence, committed during the period of your government, has taken place; nor do we believe, that the average number of trials for criminal offences, at our grand sessions, exceed one in a twelvemonth for many years. We do not therefore believe (and we are happy to state it as our opinion,) that the business of this Island, as to criminal justice, can afford either sufficient employment or emolument to any professional gentleman, whose studies and practice in the law have been exclusively directed to matters of criminal jurisprudence, and such we understand is the case with Mr. Capper; and therefore, that your Excellency, in the loss of Mr. Capper, as His Majesty's attorney general, and as such your legal adviser in questions regarding the property and the rights of the crown, will have nothing to regret.

In conclusion, we desire to inform your Excellency, that if Mr. Capper had not resigned his office of attorney general, and if your Excellency had not accepted his resignation, with the thorough conviction, that from the general indignation expressed through the whole of this community at this gross and unprovoked attack upon your Excellency and the chief judge, His Majesty's service could not have been benefitted by the continuance of Mr. Capper as attorney general, we should have felt it our duty to recommend to your Excellency to suspend him from the execution of his office; and we request you will transmit to His Majesty's ministers the minutes of the privy council, and this our unanimous opinion on this occurrence.

Certified, as taken from the minutes of the Privy Council, held the 23d and 29th of July, as also of the 9th day of August, 1819, by

(Signed)

Sam^l Hall, Deputy Secretary.

Inclosure, No. 2, in Sir F. P. Robinson's, of the 26th August 1819.

The Speaker and Members of the House of General Assembly, to his Excellency the Governor.

Inclosure No. 2.

WE, the speaker and members of the House of General Assembly, have seen, with indignation, the false scandalous and libellous letter, published by the direction of Benjamin Capper, esq. in the Tobago Gazette of yesterday, and we feel it due to the credit and character of the colony, to repel the calumny of that gentleman, by communicating his letter and the gross aspersions which he has uttered against the whole colony, to the agent of the Island, in order that he may wait upon the secretary of state for the colonial department, and prevent any unfavourable impressions which the artful misrepresentations of Mr. Capper may be calculated to make upon the mind of Earl Bathurst.

We have heard that examinations were taken before your Excellency in council, of several gentlemen who were present at the expression of the very foul invectives used by Mr. Capper against the colony; and it is probable that some report of these examinations may be made to Government, and as we are anxious to supply

I.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure No. 1,
continued.

I.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure No. 2,
continued.

the agent with all the particulars that can be collected for his information, we have to request your Excellency will be pleased to permit a copy of such report to be furnished to the committee of correspondence, to be forwarded to the agent of the Island.

House of Assembly,
14th August 1819.

E. Piggott,
Speaker.

Inclosure, No. 3, in Sir F. P. Robinson's, of the 26th August 1820.
To the Freeholders and Gentlemen of Tobago.

Inclosure No 3.

Gentlemen,

I BEG leave to acquaint you, that I resigned the office of His Majesty's attorney general of Tobago, being convinced that it was an utter impossibility for one man to stand alone against a host of adversaries. I regret things are as they are. Gentlemen, I came among you a perfect stranger, with a determination to do my duty with integrity and as much ability as I possessed, with a wish to support the dignity of the Crown, to protect the liberties of the subject, and to aid and assist towards a full, fair and impartial administration of justice; but I never intended to degrade myself by becoming a tool in the hands of arbitrary power, or a party concerned in any juggling system. Gentlemen, I have the satisfaction to say, that I return to England in possession of incontrovertible facts, which I shall have the honour of submitting for the consideration of those who sent me out. I venture to augur some favourable effect will be produced by the disclosures which I shall make. Allow me to add, that I feel the full force of the civilities which I have received from several respectable and independent individuals, and return them my sincere thanks. I should have done this in person had time permitted me.

I have the honour to be, &c.
(Signed) B. Capper.

I declare, upon honour, that the above is a true copy of the letter inserted in the Tobago Gazette for August 13th, 1819, by Mr. Capper's orders.

(Signed) F. P. Robinson, Governor.

II.

II.
Earl Bathurst to
Sir F. P. Robinson.

COPY OF A DISPATCH from the Earl Bathurst, K. G. to Sir F. P. Robinson, K. C. B. dated Downing-Street, 29th October 1819:
—With Two Inclosures.

Sir,

Downing-street, 29th October, 1819.

I received nearly at the same time with your dispatch of the 26th of August, the communication of the late attorney general, Mr. Capper, of which the inclosed is a copy. In transmitting it to you, for your explanation and report, I am far from expressing any opinion as to the validity of the accusations which Mr. Capper has brought against the general administration of justice in the colony. Indeed, I am not without a confident expectation, that you will be able to furnish me, with respect to all the subjects of accusation, with an explanation as satisfactory as that contained in the minutes of council, with respect to two of the charges, of which the council had previous intimation; but I am at the same time certain, that you will observe how important it is, for the maintenance of the hitherto unimpeached character of the colony, that the explanation upon all points should be full and precise, and should be so supported by documents, as to leave no part open to contradiction. With this view you will, I trust, see the necessity of reviewing yet more particularly the cases to which the council refer in their report, and explaining severally the different charges contained in Mr. Capper's letter.

I have the honour to be, &c.

(Signed) BATHURST.

Major General Sir F. P. Robinson, K. C. B.
&c. &c. &c.

Inclosure,

Inclosure No. 1, in Earl Bathurst's of the 29th October 1819.

Copy of a Letter from the late Attorney General of Tobago, preferring various charges against that colony, dated Cromer-street, Brunswick-square, 18th October, 1819.

II.
Earl Bathurst to
Sir F. P. Robinson.
Inclosure No. 1.

No. 1, Cromer-street, Brunswick-square,
18th October 1819.

My Lord,

I BEG leave to acknowledge the receipt of a letter, dated the 9th instant, directed by your Lordship, and to state, that I arrived at Tobago on the 25th May last, with the intention of discharging the duty attached to the office of attorney general with integrity, impartiality and as much ability as I possessed. As soon as I was sworn into office, it was intimated to me, that if I intended to live in Tobago, it would be necessary for me to mind what I was about; to feel the pulse of the colony—not to talk about the Crown and the laws of England, but to fall in with the ideas and views of the leading men in the Island; then and in that case, I should, by petition to the Assembly, obtain a salary; but that, if I acted in a contrary way, I should meet with every opposition and incivility, without obtaining any emolument from the office. I determined on a faithful discharge of duty, regardless of all consequences. I soon found the intimations which I had received to be perfectly correct, and they soon became realized. A few days after my arrival, I applied to the governor for a code of the laws of Tobago. I received no reply to my application,—I could obtain none; and, I believe there are none. There appeared to me a total disrespect to all and every system of law, and that there does exist a jealous and inimical feeling towards any thing in the shape of British jurisprudence, and towards every person holding any appointment from the crown of England, particularly to those who act with faithfulness.

The governor and judge are paid by the colony, and are, I believe, too much under the influence of the Assemblies. I wish not to attack the reputation of any gentleman; but I feel called on to say, that they do not act in so independent a manner, as a sense of public duty demands. During the short space of three months, I saw the laws of God and man trampled on and defied. No one dares to interfere; a few wealthy merchants bear the sway.

If a governor, judge, and attorney general are allowed to remain for a sufficient length of time to become intimately connected with the commercial interests of the colony,—to become traders and planters, (as some have been and now are,) moreover to depend on the Houses of Assembly for support, I am of opinion, that an undue influence will prevail, to the disgrace of British jurisprudence.

I have the honour to inclose statements of facts, which took place at Tobago, during my residence there. I address your Lordship in the language of truth; I wish to avoid no responsibility or trouble in giving any explanation which may be required.

With many thanks for your Lordship's kindness and attention,

I have, &c.

To Earl Bathurst,
&c. &c. &c.

(Signed) Benjamin Capper.

Inclosure No. 2, in Earl Bathurst's of the 29th October 1819.

Statement referred to in Mr. Capper's Letter, dated October 18th, 1819; containing,—1. Singleton's case. 2. Seamen's case. 3. E. Hoskins's case. 4. Roe's case. 5. Francisco's case; and 6. Francis Duff's case.

Inclosure No. 2.

1.—*Singleton's Case.*

Copy of a Letter sent to the Attorney General on the 27th May last.

Honoured Sir,

Necessity compelling me to apply to you, in consequence of a very glaring assault upon my person,* I hope you will please excuse my troubling you. The circumstance is;—On Thursday the 5th of May, I was going to Comland, with the intention

of

* Singleton is a free man of colour, a native of Barbadoes; obtained his freedom by his father's purchase 27th July 1796, and is a cooper by trade.

Earl Bathurst to
Sir F. P. Robinson.

Inclosure, No. 2.
continued.

of going on board a drogher, which was going to the different bays; I was sick, and advised the sea air for my health; passing through Little Comland, was fatigued, and sat down by the road side to rest myself—it was the public road; *Mr. Sinclair** came up, saying, “God d—n you, what are you doing?” I replied, “Do not abuse me, Sir;” he passed, when returning, said, “I will soon make you know how to sit in the King’s highway;” when calling his boy, sent him to call some negroes, when a stout negro came, with a cooper’s adze in his hand; he told me “*the manager*† had sent him to take me up;” I refused to go, when threatening me with his adze, compelled me to be carried up to the house, and from thence to the black hole, without having any kind of explanation or conversation with Mr. Sinclair; I was then forcibly compelled to enter into a most noisome dungeon, and fastened in the stocks, having nothing but a small hole to receive the air, and compelled to remain in that situation ‡ *from eleven o’clock in the forenoon until eight the next morning*; when I was liberated, I complained to his Excellency the governor, in a petition, stating the circumstances, who referred me to the *magistrates*§; when I applied to them, they told me that it was above their jurisdiction; they have my affidavit of every circumstance; I have been waiting ever since, in expectation of getting some kind of satisfaction, but was greatly surprized on being informed, *by a gentleman high in office*, || that he had seen Mr. Sinclair; that he, Mr. Sinclair, was sorry for it; that he would make me a present, a new hat or something else; I can work for a new hat; I did not trouble the governor and magistrates for that, but for *that satisfaction* ¶ *which I conceive as justly due to me by the laws of my country*. I cannot think of being made a mark of, and hooted for tamely putting up with so great an injury. I was suffering in my health at a time when it might have been of the most serious consequence to me. The governor has my petition, stating every circumstance. Mr. Piggott, when sitting magistrate, took my affidavit, advised me to employ counsel to prosecute the business, but it has not been in my power. I have to beg of you, as His Majesty’s attorney general, will please to take it in your hands, and prosecute him for this so violent an injury, which he has done me. You will oblige, honoured Sir,

Your’s, &c.

(Signed)

Peter Singleton.

I have Singleton’s original letter. As soon as I received the letter from Singleton, I made some inquiries, and had every reason to believe his statement to be correct. These brutal assaults are very frequent in Tobago. Magistrates refuse to do their duty; interest, favour and partiality prevail. I think it highly improper and illegal, that the judge should get in the capacity of a magistrate; what could be more disgraceful than to see the chief justice tampering with justice? All the magistrates refused to grant a warrant; the judge tries to force the poor creature into terms. Why compromise such an outrageous breach of the peace? the motive is obvious; as soon as I applied to the court, bail was *privately* put in; no warrant granted.

(Signed)

B. Capper.

2.—*Seamens Case.* **

James Tattersfield, mate of brig Margaret, Alexander Campbell, and Robert Craighead, seamen belonging to the said brig, charged M^cGlashun, master of the said brig, with *stabbing* †† and assaulting them, on the night of the 24th May, on board the said brig, lying in Queen’s Bay. A warrant was granted by Alexander Graham, esq.; the master was brought before the *sitting magistrates* †† for the week, on the 1st June, who would not enter into the charge, although the accusers and the accused were before them. The magistrates would not hold the *party to bail*, §§ *commit*

* Mr. Sinclair is an opulent manager and attorney to several estates.

† Mr. Sinclair.

‡ Without meat and drink.

§ Mr. Adam Orr, and Messrs. J. & M. Collyer, magistrates, afraid to offend Mr. Sinclair.

|| The chief justice, who acts as magistrate; the intimate friend of Mr. Sinclair.

¶ A very proper feeling.

** The men live at No. 14, Cornwall Fields, St. George’s in the East.

†† They have brought over the sword with which the wounds were inflicted.

‡‡ The chief justice and the Rev. Mr. Wilson (the governor’s son-in-law;) the constable, Mr. Robley’s servant.

§§ The magistrates were bound either to commit, hold to bail, or discharge the warrant. They ought to be proceeded against by information, and the constable ought to be indicted for unlawfully permitting the defendant to go at large. But what avail would it have been to have applied to the court,

commit him to prison, or discharge the warrant; the constable let the said master out of his custody. Justice was denied to these men; they were almost starved to death in the colony. The captain would not pay them their wages, deliver their cloaths, nor would he allow them to return to the brig, unless they signed a written paper, confessing themselves to have been the aggressors; this they refused to do, and returned to this country, on board the "Governor Halket," Thomas Justus, master, Mr. John Robley giving Justus a written indemnity for receiving them on board his ship. The men are now in London, and are about to seek redress here.

Earl Bathurst to
Sir F. P. Robinson,
Inclosure, No. 2.
continued.

3.—Edward *Hoskins's Case.

On my arrival at Tobago, May 25th 1819, I saw Hoskins † *through the bars of the prison* almost naked, with a very emaciated appearance. I was informed, that he was an Englishman, supposed to be deranged; that he had been an overseer, and had conducted himself violently when in liquor. At this time Mr. Robert Mitchell, jun. was acting as deputy provost marshal, and one Severall (a Spaniard) was acting as turnkey under Mitchell. Shortly afterwards Mitchell resigned the office of deputy provost marshal; Mr. J. M. Collier was appointed in his stead; Severall likewise resigned, and Mr. Buttersworth was appointed as Severall's successor. On the 18th June, I was informed that Hoskins was in a dying state; I went to the prison almost immediately; I found Hoskins in prison with two or three negroes; his left leg was in the stocks; he had nothing on but an old dirty shirt. The constable admitted in my presence, that his leg had been in the stocks for a fortnight, and that he (Buttersworth) found him in that situation when he came into office. I never saw so great an object of misery and wretchedness. I directly wrote to the governor, who wrote me word, that he would meet me at the Court-house at ten o'clock the following morning, which he did, and accompanied me to see Hoskins; the governor expressed his concern, and said, "I am informed that he is insane, and that it would be dangerous to have him released." From the answers to questions which I put to Hoskins, I was of a different opinion; the governor said, he would make inquiries: Hoskins continued in the stocks. On Monday the 21st June there was a court of Chancery held; I moved for a writ "*de lunatico inquirendo*," to ascertain the fact whether Hoskins was insane or not. The motion was granted, and the writ was executed on Monday the 28th June; Hoskins still continuing with his leg in the stocks: he was brought into court on this day, not able to stand. On the evidence of Doctors Panting and Nisbett, the jury returned a verdict, "that Hoskins was not a lunatic, and that his former violence was the effect of intoxication." On the 19th June,

court, when the judge of that court was the very person against whom the complaint should be made? The fact was simply this: Mr. John Robley was consignee of the vessel (he is the most wealthy and powerful man in Tobago,) and of course interested in her departure. He used his influence with the magistrates; *they wilfully and corruptly refused to administer justice*. They knew if they did administer justice, the vessel must have been detained till October. The detention would have ill suited the views of Mr. Robley: they positively tried to starve the men into terms. Had I not provided these poor British seamen with a few necessaries, I really think they must have sunk under the weight of their miseries. Mr. Robley at last, finding that I was determined not to lose sight of the subject, gave Captain Justus (who lives 29, Great Hermitage-street, Wapping, and is now there) an indemnity for taking them out of the colony, thinking the whole circumstances would be buried in oblivion. Mr. Waive, No. 9, Change-alley, Cornhill, is the solicitor employed for the seamen. The denial of justice, in so barefaced a manner, fills many minds with serious apprehensions.

(Signed) B. Capper.

* Hoskins was detained in prison for an alleged offence four months, without being brought to trial.

† The prison faces the street, and is in a very dilapidated state. The gaoler lives on the spot. No medical man or clergyman attends the prison. If he was committed for an assault, he ought to have been tried at the sessions. They hold no quarter sessions at Tobago, contrary to law, and to the oppression of the subject. The patentee is liable to a penalty, loss of office, and to an action for excess of punishment. Had Hoskins died, the whole party would have been indictable for murder.

Severall was the person who put Hoskins's leg in the stocks: Mitchell, jun. said it was done by the governor's orders. This assertion the governor denied in a letter to me. I am inclined to think there was no commitment, and that one was subsequently made out to screen the patentee. The patentee has no justification. My predecessor in office told me, that he never had interfered in such matters; and I had my information from the most respectable authority, that magistrates had been in the habit of sending people to prison, keeping them there as long as they thought fit, then turning them out without any trial whatever; the governor, judge, and attorney general, all winking at such illegal and outrageous conduct. I have often heard it remarked (and I believe with much truth,) "There is no such thing as law or justice to be found in Tobago."

(Signed)

B. Capper.

II.
Earl Bathurst to
Sir F. P. Robinson.

Inclosure, No. 2.
continued.

June, I made a verbal application to Mr. Collier, for a copy of Hoskins's commitment. He said, had got none, and had never seen one. On the 24th June, I gave Collier a written notice to produce a copy of commitment; I received none. As soon as the jury returned their verdict, that Hoskins was not insane, the ex-deputy provost marshal (R. Mitchell, jun.) then offered me a paper in court, saying, "here is a copy of the commitment; Hoskins was put in the stocks by the governor's orders." Whether this was the truth, I know not. It was then alleged, that Hoskins had been committed to prison for an assault on John Burnett. I received shortly afterwards a letter, dated July 14th, from Burnett (witnessed by the chief justice,) consenting to give up the prosecution, and requesting me to sign a fiat for his discharge. He was liberated on the 14th or 15th July, and is now in England.

4.—Roe's Case.

The King, on the prosecution of Thomas Roe, against George,* a Negro, for felony.

The prosecutor is a housekeeper residing in Lower Scarborough in Tobago. On Saturday, April 3d 1819, he went out between seven and eight o'clock in the evening; on his return home about ten o'clock on the same night, he found his window open. The next morning about nine he discovered the said window had been broken open.† He missed a trunk, containing articles of wearing apparel; on search, he found the trunk on the beach near the house; it had been broken open, and the contents taken out. Roe suspected George to be the thief, having seen him lurking about the premises on the same evening: he applied to the magistrates on Monday, April 5th, and communicated to them his suspicion relating to George. A search warrant was granted: the constable (*Severall, a Spaniard*)‡ would not execute the search warrant unless Roe advanced money; this Roe was unable to do, and the warrant was not executed. From April 5th till June 16th, nothing was further done, till Roe, on the 16th, saw his shirt on the back of George. Roe then applied to a Mr. Chatband, who said, he did not act as magistrate. *Mr. Graham*§ said, *he would not grant a warrant*. Roe then came to me, stating that justice was denied to him: I had an interview with the governor on the subject. In consequence of his Excellency's interposition, a warrant was granted by Alexander Graham, esq. on the 19th June. Buttersworth apprehended the prisoner. He was tried on Monday the 21st June, before—

The Hon. E. Piggott,	}	Magistrates.
The Hon. and Rev. Wilson,		
Mr. Ellam,	}	Freeholders.
— M ^c Cellar,		
— Stevenson,		

The said George was convicted on the clearest testimony. Sentence:—"The prisoner to stand in the pillory on Sunday the 27th June, in the market-place, for the space of one hour, from 10 till 11, then to be taken down and to be publicly flogged—39 lashes. The master to pay the gaol fees, and to pay the prosecutor £. 25 currency, the supposed value of the stolen property: the sentence was put in force.

* George is a negro belonging to Mr. Chambers, a blacksmith.

† Burglary.

‡ He ought to be indicted.

§ Is a clerk in the house of Brown & Co. He ought to be indicted by information. Had I not interfered, justice would have been completely defeated. My interference gave great offence to the magistrates. It is the custom at Tobago to try a negro, even for capital offences, before five persons. A negro's private property: this consideration induces many to compound felony, and to avoid investigating offences where negroes are concerned. Capital punishment is scarcely ever inflicted on a negro, more from motives of avarice than humanity. The negroes frequently commit felonies with impunity, knowing that their owners will not let them be brought to trial. I think most of the evils alluded to, arise from the officers of the crown receiving salaries from the colony. A judge acting as a magistrate, does much mischief: I am of opinion that it is very illegal and wrong. To see the clergyman of the colony sitting on a case of life and death, is highly indecorous, ordering (as he frequently does) negroes to be flogged on the Lord's day. The public market is held on the Sunday; dancing and revelry take place on the Sunday nights, under the nose of magistrates; the pillory is erected in the public market-place on Sunday, and corporeal punishment is inflicted (in the most indecent manner) at the very time when people are going into church. Such a system cannot fail to create disgust. It tends to demoralize the whites, to brutalize the blacks, and to destroy the ties of religious and moral obligations. I cannot refer your Lordship to so respectable and unquestionable person as Mr. Samuel Hall (clerk of the crown) at Tobago, for information on these points; he is a loyal and well disposed man.

5.—*Francisco's Case.*

On the 16th July 1819, *Mr. Chatband** applied to me for advice, and requested me to attend the magistrates, for the purpose of obtaining a warrant against Francisco, a seaman belonging to the brig Robert and Ann, for throwing the mate of the said brig overboard; a warrant was granted; he was committed to prison for want of bail. It appearing to me that it was *an offence † committed on the seas*, I applied (in the absence of the governor) to the president, for a criminal court of Admiralty.

H.
Earl Bathurst to
Sir F. P. Robinson.

Inclosure, No. 2.
continued.

(Copy.)

Sir,

Tobago, July 8th 1819.

I beg leave to inform your Honour, that a seaman belonging to the brig Robert and Ann, has been committed to the gaol of this Island ‡ on a charge for an assault of an atrocious nature on the seas. In order that the administration of justice may be duly administered, I feel called on, in the discharge of my duty as His Majesty's attorney general, to solicit your Honour to be pleased to direct a precept to issue for holding a criminal court of Admiralty, under the commission in such case made and provided. As the persons who are to give evidence in support of the prosecution are about to leave this Island, it would be desirable that no time should be lost.

I have the honour to be, &c.

To his Honour the President,
&c. &c. &c.

(Signed)

B. Capper.

(Reply.)

Sir,

Sans Soucie, July 8th 1819.

I have to acknowledge the receipt of your letter of this date, and to inform you, that I have summoned His Majesty's privy council § to meet on Saturday, to lay your letter before them, in order that they may give their opinion upon it, after which I shall have the honour of sending you an answer.

I am, &c.

To His Majesty's Attorney General,
&c. &c. &c.

(Signed) *Geo. Cumine,*
President of Council.

Copy of the Secretary's Letter, directed by the President.

Sir,

July 10th 1819.

I am directed by his Honour, the president in council, || to inform you, that having consulted His Majesty's privy council of this Island, upon the application in your letter to him of the 8th instant, he, by their advice, declines holding a criminal court of Admiralty, for the purpose you mention.

I have, &c.

To B. Capper, esq.
&c. &c. &c.

(Signed) *Saml Hall.*

Copy of a Letter sent to the President.

Sir,

Tobago, July 20th, 1819.

In the absence of the governor, I beg leave to acquaint your Honour, that by stat. Henry V, c. 4, quarter sessions are to be held four times in every year. ¶ By the

* Consignee of the vessel.

† There is an Act of Parliament for the special purpose of trying such offences without delay.

‡ The governor at this time was absent on a tour of military inspection.

§ I have the official letters by me. I can see no occasion which the president had of consulting a privy council. Any thing that gives the council the smallest trouble or expense, they object to. The words of the Act are explicit. The secretary's reply states no colourable reason for refusing a criminal court of Admiralty. Mr. Robley can (and does) command the council.

|| On the 10th, the president called on me, and said the privy council wished me to attend their meeting, in order to put some questions. I did attend at the Court-house. After keeping me there upwards of an hour, a messenger was sent out to say that I was not wanted. This was done for the purpose of giving me trouble, and meant as an insult.

¶ As Francisco was not tried by a criminal court of Admiralty, he ought to have been put on his trial on the 20th July. I am inclined to think the marshal here made himself liable for false imprisonment. The magistrates should be compelled to hold sessions; but this will never be the case, unless governor, judge, and attorney general, all co-operate to establish British jurisprudence in the colony.

(Signed)

B. Capper.

H.
Earl Bathurst to
Sir F. P. Robinson.

Inclosure, No. 2.
continued.

the custom of Tobago (as I am informed,) the 20th July is the day fixed for the quarter sessions; no attention seems to be paid to it. I merely mention the fact, without presuming to dictate or suggest what sort of notice your Honour should take of the subject mentioned.

To his Honour the President,
&c. &c. &c.

I have, &c. I
(Signed) B. Capper.

No reply was sent to this letter. The mate returned to England, leaving Francisco in prison for want of bail. On Monday 9th August he was let out on bail, forced to wait at Tobago till October to answer a charge, when there was a certainty of no prosecutor being present. The secretary, Mr. Hall, told me in July, that the state of the prison at that time was damp and dangerous, most likely to produce ague and death by three months imprisonment.

It evidently appears criminal courts of admiralty are refused; no quarter sessions are held; only one great session in the year, in the month of October; so that if a person was committed for an assault in the latter part of October for want of bail, that person would have to remain *a year* in prison before he was put on his trial!!! They have been in the habit of thrusting people into prison, and turning them out again without any legal process. There is a total disregard to law, justice and humanity. I was called on to attend the council, to explain words which had fallen from me; this I would not do: I was then requested to explain in writing; this I would not do. I found there was an enmity and a sort of conspiracy against me, as soon as I ventured to assert in Hoskins's case, when addressing a jury, "Gentlemen, as far as I am concerned, I will endeavour that the administration of British justice, in a British colony, shall supersede every other consideration." Many inhabitants are anxiously waiting some interposition.

(Signed) B. Capper.

6.—Francis Duff's Case.

When I left Tobago, August 10th, this man was in prison, fully committed on suspicion of robbery from the dwelling-house of *Mr. J. M. Collier*. * At the request of the prosecutor, I attended the examination before the magistrates. It appeared to me, that some negroes were concerned in the said robbery, and probably some negroes belonging to Mr. Collier. Duff is a soldier in the black corps of the Island. He was brought up before the magistrates in my presence hand-cuffed, and was kept in that situation. Mr. Collier told me, that he intended to keep him hand-cuffed till his trial, † which would be from July 5th to October 12th!! I told Mr. Collier, that he had no right to *inflict torture on a prisoner*. He replied, "*the prison is not secure*; ‡ I shall not release him from hand-cuffs; I shall run all risks; I don't want to hang the poor devil; you must contrive something, Mr. Attorney-General; make some flaw in the indictment." It is publicly rumoured and believed, that such juggling has often taken place in Tobago. As others, strongly suspected of being concerned in the robbery, were private property, no inquiries were made after them.

III.

III.
Sir F. P. Robinson
to Earl Bathurst.

COPY OF DISPATCH from Sir F. P. Robinson, K. C. B. to the Earl Bathurst, K. G. dated Tobago, the 23d December 1819:—With Seven Inclosures.

MY LORD,

Tobago, 23d December 1819.

I HAVE the honour of transmitting herewith, the charges preferred by Mr. Benjamin Capper against this colony, together with full refutations to each.

Mr. Capper appears to have laid great stress upon the case of Edward Hoskins, in which every thing was done strictly according to law; and Mr. Capper was the only

The charges here referred to will be found marked, Inclosure, No. 2. in Lord Bathurst's Dispatch, dated 29th October 1819.

* A magistrate and gaoler.

† Three months hand-cuffed—illegal.

‡ The dilapidated state of the prison can be no justification for Collier's conduct. Collier is not an Englishman.

(Signed) B. C.

only person to blame, for had he, as attorney general, come forward sooner in the business, Hoskins might have obtained his release upon the same terms that he eventually did. I positively deny having given orders for placing Hoskins in the stocks, for I did not know that he was confined in that manner, until informed by Mr. Capper; but I should have thought the jailor extremely remiss in his duty, if he had not taken that step to prevent the fatal consequences of the prisoner's violence.

I consider Hoskins to be an abandoned wretch, who, under the mask of drink, is ready to perform the most outrageous mischief. I have applied for an account of his conduct, to the Governor of St. Vincent's, which shall be forwarded to your Lordship.

In some of the other cases, Mr. Capper first engaged as solicitor, but finding the parties too poor to reward his interference, he wished to come forward as attorney general, but not succeeding in that point either, he has had recourse to invective against this Government.

Francis Duff, the military labourer, narrowly escaped twice being tried for his life, within six months preceding the robbery, and has been since removed to Pigeon Island, St. Lucia, to prevent any repetition of his infamous conduct. Had Mr. Capper remained in this Island till October, he would have been convinced that the law is not either abused or trifled with.

Mr. Capper complains that there are no quarter sessions in Tobago, which is not true. The fact is, that in consequence of vigilance, united with a conciliatory disposition on the part of the magistrates, capital crimes are prevented; and lesser ones are duly and legally punished by the sitting magistrates. There is so little business for the court of King's Bench, and Grand Sessions in October, that in more than one instance it has been a matter of form only.

Nothing can be more absurd than Mr. Capper's accusation of partiality in me towards the higher order; there is not an individual on the Island, who can be called a favourite in preference to any other. I keep myself perfectly free from the possibility of such an insinuation, and in consequence of it, I enjoy the confidence of all.

During my absence upon a tour of military inspection, Mr. Capper, instead of remaining at the seat of government, with the president, went to the eastern extremity of the Island; and on my return, he chose rather to write the ignorant letter, which I have already forwarded, than to wait upon me with a suitable explanation and apology for his conduct. This withdrawing himself from the colony was his own voluntary act,

I have, &c.

The Earl Bathurst,
&c. &c. &c.

F. P. Robinson,
Governor.

Inclosure No. 1; in Sir F. P. Robinson's, of the 23d December 1819.

Council Room, 18th December 1819.

Inclosure No. 1.

THE committee of privy council, to whom your Excellency referred, on the 13th instant, the various papers containing the particulars of the accusations of the late attorney general, Mr. Capper, against our chief justice, and the general administration of the criminal jurisprudence of this colony, in reporting the result of their proceedings to your Excellency in council, propose, as the way in which every circumstance connected with those charges may be more clearly exhibited and confuted, to preserve each of the several matters of accusation, and all the documents connected with them distinct.

But before entering upon them, the committee cannot forbear adverting to the former proceedings on this business as contained in the minutes of the privy council of the 23d and 29th July, and the 5th and 9th August last. To the letter of the 23d July last, addressed to Mr. Capper, by the secretary, requiring him, in terms of great moderation, "to explain on what grounds, and by what authority" he thought proper to make "an accusation so injurious to the character of the governor and chief justice, and so deeply affecting the reputation of the civil and criminal jurisprudence of the colony." His answer by a letter to your Excellency, of the 25th July, was so irrelevant, that the second letter of the 29th July was sent to him, wherein "Mr. Capper was desired to point out, in writing, to your Excellency in council, on

III.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure No. 1,
continued.

what occasion he had met with that opposition by which he considered himself prevented exercising the duties of his office, and that the administration of justice in this colony had been impeded, or any other proceedings which he might consider sufficient to justify his general reprobation of the administration of justice in the colony."

To that no other answer was made but his letter of 2d August, resigning his office of attorney general, and stating that it was in *England* that he would be ready to explain what he might have uttered or done. Your Excellency will therefore advert to this circumstance, that it is only now for the first time that we are informed what are the particulars, or indeed of any positive charges which Mr. Capper had to make; and it is with sentiments, we trust, of laudable pride, that we feel ourselves enabled to confute, as minutely, the particular charges now exhibited by Mr. Capper against this colony, as, we trust, we had before repelled his general and unfounded calumnies.

Every part of his former conduct pointed out the course he was likely to pursue, and therefore what has occurred we fully expected; and the privy council, in their report to your Excellency of the 9th August, anticipated the design of Mr. Capper, to endeavour "by mis-statements in a distant country, remote from all the parties competent or able to give information, to impress His Majesty's Ministers with an erroneous opinion, while he resisted and refused any explanation or vindication of his charges here, on the spot where all the evidence, the parties and the records are, but preferred a disgraceful abandonment of his high office, to any attempt to excuse or establish the truth of his unfounded and calumnious accusations." Here follows in regular order the report and affidavits upon

1.—Singleton's case.

4.—Rowe's case.

2.—Seamen's case.

5.—Francisco's case.

3.—Hoskins's case.

6.—Francis Duff's case.

We trust we have now, to the satisfaction of your Excellency, completely confuted every accusation, which the malice and revenge of Mr. Capper has brought forward against your Excellency, our chief judge, and the general administration of the criminal jurisprudence of this colony, and we feel confident that your Excellency, in your report to His Majesty's government, will rescue the characters of this Island from the calumnies and aspersions of Mr. Capper. But we are far from thinking that the matter should rest here; we do not lightly regard the charges made by Mr. Capper; we consider them as the base effusions of a malicious and revengeful mind, acting with cool deliberation to libel and defame the fair and unblemished reputation of your Excellency, our chief judge, and the magistracy of the country, and to bring the whole jurisprudence of this colony into disgrace and contempt. We are at a loss to conceive how any greater charges can be made against gentlemen acting in those high responsible and dignified offices, than those which are contained in the accusations made by Mr. Capper, and submitted by your Excellency to our consideration.

In Singleton's case, No. 1, he charges our chief justice with partiality towards Mr. Sinclair, and tampering with justice, "trying to force the complainant to terms, and privately taking bail, and that the magistrates refuse to do their duty, and that interest, favour and partiality prevail."

In the Seamen's case, No. 2, "he charges the honourable John Robley with using his influence improperly with the magistrates to defeat justice," and that "the chief justice and the Rev. Mr. Wilson wilfully and corruptly refused to administer justice."

In the case of Hoskins, No. 3, he makes a direct charge against the chief justice of making out, subsequently, a warrant of commitment, on purpose to screen the patentee; there being no commitment originally, which is in fact no less than a charge of forging a judicial instrument for a corrupt purpose, and accuses the governor and the judge with winking at illegal and outrageous conduct, and declares his belief that no such thing as law or justice is to be found in Tobago.

In the case of Rowe, No. 4, he charges Mr. Chadband and Mr. Graham with refusing to do their duty as magistrates, and so denying justice to the complainant, all which is proved to be completely false, and that they ought to be indicted by information. These charges are positive, and are exclusive of the general and indiscriminate abuse and defamation which he has in every case heaped upon the magistracy and jurisprudence of the country. He has done this, and laid the same before

His Majesty's Government, where, if not repelled and confuted, it must have been in the greatest degree prejudicial to the interests and character of the colony. For such malicious, revengeful and false accusations, we are of opinion, that Mr. Capper should receive the severest punishment the law will inflict, and which such conduct deserves; and under your Excellency's solicitation and representations, we hope His Majesty's Government will place these accusations, from No. 1 to 6, which are all in the handwriting of, and signed by Mr. Capper, at the disposal of this colony, and that to vindicate the fair fame of this Island, and these high and dignified officers, who have hitherto, with honour to themselves and advantage to this community, administered the jurisprudence of this colony, it will allow them to be used in evidence in whatever legal proceedings against Mr. Capper, which after due consideration, it may be thought expedient to adopt.

20th December 1819.

Unanimously approved in council, and recommended to be forwarded to His Majesty's Ministers, by his Excellency the governor.

By command,

James Hall, Acting Secretary.

Inclosure No. 2, in Sir F. P. Robinson's of the 23d December 1819.

1.—*Singleton's Case.*

Taking them in the order in which they are numbered, we shall first advert to No. 1, Singleton's case; and we have to state of our own knowledge, as the judges, who sat at the last court of Grand Sessions, held the 5th October last, that Mr. Sinclair, the gentleman against whom the complaint of Singleton was made, and who, by the record of the sitting magistrates of the 4th June, had been bound over in a recognizance of himself and two sureties, to appear before the next court of Grand Session, to answer the complaint of the said Singleton, did appear to answer the said complaint, and was by due course of law discharged from the said recognizance, as the prosecutor Singleton never appeared or answered when summoned by the cryer of the court; our chief justice, who, on this occasion, acted as the sitting magistrate, will show to your Excellency, how different the circumstances of this case really are from the statement made by Mr. Capper, and when he says, that in consequence of his interference, bail was *privately* put in; the fact is not so, for by the book containing the record of the proceedings of the sitting magistrates, it appears that the bail was *publicly* given at the Court-house, on the usual day of the magistrates sitting. We think it would be unnecessary, upon every case we have to advert to, to state the high opinion we entertain of our chief justice, and how incapable he is of acting either in the way, or from the motives, suggested by Mr. Capper. But we have always considered it as the duty of a justice of the peace, to endeavour to make up the quarrels and disputes which are brought before him, and assuage the anger and animosity of the parties towards each other, and only to enforce the law when every attempt at reconciliation has failed. We know that such is the practice in England, and that it frequently happens, that after a public trial has commenced, and even proceeded in, that judges recommend the parties to compromise their disputes, rather than proceed to the extremity of the law; our chief justice on this occasion endeavoured to reconcile the parties, and when he could not effect that desirable object, he, acting as a magistrate, bound over the parties complained against, to answer the accusation at the sessions, without either regarding, or being even acquainted with any interference of Mr. Capper's in the business.

December 20th, 1819.

Unanimously approved in council, and recommended to be forwarded to His Majesty's ministers by his Excellency the governor.

By command,

(Signed) Samuel Hall, Acting Secretary.

Singleton's Case.

Peter Singleton is a black man. He is not a native of this Island, nor was he brought up here. He came from some other island to this; whether he be free or not, I know not. He applied to Mr. Wilson and myself, when sitting as magistrates, upon Monday the 10th of May last; he stated that he had made a previous application to some other magistrates, who had declined acting, and he gave generally an account of Mr. Sinclair's treatment of him, and mentioned, that no other persons

III.

Sir F. P. Robinson
to Earl Bathurst.

Inclosure, No. 1.
continued.

Inclosure, No. 2.

III.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure, No. 2.
continued.

were present than those, whom you will see presently named in his affidavit. I told him to let his complaint stand over till the Friday, that we might see Mr. Sinclair. I sent a message to him, desiring him to come in and answer the complaint; but, I suppose, accident prevented him. Your Excellency and your Honours know that the magistrates sit in weekly rotation, and their days of public sitting at the Court-house, are Monday and Friday, which are directed by the Act and have been sufficient for all purposes. Any business begun in one week, is taken up by the magistrates of the next, and we do not interfere in each other's week, unless invited by the magistrates of the week to sit, it sometimes happening that one is sick or absent from town. I remember mentioning to Mr. Collier, that he ought to have attended to Singleton's complaint; and I think he answered, that the justices of the week considered it to be false imprisonment, which had never come before them, and that they did not know exactly how to proceed. Your Excellency and your Honours know, that it is not every one that is ready at the duties of a magistrate, and if they seem dilatory, I know it is from their diffidence, and not from any disposition to refuse justice. I told Mr. Collier that false imprisonment necessarily carried with it an assault, and that upon that ground he should have taken cognizance of it, which he said he was not aware of. Upon the 14th day of May, my next sitting day with Mr. Wilson, Peter Singleton made the following affidavit, which I entered in the justices' book, and from which I have copied it.

"Peter Singleton stated, that on Wednesday the 5th instant, about 11 o'clock in the forenoon, he was sitting in the public road near Little Comland Bay to get on board a drogher for change of air. The Nelson drogher was in the bay, which he had hailed, thinking it was Mr. Ker's vessel, in which he had had permission to go, but the captain answered it was not Mr. Ker's vessel, that she was coming from Sandy Point Bay to Great Comland, where he advised complainant to go and meet her. It was on his way thither that he was resting, and Mr. Sinclair came up to him, and said, God d—n you, sir, move out of the road. Complainant answered that he was resting himself, sick, and that he might have told him, in an easy manner, without abusing him. He replied in an abrupt way. Complainant moved, and Mr. Sinclair went away. Presently he returned, and said, damn you, you are sitting there still, I don't know you; and sent a little boy which was following him, to call a cooper from the works. When he heard that, he moved forwards towards Great Comland, and soon after the cooper followed him. Complainant asked what he wanted. The cooper said he must go back, and held up his adze. Complainant, being sick, submitted to go back; and when he got to the great house, the cooper told him, the manager had ordered him to be put into the stocks, and he was confined there till six o'clock the next morning. He was then taken out, and was carried back by the cooper to the place where he had been taken up."

It is my invariable practice, before I swear a complainant to his or her statement, to read it distinctly to him or her, and to require attention to it, that any error may be rectified or omission supplied. This was done in the present case, and Singleton was sworn to the truth of his statement. I did not chuse to put any questions to Peter Singleton, that would imply any doubts of him. I knew that he had come here from another island. I know that such persons come here under considerable suspicion, and that a court always looks at them with jealousy. I thought that if Singleton could avoid any question that concerned his rights in a court, it would be more for his interest than to go into a court. I am not the intimate friend of Mr. Sinclair, as is asserted; though he is a gentleman that every one respects. I wished to serve Singleton, not Mr. Sinclair; and when I saw this gentleman, I told him there was a serious complaint against him, and asked him if he had received a message from me. He replied, that he had requested a friend of his to try and compromise it; that he had never seen Peter Singleton before; that he did not know who he was, and was sorry he had put him in the stocks, which he certainly should not have done, if he had understood him to be a freeman. Singleton pressed his complaint; and before I bound over Mr. Sinclair, who required no warrant to be issued, I told him what Mr. Sinclair had mentioned, and that if he made him a present with such an apology, it might be as well if he were satisfied, without urging a prosecution. I found Singleton averse to this, and when my week came round again, I think upon the fourth of June, I bound over Mr. Sinclair with two most respectable sureties, Mr. Chadband and Mr. Samuel Hall, to appear at the grand sessions in October. If Mr. Sinclair had not been a member of the Assembly, probably he would not have been bound over so soon, but I found an opportunity for doing so. The Assembly were sitting that week, and

I am so much engaged as speaker of the house, during a session, that I cannot then attend to any other business. The recognizance was taken, not privately, as is alleged, nor in consequence of any interference of Mr. Capper, but publicly in the Court-house, in the room in which the justices sit. I saw Singleton in the house, and I told him Mr. Sinclair was bound over, and that he had now only to apply to the attorney general and prosecute. The recognizance was filed in the Crown-office. Mr. Sinclair appeared in conformity to it; Peter Singleton did not appear. Why he did not, rests with himself. If I went out of my way, I did it not for the sake of Mr. Sinclair, but for the sake of Peter Singleton; who, if he had failed in establishing that which, for aught I know, he may have the means of doing, upon notice, but which he might not have been able to do upon a motion in arrest of judgment, would have at least suffered defeat and inconvenience. I thought from Singleton's information that he had no ground to stand upon in the court where I preside, for I am not chief justice of the criminal court, which Mr. Capper seems all along to think. I have to regret that I have gone out of my way, not because I have done wrong, but because my motives have been mistaken and misrepresented. I did not mention them to Singleton, or any other person, and I mention them here in confidence. The course of law is still open to him, and why he does not pursue it, is not for me to inquire. Mr. Capper observes that these brutal assaults are very frequent in Tobago. He asserts what is not fact. He thinks it highly illegal and improper that the chief justice should act as a magistrate. The chief justice is a magistrate, and I apprehend of very high rank; and how his acts as a magistrate can be illegal, because he is chief justice, I cannot comprehend. Mr. Capper probably thinks it improper, because he mistakenly supposes that I am chief justice of the court of grand sessions. I do not understand what is meant by the chief judge tampering with justice, and forcing a poor creature into terms. Peter Singleton did not complain that I tried to force him into terms; on the contrary, I think he says, I advised him to employ counsel and prosecute the business. It is inconceivable to me how Mr. Capper can reconcile it to the feelings of a gentleman, and a man of honour, to set down in writing any assertion that imports the reputation of individuals, or the character of a colony, without being able to offer in support of such assertion incontrovertible testimony. I should have thought his professional education would have taught him a different principle; and that he must have supposed the dignified and noble character to whom he addresses himself, would require some evidence of the charges he has made.

(Signed) *Elphinstone Piggott*, Chief Justice of Tobago.

Inclosure, No. 3, in Sir F. P. Robinson's, of the 23d December 1819.

2.—*Seamen's Case.*

The privy council in their report to your Excellency, contained in the minutes of the 9th August, stated, that as the "violence and misbehaviour of the sailors was likely to become the matter of judicial inquiry in England, they should abstain from any further observations thereon," and the same reason would operate now; but when Mr. Capper, in his marginal notes on this case, has stated to His Majesty's ministers the most positive falsehoods to support his malicious assertions, we have deemed it necessary to lay before your Excellency the affidavits of William Alexander, in direct contradiction of one of the assertions of Mr. Capper, the affidavits of the honourable and reverend Mr. Wilson and Mr. Ronald M^cMillan, in elucidation of what took place before and during the inquiry into the conduct of Captain M^cGlashan and the sailors, and the declaration of the honourable John Robley, now before your Excellency in council, as to his knowledge of any of the circumstances connected with this case; and we very confidently leave these documents to your Excellency's consideration, as a complete disproof of the facts which Mr. Capper has asserted to be true, and which are proved to be false, and that they give altogether an impression totally different from that attempted in Mr. Capper's statement and notes, which seem on this occasion to have been penned with more than his usual malignity, and in utter disregard to the real facts of the case.

20th December 1819.

Unanimously approved in council, and recommended to be forwarded to His Majesty's ministers by his Excellency the governor.

By command,
Jas Hall, Acting Secretary.

III.

Sir F. P. Robinson
to Earl Bathurst.

Inclosure, No. 2.
continued.

Inclosure, No. 3.

Seamen's Case.

III.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure, No. 3.
continued.

The Declaration of the honourable John Robley.

In this case Mr. Capper has thought proper to make use of my name, and it can have been only done to attempt to produce some one instance of that *juggling* between one of the great landholders and the magistracy of the Island to defeat the ends of justice which he has so often mentioned; the following account contains every thing I know upon this subject. I was upon my estate of Betsey's Hope, at Queen's Bay, when Mr. M^c Millan arrived the 24th May, and he informed me, on the evening of his arrival, with what insolence and insubordination the sailors had behaved to Captain M^c Glashan in coming on shore from the Vittoria; and, in the course of next day, I was told, that the sailors of the Margaret had been in a state of mutiny during the night, and that a party of them were gone to Scarboro' to complain against the captain. The captain and the mate both stated to me the misconduct of the men; and I saw, upon the beach at Queen's Bay, the long-boat of the ship staved, and so much injured that it could not be employed in landing the cargo. The captain and the mate and an apprentice informed me that was done by the sailors. I was in town a few days afterwards, and found that Captain M^c Glashan had been summoned to answer the complaint of the sailors before the sitting magistrates; of this I expressed my decided disapprobation that the magistrates had so done, and had not referred the complainants to some magistrate near the place where the cause of complaint arose, instead of bringing the captain of a vessel, with a large property under his charge, near 24 miles, when there were magistrates in that part of the country. The warrant was issued, and served upon Captain M^c Glashan, who appeared in consequence before the sitting magistrate; but what Mr. Capper states, "that the constable was my servant," is not true; the constable who executed the warrant, William Alexander, is not in my service, has never been in my service, nor, until yesterday, had I ever either seen him or spoken to him in my life. Captain M^c Glashan informed me, that having preferred his complaint against the sailors before the Rev. Mr. Wilson, and having appeared according to the summons, he joined his ship again, not supposing that he would be again required, and that some days after the sailors returned and desired to go on board again; I wrote to him, and I advised him to receive them, provided they would promise to conduct themselves better. Captain M^c Glashan required, that they should declare their contrition for their behaviour in writing, and assure him that they would do their duty properly on board if he received them again; this they refused to do in a manner to his satisfaction; and saying, he was better without them than with men who would not do their duty, he refused to take the men back who had left the ship. Mr. Capper applied to me on the subject, and it was in consequence of that application I interested myself at all in asking Captain M^c Glashan to receive the men again. Mr. Capper commencing his report with what is not true, as to the constable, proceeds afterwards to state, that I used my influence with the magistrates, and that they, in consequence, *wilfully and corruptly refused to administer justice.* I do most solemnly declare that such a declaration is totally false; and it is by these kind of unfounded assertions, devoid of all proof, he endeavours to establish his charge of the landholders juggling with the magistracy to defeat the ends of justice.

The vessel, the Margaret, does not belong to me, or any part of her. She brought out plantation stores for the use of my estates, and was to take back a cargo of sugar and rum from my estates. Mr. Capper seems to think, that any motive of convenience or interest is sufficient to induce the disgraceful conduct he imputes to me,—that may be the case with him; and he knows little of the feelings of an honourable mind, that would make such a charge against any gentleman, and be at the same time incapable of supporting it by the slightest testimony.

There is, however, one point, which admits of a direct answer, and a very different reason than the one suggested by Mr. Capper, which I most solemnly disclaim. Captain M^c Glashan was about 25 miles from Scarboro'; Captain Justus, at Scarboro' was ready to sail for Europe the next day, and was to take home, as part of his crew, the mutinous sailors of the Margaret; he wrote to me, that he could not take them without Captain M^c Glashan's consent in writing, and his assurance that he would not bring an action against him at home, for taking away his sailors, and which I know was the law, (37th Geo. III, c. 73.) but that, if I would give him a note to that effect, as Captain M^c Glashan was so far off, it would be equally satisfactory to him. I did so; and precisely for the reasons given by Captain Justus, and no other.

Captain

Captain Justus did not sail as soon as he expected, and Captain M^cGlashan sent down his letter releasing Captain Justus from any consequences, and, I believe, my letter was returned; but I considered the matter of so little consequence, that I cannot answer precisely, whether that was the case or not; if it was not returned, I presume, Captain Justus has it still in his possession.

III.
Sir F. P. Robinson
to Earl Bathurst

Inclosure, No. 3.
continued.

When Captain M^cGlashan sailed for England, the 18th July, I wrote, by him, to my correspondents in England, earnestly recommending the owners of the ship to prosecute the sailors for their mutinous conduct, by which their property had been so much injured and endangered.

18th December 1819.

John Robley.

Tobago.—Personally appeared the Hon. and Rev. William Sloane Wilson, rector of Tobago, and justice of peace in the said Island, and being sworn on the Holy Evangelists of Almighty God, deposed upon oath, and saith, That on the 31st of May last he was one of the sitting magistrates for the week beginning on that day; that Charles M^cGlashan, captain or master of the brig Margaret, was brought before him by a warrant granted by Alexander Graham, Esq. J. P. at the complaint of James Tattersfield, Robert Craighead, and Alexander Campbell, seamen belonging to the said brig Margaret; that the Honourable Elphinstone Piggott, Chief Justice of said Island, and the other magistrates appointed to act with the deponent, was called away to his place as Speaker of the Assembly. That, upon asking M^cGlashan what he had to say for himself, he deposed on oath, that his crew had behaved in a most riotous and disorderly manner, ever since his vessel came to this island, and that one of them in particular, Alexander Campbell, on the evening of the 24th, had taken up a handspike, and threatened to knock out his (M^cGlashan's) brains. That he, the deponent, the legislature being then sitting, was then called upon to take his seat in council, and desired the parties to remain there, until he should be at liberty to attend to them. That it was the intention of the deponent to have bound M^cGlashan on the one part, and Campbell on the other, over to keep the peace, and to appear at the next court of grand sessions to answer for the said assault, but that upon going into the magistrates room, after the council broke up, all the parties, as well as the constable, had disappeared; that the parties did not again make their appearance on the following Friday, which is the other day of the week appointed for the magistrates to attend; that he afterwards heard Mr. Capper complain of the irregularity in allowing the said M^cGlashan to be at large, without having given security to keep the peace and appear at the next court of grand sessions, to answer to the assault; but hearing that these sailors were employed on board the Governor Halket, in which vessel they afterwards sailed for England, and there threatened to call M^cGlashan to account for his conduct, and where the whole matter and dispute between the Captain and the sailors would become the subject of judicial inquiry and decision, this deponent, no farther application on either side being made to him, considered the matter altogether removed from his jurisdiction. This deponent deems it unnecessary to notice the assertion of Mr. Capper, that this deponent had acted either fraudulently or corruptly, beyond disclaiming, that such assertion is unaccompanied by any proof whatever, and that it is utterly false and malicious.

W. S. Wilson.

The above affidavit was taken, and the contents duly sworn to be true, by the deponent, the Reverend William Sloane Wilson, this fifteenth day of December, One thousand eight hundred and nineteen,

Before me,

Elphinstone Piggott, Chief Justice of Tobago.

Tobago.—Personally appeared William Alexander, who, being duly sworn on the Holy Evangelists, maketh oath and saith, That one day in the month of May last, he believes the 28th of May, being in Scarborough upon business, he, as one of the constables for the parish of St. Paul, had delivered to him a warrant to apprehend Captain M^cGlashan, of the brig Margaret, then lying in Queen's Bay, and which warrant he accordingly executed, and brought Captain M^cGlashan before the sitting magistrate at Scarbro', on the 31st of May, which magistrate was the Rev. Mr. Wilson; that the Rev. Mr. Wilson having examined, and received the deposition of Captain M^cGlashan, was called away, as this deponent understood, to attend his duty at the Council, which was then sitting; that after waiting a considerable

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continued.

siderable time, and no further proceedings taking place, this deponent considering that he had fulfilled all the duty he was expected or required to do, returned home to the estate on which he resided, as cooper and overseer, and which is about twenty miles from Scarbro'. This deponent declares, that he is altogether inexperienced in the duties of a constable; that this is the first and only warrant he ever saw served, or was ever called upon to execute, and that he endeavoured faithfully to discharge all that he was of opinion he was called upon or required to do. This deponent solemnly declares, that he has now been about four years in this colony; and that during the whole of the time he has resided upon Kindal Place estate, the property of Mr. Bourdieu, and that he has not been in any other employ in the Island of Tobago, and that he never lived, or was in the employ of, or was ever engaged in any way, direct or indirect, in the service of the honourable John Robley, whom he only knows by sight, or even spoke to before this day; and that neither by the instigation of the said John Robley, or any body else, did he, this deponent, let the said Captain M^cGlashan out of his custody, but solely for the reasons and in the manner before stated. This deponent further declares, that he has not the warrant under the authority of which he apprehended the said Captain M^cGlashan, or did he think it was requisite for him to preserve it; and that he left the said warrant in the room of the sitting magistrates, on the 31st of May, when he carried Captain M^cGlashan before the Rev. Mr. Wilson.

William Alexander.

The above affidavit was taken, and the truth of the contents thereof, duly sworn to by the deponent, William Alexander, this seventeenth day of December, one thousand eight hundred and nineteen.

Before me,

Elphinstone Piggott, Chief Justice of Tobago.

Seamen's Case.

I am not acquainted with the merits of this case. Mr. Capper states, that I was a sitting magistrate on the 1st of June; I was not. The House of Assembly met on the 31st of May, and the session continuing till the 12th of June, my duty in the house as Speaker, prevented my attending to any other business; I sat for a very short time on the 31st of May, but was obliged to go to the House of Assembly before any complaint of the seamen came on. He observes, that the magistrates ought to be proceeded against by information, but that it would be of no avail to apply to a court where I was the judge. Mr. Capper does not know how the criminal court is constituted. The senior member of Council is the Chief Justice of that court. He supposes, that as I am Chief Justice of the Common Pleas, that I am Chief Justice of the Court of Grand Sessions. It is no such thing; Mr. Robley's character is above such foul insinuation as is conveyed against him in this case; and the magistrates of this island are incapable of doing any act of wilful and corrupt injustice. The broad assertions of Mr. Capper in this case, are like his other assertions, totally unfounded, and unsupported by facts.

Elphinstone Piggott, Chief Justice of Tobago.

Personally appeared Ronald M^cMillan, manager of, and living upon, Betsey's Hope estate, who being duly sworn on the Holy Evangelists, maketh oath and saith, That he arrived from England in the Vittoria, Captain Montgomery, off Queen's Bay, in this island, in the afternoon of the 24th of May last, and the boat of the Margaret, Captain M^cGlashan, which vessel was laying at anchor in Queen's Bay, having come off to the Vittoria with the Captain and four sailors, this deponent was desirous of landing at Queen's Bay, in which bay the estate of Betsey's Hope is situated, and went into the Margaret boat for that purpose; that while the boat was along side the Vittoria, the rigging of the mast of the boat suffered some damage against the side of the Vittoria, which one of the sailors was sent up to repair, and the Captain being very desirous to get into Queen's Bay, urged the sailors to get the mischief repaired, to which they replied with very insolent language; that the mast having afterwards given way, and broke in a squall, another boat came from the Margaret to tow up the boat into Queen's Bay, in which was this deponent, the Captain, and the four sailors; that one of the sailors in the boat just arrived from the Margaret, called out to the Captain, and inquired whether he was going to anchor

ancher there, or be towed up by the boat, and this inquiry was made in a very insolent manner; that this deponent was landed soon after, but was decidedly of opinion, that the sailors deputed themselves and addressed the Captain in a very insolent and improper manner, which he thinks they were induced to do by the lenient and mild behaviour of the Captain towards them. This deponent was informed the next morning, by the mate of the Margaret, that the men had behaved during the night with great insolence to the Captain, so that he (the mate) had been obliged to take a rope's-end to them, and that several of them had set off to town that morning to the Governor.

Ronald M^c Millan.

The above affidavit was taken, and the truth of the contents thereof duly sworn to by the deponent, Ronald M^c Millan, this fourteenth day of December, one thousand eight hundred und nineteen.

Before me,

Elphinstone Piggott, Chief Justice of Tobago.

Inclosure No. 4, in Sir F. P. Robinson's of the 23d December 1819.

3.—*The Case of Edward Hoskins.*

We believe that nothing can be necessary to satisfy His Majesty's ministers of the wilful falsehood and malice of the charge made by Mr. Capper, in the business of Edward Hoskins, and of the deplorable state of the unfortunate man Hoskins himself, than a perusal of the affidavits in that case.

The affidavits of Peter Smith, Joshua Heaslett, William Sang, Arthur Cordiner and Ronald M^c Millan, afford a history of his conduct upon every estate whereon he was employed, from the time of his arrival in the colony in January, to his assault upon John Burnett, and consequent imprisonment, and his actual departure from the colony on July the 18th.

The affidavit of John Burnett must satisfy every person that the only mode to prevent the violence that Hoskins was constantly threatening and using, was that adopted, and that our chief justice would really have merited part of the charges brought against him, if he had not committed Hoskins to gaol, for the assault sworn against him by Burnett; or could it be expected that any respectable housekeepers would be bail for an individual who had come here, without character or recommendation, and unknown to any but by his deponent detailed and exhibited in the foregoing affidavits.

We wish to point out to your Excellency, and very earnestly request, that you will especially call this matter to the attention of His Majesty's Ministers, that in the marginal notes, in the hand-writing of Mr. Capper, he says, "I am inclined to think there was no commitment, and that one was subsequently made out to screen the patentee."

We cannot distinguish this from a charge of direct forgery of a judicial instrument made against our chief justice, utterly disproved by the affidavit of J. Sevrall, the constable and goal keeper, and the original warrants in the marshal's office, in the hand-writing of the chief justice, which Mr. Capper saw, and which were produced to him in court at the execution of the writ "*de lunatico inquirendo.*" We are without words to express our indignation at so infamous an attempt; and we trust the result must be to render Mr. Capper incapable of receiving in future the slightest credence to his infamous aspersions.

The committee are enabled to satisfy your Excellency, that the proceedings stated to be extracted from the Tobago Gazette of the 25th of June and 2d of July, were actually drawn up by Mr. Capper himself, were inserted by his orders, and that he paid the printer for the insertion of that of the 2d July, and the original of the statement of these proceedings, in the hand-writing of Mr. Capper, is attached to the affidavit of Mr. Murphy, the editor and printer of the Tobago Gazette, to that effect.

The subscription of which Mr. Hoskins speaks, was the charity of a few individuals towards Mr. Hoskins, while he was in gaol, amounting to about twelve dollars, and placed in the hands of Mr. Cox, the coroner, and a clerk in the secretary's office, for his use, for it could not be permitted to be paid to him, as it would have been only employed in the purchase of spirits, and so continue the intoxication and consequent violence, which had already placed Hoskins in gaol; the inclosed affidavit must

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continued.

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satisfy your Excellency that the whole was expended by Mr. Cox for Hoskins, and Mr. Cox is not yet remunerated some of the money he expended on his account.

During the sitting of the Legislature in July, from motives of humanity, a sum of money was voted to procure a passage for Hoskins to England, and a supply of articles of apparel, in the event of the prosecutor, Mr. Burnett, consenting to relinquish his charge against him. Mr. Burnett did consent, on the condition that he quitted the country, and should not be at large until his departure, which was at length with great difficulty effected in the Margaret, many other captains of vessels having refused on any terms to receive him.

The evidence of the Honourable Mr. Brasnell, Mr. James Wilcock, Mr. Mander, and the certified copies of the joint resolutions of the two Houses of Legislature, must convince every person, however prejudiced, that the most humane motives alone, either originated or carried into effect an act of charity to a very undeserving object, or are we in the least surprized that he should be without clothes soon after his arrival in England, when it is notorious that he here sold almost all his apparel to procure spirits, either before or during his confinement.

To this we have only to add the declaration of our chief justice, now before your Excellency in council, as to all the matters connected with this subject, in which he was engaged, or as to which he had the means of acquiring any information; and we rest assured, that a more complete confutation of a false and malicious charge against a dignified officer, and the administration of justice in any colony, was never brought forward, and that it must for ever entail upon Mr. Capper, in the minds of His Majesty's Ministers, the disgrace of a false and malicious calumniator.

The immediate attention paid by your Excellency to the application of Mr. Capper, in the affair of this man, Hoskins, both in visiting the prison at Mr. Capper's request, and in granting, without one instant's delay, the writ *de lunatico inquirendo*, and so assisting and promoting every inquiry or process Mr. Capper, in his capacity of attorney general, could demand or require, would, in our opinion, have called forth some other expression towards your Excellency, than to join your name in a gross and general assertion, of having connived and winked at an illegal and outrageous conduct in the administration of the justice of the country.

On this occasion, as on many others, good will spring out of evil, and the minute and accurate investigation this business of Hoskins has gone through, must convince and satisfy His Majesty's Government of the vigilance, the promptitude, and the energy with which your Excellency watches over every department of our colonial government, and especially the administration of our criminal jurisprudence, or could any matter have been selected by which the judicial character of our chief judge could be exhibited in a more favourable light as a magistrate, acting with vigour and discretion, on the part of the public, and humanity towards the unfortunate delinquent.

December 20th, 1819.

Unanimously approved in council, and recommended to be forwarded to His Majesty's Ministers by his Excellency the Governor.

By command,
(Signed) Samuel Hall, Deputy Secretary.

Tobago.—To Mr. Joseph Severall, Constable.

Forasmuch as John Burnett, of the said island, free coloured man, hath appeared before me, Elphinstone Piggott, one of the justices of our Lord the King, assigned to keep the peace within this island, and made oath, that Edward Hoskins, of the said island, did upon the 8th day of March instant, in the town of Scarborough, in the said island, assault and throw stones at him, the said John Burnett: These are to authorize and require you to bring before me the said Edward Hoskins, to be dealt with according to law.

Given at Scarborough, this 9th day of March, 1819,

(Signed) E. Piggott, (l. s.)

Tobago.—To Mr. Joseph Soverall, constable, and to the Keeper of the Common Gaol in the said Island.

Whereas Edward Hoskins, of the said island, planter, is now brought before me, Elphinstone Piggott, one of the justices of our Lord the King, assigned to keep the peace in the said island, requiring him to find sufficient sureties, to be bound with him in a recognizance for his personal appearance at the next court of grand sessions to be holden in and for the said island, and in the mean time to keep the peace towards our said Lord the King and all his liege people, and especially towards John Burnett, of the said island: And whereas the said Edward Hoskins hath refused, and doth now refuse before me, to find such sureties; these are, therefore, in the name of our said Lord the King, to command you the said constable forthwith to convey the said Edward Hoskins to the common jail of our said Lord the King, in the said island, and to deliver him to the keeper thereof; and I do, in the name of our said Lord the King, hereby command you, the said keeper, to receive the said Edward Hoskins, and him there safely to keep, until he shall find such sureties as aforesaid.— Given under my hand and seal, at Scarborough, in Tobago, this 9th day of March, in the year of our Lord, 1819.

(Signed) *Elphinstone Piggott, (L. s.)*

Personally appeared Joseph Soverall, residing in the town of Scarborough, who, being duly sworn on the Holy Evangelists, maketh oath, and saith, That he is a constable and keeper of the jail of the town of Scarborough; that he has carefully read over and compared the two warrants above written, with the originals in the deputy provost marshal's office of this island, and declares that the same are word for word, and in all respects exact copies of the same; that the first, being a warrant for apprehension of the said Hoskins, was delivered to him, this deponent, by the chief justice, the Honourable Elphinstone Piggott; and the said Hoskins, being carried before the sitting magistrates, was committed to jail, for want of sureties, by the second warrant above written; and this deponent most solemnly declares, that the original warrants now in the deputy provost marshal's office, of this island, and of which the above are exact copies, were actually on the day whereon they respectively bear date, delivered by the chief justice to this deponent, as constable and jail keeper, and then and there executed by him, in his capacities aforesaid; this deponent further declares, that on the evening of the 8th March, the said Hoskins, having deported himself in a most violent manner in the market-place, he, this deponent, did in consequence of orders from the chief justice, who was at Mr. Chadband's house, in the market, take him into custody, and, by direction of the chief justice, place him in one of the rooms of the jail.

This deponent declares, That upon the first part of the confinement of the said Hoskins, he was confined in a large and airy apartment in the jail, looking into the street, where he was treated with great consideration and humanity; and besides the jail allowances, was almost daily supplied with food sent him from the houses of the chief justice, Mr. Blakely, and several other inhabitants of Scarborough; but that the continued violence of the said Hoskins, by breaking the plates on which these provisions were sent him, throwing the glass bottles at the passengers in the street, and his constant threats and attempts at violence against this deponent, and an actual assault committed upon his person, compelled him, having no irons or other means of coercing him, to remove him to another apartment, and place one of his feet in the stocks; but this deponent declares, that a negro servant belonging to this deponent was, during the whole of his confinement, employed to wait upon and do what was necessary for his health and cleanliness. This deponent attributes much of the violent behaviour of the said Hoskins to intoxication, at which time he seemed perfectly mad, and dangerous for any person to approach him.

(Signed) *Joseph Soverall.*

Tobago.—The above affidavit was taken, and the truth of the contents thereof duly sworn to, this 15th day of December 1819.

(Signed) *Elphinstone Piggott, Chief Justice of Tobago.*

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to Earl Bathurst.

Inclosure, No. 4.
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III.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure, No. 4.
continued.

Tobago.—Before the Honourable E. Piggott, Chief Justice of the said Island.

Personally appeared the Honourable William Brasnell, a member of His Majesty's Privy Council and Treasurer of the said island, who, being sworn upon the Holy Evangelists of Almighty God, solemnly declares, That in consequence of a joint resolution of both Houses of Legislature of the island aforesaid, dated in June last, authorising this deponent to provide a passage to Europe or elsewhere, for Edward Hoskins, then in confinement, and to purchase such articles as might be requisite for him, as will more fully appear by the certified copy of the said resolution attached hereto, this deponent went to the said Edward Hoskins, who was then walking about in a room of the public court-house, where debtors are usually confined, and asked him, whether he wished to return to England, or to go to any of the neighbouring colonies? To which, the said Edward Hoskins replied, that he was very anxious to go to his friends in England; this deponent then informed him of the resolution of the Legislature, for which the said Edward Hoskins expressed himself very grateful. This deponent then required the said Edward Hoskins to assure him, that he would conduct himself quietly and peaceably on board such vessel as this deponent might procure him a passage in, which the said Edward Hoskins immediately did, in the most solemn manner. This deponent, after considerable difficulty, arising from the riotous conduct of the said Edward Hoskins, prevailed on Captain M^cGlashan, of the brig Margaret, then lying at Queen's Bay, in the said island, to take the said Edward Hoskins to England, as a passenger in the said vessel; and in consequence of the said Captain M^cGlashan engaging so to do, and to furnish the said Edward Hoskins, while he remained on board the said vessel, with a sufficiency of good wholesome food, he, this deponent, paid the said Captain M^cGlashan the sum of 25*l.* sterling; this deponent further declares, that he employed Mr. William Mander, a tailor, in the town of Scarborough, to measure the said Edward Hoskins for the following articles of clothing, which this deponent desired the said Mr. Mander to furnish immediately:—A cloth coat; a pair of cloth trowsers; six pair of sheeting trowsers; six white jean waistcoats; six white linen shirts; six white neck handkerchiefs, and two coloured ditto; one beaver hat; three pair of shoes; six pair of stockings; and a trunk to contain the same. All the above-mentioned articles having been supplied by the said Mr. Mander, he, this deponent, paid for the same the sum of 43*l.* 8*s.* 6*d.* currency; and this deponent solemnly declares, that the said articles were locked up in a good trunk, in the presence of James Morris Collier, Esq. deputy provost marshal, and James Wilcock, Esq. clerk of the general assembly of the said island, and the key of the said trunk was then delivered to the said Edward Hoskins, who took from thence such clothes as he immediately required. This deponent further declares, that he furnished a horse for the said Edward Hoskins, to ride from the town of Scarborough to Queen's Bay, and a servant to carry up the trunk containing the said apparel.

And this deponent also declares, That several days elapsed between the period of his first giving the said Edward Hoskins notice of the resolution of the Legislature, and the time when he finally left the court-house, during which, the said Edward Hoskins applied to this deponent, expressing great anxiety to get on board the vessel as soon as possible. Captain M^cGlashan had, however, positively stipulated with this deponent, that the said Edward Hoskins should not be sent on board of his vessel, until she was on the eve of sailing.

The expenses thus incurred having exceeded the sum of 80*l.* limited by the said resolution of the Legislature, dated in June last, this deponent applied to the General Assembly to be reimbursed the further sum of 16*l.* 2*s.* 6*d.* which was immediately granted, as will more fully appear by the certified copy of a joint resolution of the two Houses of Legislature, also annexed hereto, dated in August last.

(Signed) *William Brasnell.*

Tobago.—The above affidavit was taken, and the truth of the contents thereof duly sworn to by the deponent, this fifteenth day of December, One thousand eight hundred and nineteen.

Before me,

(Signed)

Elphinstone Piggott, Chief Justice of Tobago.

Tobago.—Joint Resolution of the two Houses of Legislature, passed at the June Session 1819, viz.

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“ That the public treasurer be authorized to pay to any master of a vessel, agreeing to take to Europe, or elsewhere, Edward Hoskins, at present under confinement, his passage money and provisions for the voyage, the sum not to exceed eighty pounds currency, and that a message be immediately sent to the Council, requesting their concurrence, in order that the vote may be included in the appropriation bill.”

Inclosure, No. 4.
continued.

A true copy,

(Signed)

James Wilcock, Clerk of General Assembly.
Samuel Hall, Clerk of the Council.

Tobago.—Joint Resolution of the two Houses of Legislature, passed at August Session, 1819, viz.

“ That the additional sum of 1*l.* 2*s.* 6*d.* currency, be allowed to the Honourable William Brasnell, Esq. the said sum having been by him expended, over and above the sum of eighty pounds currency, formerly voted for defraying the expense of Edward Hoskins’s passage to England, and that the payment thereof be provided for in the appropriation bill.”

A true copy,

(Signed)

James Wilcock, Clerk of General Assembly.
Samuel Hall, Clerk of the Council.

Tobago.—Personally appeared Ronald M^c Millan, manager of, and living on, Betsey’s Hope estate, who, being duly sworn on the Holy Evangelists, maketh oath and saith, That about the 16th of July last, Edward Hoskins arrived at the dwelling house of Betsey’s Hope, about half past six o’clock in the evening, and, addressing himself to this deponent, claimed the hospitality of the house; this deponent informed him, he never denied to any person, and the said Hoskins was received as a guest, and supped with the other white people on the estate; but this deponent did not sup with them, but remained sitting in the porch of the house. After supper, Hoskins came out to the porch, and began to abuse and exclaim against the gentlemen of the colony. This deponent asked, if he did not feel obliged to any—not to Mr. Capper? He said, he did not think him much better than the others. This deponent informed Hoskins, that whatever treatment he had met with in the colony, was brought on by his own misconduct. Hoskins told him, he would talk to him with pistols in the morning. This deponent shoved him down stairs, informing him, he was unworthy of a lodging in that house, and ordered Mr. Smith, the carpenter of the estate, who had come from a room adjoining, to see him to a room in the hospital, where there were a couple of beds, and to lock the door. This was after he had used a great deal of abuse and violent language. The next morning, this deponent sent to said Hoskins, to know whether he would have his breakfast in the room where he was, or go on board the brig Margaret. His answer was, that he had drunk more grog the day before than he should have done, and did not know what he had been doing last night;—that if deponent allowed the servant to saddle his horse, he would go on board, which he did immediately, and sailed for England on the 18th July.

The said Hoskins was dressed in good apparel, was accommodated with a good horse, on which he rode, and a servant to attend him.

(Signed)

R. M^c Millan.

The foregoing affidavit was taken, and the contents thereof were duly sworn to be true, by the deponent, Richard M^c Millan, this fourteenth day of December 1819.

Before me,

(Signed)

E. Piggott, Chief Justice of Tobago.

Tobago.—Personally appeared, Peter Smith, of the island of Tobago, carpenter, now living upon Betsey’s Hope estate, who, being duly sworn on the Holy Evangelists, maketh oath and saith, That about the end of January last, he was living at Charlotteville estate, in Man of War bay, and about that time, or the beginning of February, the man Hoskins came there about six o’clock in the evening, and desired refreshment and a night’s lodging; the refreshment he got, but the house was so full with

strangers,

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continued.

strangers, in consequence of a ship that had just arrived, that he was desired to go to the house of a neighbouring gentleman, Mr. Ledgerton, as there was no room. Upon this refusal, he seized hold of the manager, Mr. Warrack, by the face, and began to abuse and curse every body in the house, as damned rascals and scoundrels, who were oppressing the negroes, and that it was only a few tyrants who were keeping the negroes from being free; and went on cursing and abusing Mr. Warrack and the persons assembled, as a damned set of rascally Scotch *b—gg—rs*, all of which was without any quarrel or any provocation; and a guide was given him to show him where Mr. Ledgerton lived, and where he would be accommodated for the night. Upon this he went away, and after about half an hour, he was brought back by four negroes carrying him, while he was cursing and swearing against the colony and the people in it. The man Hoskins was now with only his trowsers and shirt on, the rest of his clothes being brought up carefully by the negroes, who said that Hoskins had attacked and beaten and kicked them; that he had struck the head driver in the face so severely, that he had almost knocked his eye out, in which state the driver had come up from the sugar-works to the dwelling-house, and the negroes had brought him up to the manager of the estate, to prevent his doing any further mischief. After laying a few minutes at the foot of the steps, he got up, stripped off his shirt and wanted to attack the people present, and struck at (without any quarrel or pretence) this deponent, and continuing his abuse and violence, and declaring he would be revenged of them; and not knowing in what other way to keep him in any order or quietness, this deponent, by the desire of the manager, Mr. Warrack, and with the assistance of the negroes, put him into a room by himself on the ground floor, and locked the door, where he was left riotous and bawling out, to a late hour of the night. This deponent did not see him the next morning, but heard upon the estate that he went away the next day. This deponent is of opinion, that the said Hoskins was in this state of ungovernable violence from the effect of liquor, which he must have got before he arrived at Charlotteville, and he had neither quarrels nor any incivility offered him, but every refreshment he desired.

This deponent further states, That about the middle of July last, the day before the brig Margaret sailed, when this deponent was then living at Betsey's Hope estate, the said Hoskins arrived there, about half past six o'clock in the evening, and inquired if the Scotchman M^cMillan was not the manager of the estate; and having been invited in to take supper with this deponent, and the other white people upon the estate, he took supper, and this deponent then retired to his bed-room, but soon after hearing a violent noise upon the stairs of the dwelling-house, and the said Hoskins calling out and swearing that if he could get a brace of pistols, he would blow out Mr. M^cMillan's brains, and a vast deal of other abuse and threatenings against the colony, and every body in it; during all this violence, the manager directed this deponent with some of the negroes to carry him to the hospital, a few yards from the dwelling-house, where he was deposited in a room by himself, and the door locked; the said Hoskins kept up a great noise, but was at length quiet. The said Hoskins went on board the brig Margaret the next morning, and sailed for England. This deponent is of opinion, that the strong drink he had taken had produced this violence and misconduct, and that it was absolutely necessary to confine him while in that state, both at Charlotteville and Betsey's Hope, to prevent his doing mischief, or destroying himself or others.

(Signed) *Peter Smith.*

Tobago, 13th December 1819.

The above affidavit was taken, and the truth of the contents thereof was duly sworn to by the deponent, Peter Smith.

Before me,

(Signed) *Elphinstone Piggott*, Chief Justice of Tobago.

Tobago.—Personally appeared, Arthur Cordenir, manager of, and residing upon, the Unity estate, who, being duly sworn on the Holy Evangelists, maketh oath and saith, That about the middle of the month of February last, this deponent being one day upon the Pembroke estate, in the afternoon, rode to the works of the aforesaid estate, to speak to Mr. Sang, the manager, and that he saw the man Hoskins standing in front of the furnace mouth, and threatening to shove one of the firemen under the coppers, if they did not make a better fire; that the manager (Mr. Sang) came

came out of the boiling-house, and requested Mr. Hoskins to leave the negroes alone, and not interrupt them in the exercise of their duty, as this had been the ground of a former quarrel, and that he (Hoskins) had promised by letter never to do the like again. Mr. Sang also said that he would be obliged to discharge him, as he could not conceive himself answerable for keeping a man who acted in that manner any longer upon the estate; he afterwards left the copper-hole, and entered the boiling-house, and in presence of the deponent, used most insolent language to Mr. Sang, and among other expressions, called him a damned Scotch rascal, and that he had a good mind to kick him from one end of the boiling-house to the other. Mr. Sang immediately turned round, and asked the deponent's advice, whether he should turn him from the works by force, or what line of conduct he should pursue; that the deponent advised him to send the man Hoskins to his room, as he was dangerous about a set of works. Mr. Sang left the works for some time, and requested that he, the deponent, would keep charge of the works till his return; in his absence, the negroes were skipping sugar, and that Hoskins, on the first ladle of hot sugar being thrown into the spout, kicked it down, called the deponent a damned fool, said he knew nothing of sugar, cursed the negroes, and threatened to knock one of them into the boiling coppers, and immediately on saying this, laid hold of the head boilerman; the deponent then seized Hoskins, and placed him on a small bench in the boiling-house, and there detained him until the sugar was finished skipping, not by manual force, but by persuasion. Mr. Sang then returned, and told Mr. Hoskins to go to his room peaceably, as he did not consider him in a proper state to have charge of the works, and that he, Mr. Sang, would take charge for the remainder of the day. This Hoskins refused to do, and immediately turned round to a small cupboard, where he kept spirits, and took from thence a small (pint) bottle with rum in it, which he drank, saying "here goes it;" he then advanced to Mr. Sang, at the other end of the boiling-house, holding the bottle by the neck, and making use of threatening language. Mr. Sang then pushed him out of the boiling-house, and put him in his room.

(Signed) *A. Cordiner.*

The above affidavit was taken, and the truth of the contents thereof duly sworn to by the deponent, Arthur Cordiner, this fifteenth day of December, one thousand eight hundred and nineteen.

Before me,

(Signed) *Elphinstone Piggott*, Chief Justice of Tobago.

Tobago.—Before the Honourable E. Piggott, Chief Justice of the Island of Tobago.

Personally appeared William Mander, of the town of Scarborough, in the island of Tobago, tailor, who, being sworn on the Holy Evangelists of Almighty God, solemnly declares, that early in the month of July last, he, this deponent, was sent for by the honourable William Brasnell, treasurer of the island aforesaid, and directed to measure Edward Hoskins (then confined in the debtors room in the said court-house) for several articles of wearing apparel; and in consequence he supplied the following articles for the said Edward Hoskins:—

	£.	s.	d.
A blue cloth coat	-	-	9
A pair of blue cloth trowsers	-	-	3 3
Six pair of sheeting trowsers	-	-	8 2
Six white jean waistcoats	-	-	5 8
Six linen shirts	-	-	6 15
Six white neck-handkerchiefs	-	-	1 7
Two coloured ditto	-	-	9
A beaver hat	-	-	1 16
Three pair shoes	-	-	3 7 6
Six pair stockings	-	-	2 5
A hair trunk	-	-	1 16
	£.43	8	6

Which this deponent charged at the prices stated, amounting to forty-three pounds eight shillings and sixpence, which was immediately paid by the said honourable William Brasnell to him, this deponent.

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continued.

This deponent further declares, that he saw the said Edward Hoskins riding upon a horse through the town of Scarborough, on his way to Queen's Bay, when he, the said Edward Hoskins, was dressed in part of the same apparel.

(Signed) *William Mander.*

The above affidavit was taken, and the truth of the contents thereof duly sworn to by the deponent, William Mander, this 15th day of December 1819.

Before me,

(Signed) *Elphinstone Piggott*, Chief Justice of Tobago.

Tobago.—Before the Honourable E. Piggott, Chief Justice of the Island of Tobago.

Personally appeared James Wilcock, Esq. clerk of the House of Assembly of the island of Tobago, who, being sworn upon the Holy Evangelists of Almighty God, solemnly declares, That early in the month of July last, he, together with James Morris Collier, Esq. deputy provost marshal of the island aforesaid, were called by the Honourable William Brasnell, treasurer of the said island, to look at the apparel purchased by him for Edward Hoskins; and this deponent states, that he saw the articles locked up into a trunk, and the key thereof delivered to the said Edward Hoskins.

(Signed) *James Wilcock.*

The above affidavit was taken, and the truth of the contents thereof duly sworn to by the deponent, James Wilcock, this 15th day of December 1819.

Before me,

(Signed) *Elphinstone Piggott*, Chief Justice of Tobago.

Tobago.—Personally appeared Samuel Cox, of the said island, coroner and escheator, and made oath on the Holy Evangelists, That some time during the confinement of Edward Hoskins, several gentlemen, at the deponent's instance, in the hope of getting him away in the mail boat, raised a subscription, to the amount of twelve dollars, to pay his passage, and provide him comforts on board; but the subscribers desired him on no account to give Hoskins the money, fearing that he would misapply it, and expend it in rum. That deponent did apply to two or three captains of mail boats, but they refused to take him, having heard of his bad character in St. Vincent, and here fearing that he would not be allowed to be landed. Out of the twelve dollars, he paid John Butterworth, for extra feeding in gaol, when persons who had been in the habit of sending him meals ceased to do so, on account of his improper conduct, the sum of two pounds and sixpence, for which he has Mr. Butterworth's receipt (now exhibited). He also paid two dollars for a bason and ewer, and two dollars for a pair of shoes to Mr. James Grimshaw, purchased for the use of Hoskins, by his request. He paid two dollars for his washing; and he expended the remainder of the twelve dollars, as well as other money, out of his own pocket, for the use and accommodation of Hoskins.

(Signed) *Samuel Cox.*

The above affidavit was taken, and the truth of the contents thereof duly sworn to by the deponent, Samuel Cox, this 16th day of December 1819,

Before me,

(Signed) *Elphinstone Piggott*, Chief Justice of Tobago.

Tobago.—Before the Right Honourable E. Piggott, Chief Justice of the Island of Tobago.

Personally appeared Thomas Murphy, printer, residing in the town of Scarborough, in the said island, who, being sworn upon the Holy Evangelists of Almighty God, solemnly declares, That he, together with William M. M'Keth, who is now in England, are the editors of a weekly paper called "The Tobago Gazette," published in the island aforesaid; and this deponent declares, that the observations inserted in the said publication, under the dates of the 25th June and the 2d July last, relating to the proceedings and trial of Edward Hoskins (copies of the said Gazettes being attached hereto,) were made, and sent by Mr. Benjamin Capper, late Attorney-General of this colony, to the printing-office of the said newspaper; and that for the

last

last publication, dated the 2d July, payment has been made by the said Mr. Capper, the manuscript of which is affixed hereto, and, as this deponent verily believes, is the hand-writing of the said Benjamin Capper. The first publication, under date of the 25th June last, was not paid for.

(Signed)

Thomas Murphy.

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Sir F. P. Robinson
to Earl Bathurst.Inclosure, No. 4.
continued.

The foregoing affidavit was taken, and the truth of the contents thereof duly sworn to by the deponent, Thomas Murphy, this 18th day of December 1819,

Before me,

(Signed)

Elphinstone Piggott, Chief Justice of Tobago.

Extract from the Tobago Gazette, dated Scarborough, 25th June 1819.

“ At the court of Chancery, held on Monday last, the Attorney General moved for a writ “ Idiota Inquirenda,” for the purpose of ascertaining, whether Edward Hoskins, now in confinement at the gaol of Scarborough, is labouring under mental derangement or not. The Attorney General said, as Hoskins was a poor defenceless character, he considered it was his duty, by virtue of his office, to apply to the court to see that a pauper, if labouring under mental derangement, should have the protection of the laws, just as much as the richest man in the island. The learned gentleman contended, that if Hoskins was a lunatic, the fact ought to be proved by medical men before a jury. If he was a lunatic, he should be treated with *humanity*, and not as a *felon*. If it turned out on inquiry that he was not a lunatic, and had committed any felony, he should be brought to trial at the gaol delivery of the great sessions of Oyer and Terminer; or in case of misdemeanor, he ought to be tried at the next quarter sessions. The motion was granted; the writ was issued, and is to be executed on Monday next.”

Extract from The Tobago Gazette, dated Scarborough, July 2, 1819.

“ On Monday last Edward Hoskins, a prisoner in the gaol of this island, was brought up, by a writ of habeas corpus, before a jury “ *de inquirendo lunatico*.” We observed in our last paper, that a writ of this nature had been issued from the court of Chancery, on the motion of the Attorney General. The Attorney General addressed the jury nearly in the following words: “ Gentlemen, the simple question which you have to decide on is this, whether Hoskins is a lunatic or not? you will hear the evidence of two respectable gentlemen, members of the faculty, and by their evidence you will regulate your verdict. Gentlemen, I beg leave to say, that on my recent arrival in Tobago, I was informed that Hoskins was detained in prison very improperly. From motives of humanity, I visited the prison, and his Excellency the Governor did me the honour to accompany me. I found this poor Englishman in prison, with his leg in the stocks, and in that situation he had been kept upwards of a fortnight, with negro prisoners. His appearance at this time must give you an idea of his weakness and debility. Gentlemen, this man has been confined in a wretched apartment upwards of three months, with not a sufficient allowance to support nature; and had not some humane persons sent him victuals, most likely his sorrows would have been at an end before this day. I applied for a copy of the commitment; I have not received one. There has been much negligence on the part of the officers of justice; some one has abused his authority by putting him in the stocks, and cruelly keeping him there. The patentee is answerable for his deputy or deputies. He has become liable to a penalty, and the loss of his office. Gentlemen, I wish not to attack the fame of any individual, but thus much I feel called on to say, that the administration of British justice in a British colony, must supersede every other consideration. If such conduct is to be endured, that an Englishman is to be deprived of his liberty, thrust into prison with Blacks, subject to the arbitrary whims of a turnkey, then good bye to magna charta and the bill of rights. Had this poor man died in the stocks, I should have felt it my duty, on the part of the crown, to have indicted for murder. I hope no such occurrence may take place again. The question before you, Gentlemen, is to decide whether Hoskins is a lunatic or not.”

Doctors Panting and Nisbet were sworn, and gave it as their opinions, that Hoskins was perfectly sane.

The jury retired a few minutes, and returned their verdict, “ That Hoskins was not a lunatic, and that his former violence was the effect of intoxication.”

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Sir F. P. Robinson
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continued.

The late deputy provost marshal then produced a copy of the commitment, whereby it appeared that Hoskins had been committed for an assault.

The Attorney General observed, that he could not receive that copy, unless from the hands of the marshal, or his lawful deputy. A copy of a commitment ought *always* to be in readiness; and the law expressly declared, that if it was not produced within six hours after the demand, the marshal became liable. As the case now stood, Hoskins was proved sane, and that he was in custody for an assault, for want of bail. He could not therefore be discharged without due process of law. The Attorney General said he would, with the consent of the prosecutor, sign a fiat for his discharge. The poor fellow, who appeared very debilitated, returned thanks to the Attorney General, for the justice he was likely to obtain from his interference.

He has been released from the stocks, and we understand he has been provided with many necessaries by the benevolence of several gentlemen; and that a sum of money has been raised to take him to England.

Tobago.—Before the Honourable E. Piggott, Chief Justice of the Island of Tobago.

Personally appeared, John Burnett, a free man of colour, a housekeeper in the town of Scarborough, in the island aforesaid, who, being sworn upon the Holy Evangelists of Almighty God, solemnly declares, That on the evening of Monday, the eighth day of March last, between the hours of six and seven o'clock, he returned home to his house, and found Edward Hoskins upon his steps, inviting two young men, who were in the house, to go and drink with him, which they refused to do, at which the said Edward Hoskins was much enraged; this deponent then said to him, the said Edward Hoskins, that he was surprized he should come to his (this deponent's) house, and endeavour to entice the friends of this deponent away from his house, to which Hoskins replied, "what fellow are you," and made a blow at this deponent; he, Hoskins, then went down the steps, and took up a heavy stone or a brick, which he threw at this deponent, and continued throwing stones at this deponent's door, to the great danger of this deponent, his wife and four children, who were assembled about the door. Under the conviction that this deponent then felt, and still feels, that his life as well as the lives of his wife and children were endangered by the riotous conduct of the said Edward Hoskins, as well upon the evening stated as the Thursday preceding the said Monday, this deponent considered it to be his duty to apply to the police for protection, and in consequence he (this deponent) did apply the next morning, the ninth of March last, to his honour the Chief Justice E. Piggott, and to Alexander Graham, Esquire, one of the magistrates for the town of Scarborough aforesaid, and made affidavit of the said recited circumstances, praying that the said magistrates would grant a warrant for the apprehension and trial of the said Edward Hoskins, for the assault committed upon this deponent.

This deponent further declares, that he was applied to early in the month of July last, to give his consent to the said Edward Hoskins being released from gaol, which this deponent agreed to; but he affirms that he would not have done so, if he had not been informed that the said Edward Hoskins was to leave the island immediately after his release, considering (as this deponent does) that his family and himself would have still been endangered by the riotous conduct of the said Edward Hoskins, if he had remained in the island.

(Signed) *John Burnett.*

Tobago.—The above affidavit was taken, and the truth of the contents thereof duly sworn to by the deponent, John Burnett, this 15th day of December 1819.

Before me,

(Signed) *Elphinstone Piggott*, Chief Justice of Tobago.

Personally appeared Joshua Heaslett, now living upon Burleigh Castle estate, being duly sworn on the Holy Evangelists, maketh oath and saith, That early in the month of February last, viz. about the 10th or 12th, Edward Hoskins was received upon the estate of Betsey's Hope, at that time under the direction of this deponent, and on which he then resided as an overseer; that the fifth day of his being employed, it was his turn of duty to attend at the boiling-house, and between eight and nine in the evening several of the negroes came up to the dwelling-house, to this deponent, and informed him, that the said Hoskins was then, and had been guilty of great violence to them in the boiling-house, and driving away the negroes from the mill and the

the carts, and striking them in all directions; this deponent immediately went down, where he found the said Hoskins laying, quite drunk, by the boiling-house door, and unable to stand or walk, so that he was obliged to be carried up to his bed-room by the negroes; that he did not get sober till the next morning; and this deponent thinking such conduct, and that the language he was reported to have held to the negroes, likely to produce the worst example and consequences upon the estate; he dismissed the said Hoskins, the following day, from the employ.

(Signed) *Joshua Heaslett.*

Tobago.—The above affidavit was taken, and the truth of the contents thereof was duly sworn to by the deponent, Joshua Heaslett, this 13th day of December 1819.

Before me,

(Signed) *Elphinstone Piggott, Chief Justice of Tobago.*

Edward Hoskins's Case.

Very early in the month of March last, I observed a man walking about the streets of Scarborough in a very disorderly manner, abusing and doing acts of violence to the negroes. After seeing this conduct two or three times, I made inquiry whom he was, and from whence he came; I was informed that his name was Hoskins, that he had come from England to this island in the *Thalia*, Captain Dow, and that he had been turned away from Betsey's Hope first, and after from Pembroke estates, for indecorous conduct, and was now parading the streets constantly intoxicated; that he had behaved so improperly in the island of St. Vincent as to be confined in gaol there, and that he had been sent home by that colony. I expressed great surprize that any captain, especially one who had long traded to the island, should have brought such a man here, and I was answered, that Captain Dow expected the colonial bounty for him. In the forenoon of the 8th of March, I think it was, I happened to be standing at the court-house gateway, and saw this man passing up the street with violent action; and he had not gone far, before I saw him throw a stone at a servant on horseback, who was not looking at him, and from the size of the stone, which I saw pass close by the servant's head, if it had taken effect it must have done serious injury. On that day I dined with Mr. Chadband, at his house in the market square, and in the evening, hearing an affray in the square, close to Mr. Chadband's, and apprehensive of mischief, I went into the square, where Hoskins was committing a most violent outrage against the public peace; and I sent a messenger for Mr. Soverall, the constable, whom I desired to confine Hoskins in one of the rooms of the gaol until the morning, when I would give him a warrant. When I went to the court-house on the next morning, Mr. John Burnett, a free coloured man of great respectability, and residing in the market square, with a wife and family of young children, made an affidavit before me, that Edward Hoskins had been the preceding evening guilty of most riotous and disorderly conduct, assaulting himself and family, throwing stones at his door, where his young children were standing, who narrowly escaped the effects of his violence; and that it was not the first time this had occurred, for that he had, shortly before, assaulted his wife, and nearly thrown an infant child from her arms. I have mislaid that affidavit, and as the man had left the colony, I was careless what became of it, but Burnett is present in the island. I desired Hoskins to be brought up, and I read to him Burnett's affidavit; he observed, that there might be some truth in it, but he had been insulted by the children laughing at him. I had heard it surmised that Hoskins was insane; and in order to ascertain whether he was amenable to criminal process, or whether I should report him to your Excellency as a lunatic, I thought it proper to examine him, and I asked, How long he had been in this island? he answered, That he came in the *Thalia*, Captain Dow.—Q. In what capacity did you come out? A. As a steerage passenger.—Q. For what purpose did you come out? A. To look for employ as a clerk or planter.—Q. When did you become acquainted with Captain Dow? A. By going on board his ship in the West India Dock.—Q. Did you pay for your passage? A. I drew a bill on my brother.—Q. Did Captain Dow hold out any promise of reward? A. In answer to a question in the Dock, he told me, he had no doubt of my getting employ.—Q. Were you ever in the West Indies before? A. Yes.—Q. In what island? A. St. Vincent was the first.—Q. What occupation did you follow? A. That of a planter.—Q. How long were you in

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continued.

St. Vincent? *A.* The first time was in 1802; I went to Trinidad and returned to St. Vincent.—*Q.* When did you last leave St. Vincent? *A.* On the 6th July last; I left it for want of employ; I had enemies there.—*Q.* What ship did you go in? *A.* In the ship Henry, Captain Strannock.—*Q.* Who paid your passage? *A.* The colony.—*Q.* Have you any family at home, and where do they reside? *A.* In England; a brother-in-law, at Dunsaney Place, Wandsworth Road, of the name of Butts, of moderate means.—*Q.* Have you been in employ since you came? *A.* Yes, at Queen's Bay estate, as an overseer?—*Q.* How long? *A.* Eight days.—*Q.* How came you to leave it? *A.* The negroes were too saucy, Mr. Heaslett and myself had words.—*Q.* Have you lived anywhere since? *A.* At Pembroke, eleven days; Mr. Sang and myself had some words.—*Q.* Have you been employed since? *A.* No, I cannot get any.—*Q.* How do you employ yourself now? *A.* I have no employment.—*Q.* Where do you live, and where do you sleep? *A.* Generally at the Court-house.—He said he had been robbed of his clothes since he came here, and he was constantly insulted by the negroes, who told him he was out of his mind, which was not the case. He had applied to the Governor to leave the island; he had put up his name, and owed no money, and that his wish was to get back to Great Britain. After this examination, the original of which I have by me, taken in the presence of Mr. Graham, who sat with me, we were perfectly satisfied, by the collected and rational manner in which he answered, that he was of sound mind; and I told him, that unless he could find sureties, I should be obliged to make out a commitment; I did so, and gave it to the officer acting for the provost-marshal, Mr. Joseph Soverall, said to be a Spaniard; whether he be a Spaniard or a Dutchman, or from what other country he came, I never inquired; but I know that he is a most excellent and useful officer. I compassionated Mr. Hoskins with more feeling than he deserved, and I requested Mr. Soverall to make him as comfortable as he could. I saw him often after he was confined, and he told me he had every thing he wished for. Mr. Soverall indulged him by suffering him to walk and take exercise about the Court-house. I sent him, daily, breakfast and dinner, and Mr. Blakely, at present acting as your marshal, humanely assisted him from his table. Some time after, I observed a different conduct in Mr. Hoskins, and I suspected that some persons must have, from mistaken kindness, handed liquor to him, which it is not possible to prevent, unless a guard was kept constantly at the window. I once received a message from Mr. Hoskins by my servant, who carried his dinner, requesting me to send him rum unmixed, that he might dilute it for himself. It was my practice to send with his meal a prudent proportion of liquor, and I refused his request. I continued this indulgence until he was so indecorous as to break the articles in what his meals were sent to him, and to be extremely insolent. His riotous conduct, which I understood went the length of attempting to force the gaol, rendered it necessary for the keeper to place him in a room of greater security, and I did not see him after that. He had expressed a wish to go to Trinidad; and Mr. Cox, who is in the secretary's office, undertook to speak to some of the mail-boat captains to take him, and a subscription was raised, to be placed in Mr. Cox's hands, for the purpose of paying his passage, and providing him necessaries on board, with a restriction not to give Mr. Hoskins the money; I thought this might have been done with Burnett's consent. After Mr. Capper's arrival, I understood that he took an interest in this man's favour, and complained that he was falsely imprisoned, and inquired for his commitment, which, owing to Mr. Soverall's illness and the changes of officers, was mislaid. Mr. Capper, I apprehend, considered the man a lunatic, as he applied to the Chancellor for a writ *de lunatico inquirendo*, and what the verdict of the jury at the executing of that writ was you have heard. A provision had been made by the Legislature to do what had been done by the Legislature of St. Vincent. While the jury were in court inquiring of the man's lunacy, the marshal presented the commitment to Mr. Capper, who observed, that it now appearing that there was a regular commitment, Hoskins could not go to England before a court of grand sessions was holden. He addressed himself to me, and asked, if I could suggest any means of obviating the difficulty? I told him, that if Burnett consented, and he as Attorney General gave his fiat, there would be no difficulty. He replied, that he believed that would be the most proper step. Hoskins is since gone to England by the bounty of the colony, and he has shown his gratitude by traducing it. Mr. Capper observes, that there is no clergyman or medical man appointed to attend the prison. I do not know that in any island a clergyman is specially appointed to attend the prison; and if Mr. Capper had been acquainted with the laws of this island, he would

have known that the marshal is authorized to call in a medical gentleman whenever it be necessary. He inclines to think that there was no commitment of Hoskins, and that one was subsequently made out to screen the patentee. This observation was not made when the commitment was presented to Mr. Capper, nor at any other time in this island; Mr. Capper well knew what would have been the consequence of such a charge; it is a false and scandalous insinuation, and was made in England in the hope that it could not be answered there. He asserts, that the magistrates are in the habit of sending people to gaol, keeping them there as long as they think fit, and then turning them out without trial, and that your Excellency and I wink at it. It would have been desirable that Mr. Capper had given an instance in which this system had been pursued, for if it ever had been, it is high time that it should be checked. I have known this island for a great many years; I held the office of Attorney General here for ten years, and practised under different judges, and I never in that time heard of such a thing. I have been Chief Justice for fifteen years, and not only no such thing has come to my knowledge, but I know that no such thing has occurred. It could not be tolerated in a government where your Excellency is presiding, and administering the functions of your high station with a special regard to the individual and collective interests of the colony. I consider the charge conveyed by Mr. Capper to be a false, scandalous, and nefarious attempt to vilify the executive character of this island, and to impress upon His Majesty's ministers an unfavourable opinion of the administration of justice here.

(Signed) *Elphinstone Piggott*, Chief Justice of Tobago.

Personally appeared William Sang, manager, and living upon the Pembroke estate, who, being sworn upon the Holy Evangelists, maketh oath and saith, That some time in February last, he received upon that estate, by directions of Mr. Robert Michell, the son of the proprietor of the estate, Edward Hoskins, as an overseer, and that the said Hoskins was altogether nine days upon the estate; that within a day or two of his arrival, he misconducted himself upon the estate, in misdirecting the work to be done, and again in three or four days, when evidently intoxicated, he, without cause or pretence, seized a large stick from a negro standing by and felled to the ground a negro, named Erskine. This deponent informed the said Hoskins, that such conduct was utterly inadmissible upon that estate, where no person whatever was suffered to strike any slave, or any punishment to be inflicted but by the orders of the manager. The said Hoskins sent this deponent, a penitential letter the next morning, and promised never so to offend again; in consideration of which, this deponent consented to his continuing on the estate; but a few days after, viz. the eighth day of his remaining at Pembroke, this deponent, about three or four o'clock in the afternoon, went down to the sugar works, where he found the said Hoskins quite drunk, and who endeavoured to prevail and insist upon this deponent flogging two negroes, which was refused, as they had committed no offence; that upon this refusal, Hoskins began swearing at and cursing the negroes, and declared what he would do, if he was manager, and threatened to throw the boilermen into the coppers (which were then full of boiling liquor,) and acted with such violence and abuse, as well to the negroes as this deponent, that apprehending no other means could be resorted to, to keep him from mischief, he ordered him to his bed-room, and appointed two negroes to watch him during the night, as he considered it unsafe to leave him alone. That upon being put into his bed-room, and the door locked, he set to work and broke every article in the apartment, broke every pane of glass in the window, threw out the bottles and bason, and glass-shade, and made a complete ruin of the place. That the said Hoskins was not tied nor confined, hand or foot, by any orders or directions of this deponent; but that this deponent says, that he heard the next morning from the negroes whom he had set to watch and take care of him during the night, that they were obliged to confine his hands and fasten his legs, to prevent his striking and kicking them in the most violent manner. This deponent says, that having been repeatedly threatened by Hoskins, that he would murder him if he could get loose; and having before shown such ungovernable violence in knocking down the negro, a few evenings before, he took the only means in his power to restrain, by confining him for that night in his bed-room, under the care of two negroes, without which he is satisfied the said Hoskins would have committed some great violence upon this deponent, or some of the negroes upon the estate. This deponent is of opinion, that the violence and gross misbehaviour of the said Hoskins, approaching to a state of perfect madness, and during which he seemed to have no knowledge of right or wrong, or any command

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command over himself, was solely occasioned by drunkenness, and which state he reduced himself to alone, without anybody to entice him thereto.

(Signed) *William Sang.*

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continued.

Tobago.—The above affidavit was taken, and the truth of the contents thereof duly sworn to by the deponent, William Sang, this thirteenth day of December, one thousand eight hundred and nineteen.

Before me,

(Signed) *Elphinstone Piggott, Chief Justice of Tobago.*

Inclosure No. 5, in Sir F. P. Robinson's of the 23d December 1819.

4.—*The Case of Thomas Rowe.*

Inclosure No. 5.

This accusation lies in such small compass, and the facts as stated by Mr. Capper as matter of direct charge against the magistrates and the constable, are at such variance with the original warrants now in the marshal's office, and the affidavits of the magistrates, Mr. Chadband and Mr. Graham, who granted the warrants, and that of the constable, Mr. Joseph Soverall, that we deem it only necessary to refer this case for complete refutation to the affidavits above mentioned, and the warrants themselves; as to the ordinary course of administration of justice in this colony, we cannot pretend to any experience upon the subject, compared with that of our chief justice, and Mr. Hall, the clerk of the crown; and to the statement your Excellency will receive from the chief justice, and the affidavits of Mr. Hall, we refer your Excellency, as conclusive upon this subject.

December 20th 1819.

Unanimously approved in council, and recommended to be forwarded to His Majesty's Ministers by his Excellency the Governor.

By command,

Samuel Hall, Deputy Secretary.

Thomas Rowe's Case.

Thomas Rowe is not a housekeeper; he has been a planter, and might have been so still, had he not been guilty of forgery, for which he might have been prosecuted; his loss of character kept him out of business, and he has quitted the island. No doubt your Excellency and the board will have the former part of this case which respects the proceedings of the magistrates stated by themselves. The negro George was for trial in the week in which Mr. Wilson and I sat as justices, and the persons named in the case sat with us as a court. The evidence was not sufficient to reach the criminal capitally. Mr. Capper attended in behalf of Mr. Rowe, and pressed the court to believe that the evidence was sufficient to condemn the negro to death; and he declared, that he ought to be hanged. The court sentenced the negro as stated in the case. Mr. Capper observes, that it is the *custom* at Tobago to try a negro even for capital offences, before five persons. It is the *law* of Tobago, for by the eighth clause of the Slave Act, it is enacted, That when any crime is committed by a slave, two justices shall summon three freeholders, who after having the oath prescribed by the act administered to them, shall constitute a court, with full power to hear and examine evidence, &c.; if their sentence be death, a warrant to be issued to the provost marshal to execute the sentence, but the justices must give notice to the governor; if they do not find the evidence sufficient to condemn to death, they are to inflict corporal punishment, and to ascertain the damages done to the injured party, and order the owner to pay them.

Mr. Rowe made a statement of his loss, and deducting the articles recovered, the court, agreeably to the Slave Act, directed that Mr. Chalmers should pay Mr. Rowe the amount, and he has been paid. He seemed perfectly satisfied with the proceedings of the court, and thanked them. Mr. Capper seemed disappointed that the court were not sanguinary enough to hang the negro. This is the reason I presume that he ventures to assert, that negroes being private property induces the owners to compound felony, and that capital punishment is scarcely ever inflicted upon them, more from motives of avarice, than humanity. Mr. Capper can have no experience of this, and the assertion is the mere effusion of malignity. He came to this island on the 25th May, resigned his office on the 2d of August, and went away about the 10th of August, he could not therefore have much experience of this colony. Where

he derives his information of the foul practices with which he charges us, he does not say. He indeed refers Earl Bathurst to a very respectable individual, Mr. Samuel Hall, but I am confident that gentleman never gave Mr. Capper information that could authorize him to commit to writing what he has done. Mr. Capper thinks most of the evils he alludes to, arise from the officers of the Crown receiving salaries from the colony; whom he means by the officers of the Crown, I do not know. The attorney general never received any salary. During the time I held that office I never received any. After this Island was restored, I was attorney general of Saint Vincent for some time; I received no salary then. If he means me as the officer of the Crown, the objection might apply in every island, for all the chief judges in these islands receive salaries from the colony. Mr. Capper observes, that sentences are executed on a Sunday; that the pillory is erected in the market place on a Sunday, and punishment inflicted at the very time when people are going to church. It has been the constant usage since I have known this Island, and it is the custom in other islands, to inflict sentences on a Sunday, and it is done for the sake of example which is the great end of the punishment. The negroes come to market on Sunday to barter the produce of their grounds, and the fruits of their industry, for any articles they may want, and it is the only day on which they have an opportunity of doing so. It is the only day on which a number of negroes from different parts of the Island are assembled together, and it is the time selected for the execution of a sentence, in order that it may operate as a general example. If the sentence were to be executed on any other day, it would be no example to others, and might as well be carried into effect in a private ground. Care is always taken that a sentence be carried into effect before persons are going to church. The market is not in the way to the church; it is at a distance. The punishment is always ended before persons go to church. It is singular, that Mr. Capper has not been able to supply cases for the purpose of calumniating the character of this colony, which might have better effected his object than those which he has selected, and which he has been obliged to bolster up by unfounded statements of his own. I was admitted to the bar in England 1784; I have practised and held official situations in different islands. I have been long presiding here as chief justice; and I am proud to say, this is the first occasion on which my professional or judicial integrity has been impeached. I too highly value the laws of my country, and the constitution we have to boast of, to violate either; and I am too jealous of my own reputation, after having passed through life with some degree of credit, to stain it when the evening of that life is approaching. The duties of a justice of peace are not at all desirable, I do not court them, and were I left to my own inclination, I should retire from them. My acting in that capacity is not illegal, I do not think it wrong, and I do not think it mischievous; but if your opinion be otherwise, you will signify it to me, and I will govern myself by it.

Elphinstone Piggott, Chief Justice of Tobago.

Tobago.—Samuel Hall, the deputy secretary, clerk of the council and Crown, and deputy register of the Island, being duly sworn, saith, that perceiving, amidst the documents relating to the various accusations brought by Mr. Capper, the late attorney general, against the chief justice, and the general administration of criminal justice in this Island, that Mr. Capper has thought proper to state, that he has received the information he therein gives from unquestionable authority, and has referred the colonial minister, the right honourable Earl Bathurst, to this deponent for information. This deponent declares, that he has been about twenty-two years either as clerk or deputy secretary register, clerk of the council and crown; that he never gave Mr. Capper, the late attorney general, any information that was prejudicial to the interests of the colony, or to the character of any individual composing the magistracy of the colony; and that it is not in his recollection any complaint has been made, at the annual court of Grand Sessions, of any malversations in the administration of justice. The magistrates are, by a law of the Island, under a penalty to proceed to trial in all cases against a slave, committed to gaol for any crime or offence, within ten days.

Samuel Hall.

Sworn before me, this 16th of December 1819.

Elphinstone Piggott, Chief Justice of Tobago.

III. 7
Sir F. P. Robinson
to Earl Bathurst.

Inclosure, No. 5.
continued.

III.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure, No. 5.
continued.

Tobago, 14th December 1819.

Personally appeared John Chadband, one of the justices assigned to keep the peace for the said Island, who maketh oath and saith, that he was one of the acting magistrates on the 5th day of April last, when application was made by Thomas Rowe for a search warrant, to examine "the dwelling-house of a negro man named George, who he suspected had broken open his (Rowe's) house, in the lower town of Scarboro', and stolen therefrom sundry articles of wearing apparel;" and that he, the deponent, did grant a warrant of search on the same day, as appears by the minutes of the justice book, under the said date of the 5th of April.

John Chadband.

The above affidavit was taken, and the truth of the contents thereof duly sworn to by the deponent, John Chadband, this fourteenth day of December, one thousand eight hundred and nineteen.

Before me,

Elphinstone Piggott, Chief Justice of Tobago.

Personally appeared Joseph Soverall, residing in the town of Scarboro', who, being duly sworn on the Holy Evangelists, maketh oath and saith, that he is a constable and keeper of the gaol in the town of Scarboro'; and declares, that he well remembers the complaint being made before the sitting magistrates on the 5th of April last, laid by Thomas Rowe, that he had been robbed on the 3d of April preceding, by his house being broken open; that the said Thomas Rowe, in the gallery of the Court-house, came to this deponent and informed him, that it was no use to go and execute any search warrant at the house of George, the negro, against whom he had sworn as being the person who he suspected had broken open his house, for that he was sure the articles had been removed to the Resiland estate, where the said negro man George had a wife; and this deponent most solemnly declares, that he never was desired or required by the said Thomas Rowe to execute any warrant or search warrant whatever, nor did he (this deponent) ever refuse to execute any such warrant or search warrant at the desire of the said Thomas Rowe, or did he (this deponent) ever make any demand for any payment or sum of money whatever of the said Thomas Rowe for such purpose, or for any purpose whatever.

Joseph Soverall.

The above affidavit was taken, and the truth of the contents thereof duly sworn to by the deponent, Joseph Soverall, this fourteenth day of December, one thousand eight hundred and nineteen,

Before me,

Elphinstone Piggott, Chief Justice of Tobago.

Tobago.—Personally appeared Alexander Graham, constituted attorney and representative of the house of Brown and Co. and one of His Majesty's justices assigned to keep the peace in the Island of Tobago, who, being solemnly sworn on the Holy Evangelists, saith, that on or about the 17th day of June last, he perfectly recollects of a person named Thomas Rowe applying to him for a warrant to apprehend a negro man named George; that the deponent did not refuse to grant the warrant as required, but as he happened at that moment to be very particularly engaged, and the said Thomas Rowe applied to him at his place of business, and with an affidavit almost illegible from bad writing and bad spelling, he desired him to make out a proper affidavit, and call on him again in the course of an hour, when the deponent would be at perfect leisure, and would then grant the warrant required; and this deponent declares, that the said Thomas Rowe did not call upon him again until the following day, the 18th of June, when this deponent granted and delivered to the said Thomas Rowe, the warrant for the apprehension of the said negro George, and which warrant is now in the office of the deputy provost marshal of this Island, together with a warrant to search the house of the negro George, of the same date, and also the affidavit of the said Thomas Rowe; and this deponent further most solemnly declares, that he granted the said warrants in the due and ordinary course of the discharge of his duty as a magistrate of the town of Scarboro', and not in consequence of any application from, or interposition of his Excellency the governor, although this deponent does admit that he did receive on the morning of the 19th of June, after having granted the warrants at the time, and in the manner

above-

above-mentioned, an application from his Excellency the governor upon the business, addressed to John Chadband and this deponent, as the sitting magistrates.

Alexander Graham.

The above affidavit was taken, and the truth of the contents thereof duly sworn to by the deponent, Alexander Graham, this fifteenth day of December, one thousand eight hundred and nineteen,

Before me,
Elphinstone Piggott, Chief Justice of Tobago.

Inclosure No. 6, in Sir F. P. Robinson's, of the 23d December 1819.

5.—*Francisco's Case.*

THE committee to whom your Excellency has deputed the investigation of the documents respecting Mr. Capper's charges against the administration of justice in this colony, have only to notice in the case No. 5, which he calls *Francisco's case*, that they have nothing to add to the opinion they gave your Excellency, as contained in the minutes of the privy council of the 9th August, respecting the sailor belonging to the "Robert and Ann," which sailor is this Francisco; that revising all the reasons for that opinion, detailed in those minutes, we are satisfied they are correct and sufficient, and that it was never the intention of the law to call into activity the standing and special commission to try offences committed upon the high seas, upon a mere assault committed on board a vessel in harbour, and the person accused already in the power of the civil magistrates. The invective of Mr. Capper in this case, we cannot consider worthy of notice, for whatever may be his opinion of the matter, the fact is, that so few are the criminal offences committed in this Island, that one court of king's bench and grand sessions in the year, has been found sufficient for all the purposes of criminal justice in this Island, since its first settlement in 1764, except when the rare circumstance of an unfortunate case of murder has demanded the issuing of a special commission to hold a court of oyer and terminer. We have now had the advantage of your Excellency's government for upwards of three years; during that time no case of a capital nature has occurred to demand so unusual an exercise of your Excellency's authority; not a single execution has taken place, or any occasion occurred, to require your Excellency to interpose the prerogative of mercy, between the criminal and the sentence of the law. We can only imagine that the anxiety manifested by Mr. Capper to promote, upon every occasion, criminal prosecutions, and the holding of criminal courts, was to afford an opportunity of exhibiting himself before the public, in the exercise of the only legal knowledge with which he was acquainted; for upon every other occasion, and in any other court, wherein either his opinion or practice was required or concerned, his ignorance of the law was as disgraceful to himself, as it was apparent to the whole community.

December 20th, 1819.

Unanimously approved in council, and recommended to be forwarded to His Majesty's ministers by his Excellency the governor.

By command,
(Signed) *Samuel Hall*, Deputy Secretary.

Francisco's Case.

I know that such a man was confined, and I understood that it was for an assault on board a vessel lying in the harbour, and I heard Mr. Capper express himself, much too warmly I thought, respecting the refusal of the president and council to put in action the new commission for a court of admiralty, intended, I presume, for the trial of high crimes committed on the seas; and in the present instance, of an assault in the harbour, an offence hitherto tried in our criminal court, it could not be necessary to act upon the admiralty commission. Francisco was already committed by the magistrates, and he was subject to be tried, as other persons committed for an assault, at our court of grand sessions. By the act of this Island, the governor or commander in chief for the time being, is authorized to issue a special commission of oyer and terminer for the trial of criminal offences, but I have never known this done except in very capital cases, and such a commission puts the country to great expense, and great trouble. I have heard that Francisco is out upon bail, and had he rendered bail sooner, I presume he would have been liberated sooner. He has quitted the Island, I understand. It would be an extreme inconvenience if a special commission

III.

Sir F. P. Robinson
to Earl Bathurst.

Inclosure, No. 5.
continued.

Inclosure, No. 6.

III.
Sir F. P. Robinson
to Earl Bathurst.

Inclosure, No. 6.
continued.

mission was to issue for the trial of every assault. With respect to courts of quarter session, I do not remember any to have been holden in my practice or experience, and this is the first time I have heard complaint against the act constituting the court of grand sessions, which from the paucity of criminal offences here, has been found equal to the purposes of justice.

(Signed) *Elphinstone Piggott*, Chief Justice of Tobago.

Inclosure No. 7, in Sir F. P. Robinson's, of the 23d December 1819.

6.—*The Case of Francis Duff.*

AS to this case, we have to observe, that Mr. Collier, the acting deputy provost marshal, is not now in the colony, but off the Island, by leave of absence from your Excellency, and we have not the least doubt but that he will be able to exculpate himself completely from the charge made against him by Mr. Capper. It is not easy to believe, that any person, and least of all a gentleman of the ability and acuteness of Mr. Collier, would commit himself in such a manner as that stated by Mr. Capper, and for which there was no occasion. Mr. Collier is not now in the commission of the peace, and he has never acted as a magistrate since his appointment to the situation of deputy provost marshal. Mr. Collier is a native of Barbadoes, and has lived in this colony upwards of eighteen years, very greatly respected, and has executed at various times, with credit to himself, almost every public situation in the colony. Francis Duff is not, as stated by Mr. Capper, a soldier in the black corps of this Island; there is no such establishment. He is one of His Majesty's military labourers. There being no attorney general in this Island, at our last grand sessions in October, and as Mr. Collier could not get any gentleman at the bar, to prosecute Duff, he was in consequence re-committed, has been since liberated upon bail, and is now doing duty as a military labourer at Pigeon Island, St. Lucia. Having been removed from this Island, by orders of the quarter master general's department, at the special request and application of his Excellency the major general commanding.

December 20th, 1819.

Unanimously approved in Council, and recommended to be forwarded to His Majesty's ministers by his Excellency the governor.

By command,

(Signed) *Samuel Hall*, Deputy Secretary.

Duff's Case.

Of Francis Duff's case I have heard a good deal, though I was not concerned in the proceedings against him. He is a military labourer. I observe it stated that Duff was committed on *suspicion of robbery* from the dwelling of Mr. Collier. The fact is, that many of the articles stolen, of great value, especially a gold watch, were found upon Duff. Mr. Collier is at present absent from the Island, or he would answer the insinuations made against him. With respect to Mr. Collier being a gaoler and magistrate, it is proper to observe, that when Mr. Collier was appointed to act as provost marshal, he ceased to act as a magistrate, and he is not in the present commission of the peace. Mr. Collier is a native of Barbadoes, and though not born in England, he is in character and principle an Englishman. It is not improbable, that the observation said to be made by Mr. Collier, was set down for the purpose of concluding these cases with the scandalous assertion, that there exists a juggling system here for the purpose of perverting public justice. This man, Duff, was brought up at the sessions when there was no attorney general in the Island, and Mr. Collier appearing and stating that he was not able to get a lawyer to prosecute, he was re-committed. He has been since let out upon his recognizance, and has been, as I have heard, ordered upon duty, on His Majesty's service, in some other island.

(Signed) *Elphinstone Piggott*, Chief Justice of Tobago.

COPY OF A DISPATCH from Sir F. P. Robinson, K. C. B. to the Earl Bathurst, K. G. dated Tobago, 2d February 1820:—With Two Inclosures.

IV. III
Sir F. P. Robinson
to Earl Bathurst.

MY LORD,

Tobago, February 2d 1820.

I HAVE the honour of transmitting herewith a letter, received this day from St. Vincent, respecting the character of Edward Hoskins, the person who has been so warmly supported by Mr. Benjamin Capper, late attorney general of this Island.

I have the honour to be, &c.

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

(Signed) F. P. ROBINSON,

Governor.

Inclosure No. 1, referred to in Sir F. P. Robinson's Dispatch, of the 2d February 1820.

Government House, St. Vincent,
27th December 1819.

Sir,

Sir Charles Brisbane being on the point of leaving St. Vincent, to visit the Grenadines within his government, at the moment he had the honour of receiving your Excellency's letter of the 22d instant, directed me to cause immediate inquiry to be made, relative to Edward Hoskins, and to transmit to your Excellency such accounts as could be obtained respecting him.

Inclosure, No. 1.

In obedience to his Excellency's command, I have now the honour to inclose, for your Excellency's information, a letter received from Mr. Andrew Rose, who was one of the town wardens of Kingstown, during the time that Edward Hoskins was supported at the expense of the public of this colony, and at the period of his being provided with a passage to England.

I have, &c.

His Excellency,
M. Gen. Sir F. P. Robinson, K. C. B.
&c. &c. &c.

(Signed) Edmund Griffin.
Gov. Sec.

Inclosure No. 2, in Sir F. P. Robinson's of the 2d February 1820: Letter from Mr. Rose, respecting character of Edward Hoskins.

Sir,

St. Vincent, 26th December, 1820.

I have the honour of informing your Excellency, that I have seen one Edward Hoskins in 1817. He was a pauper, and appeared to be insane; which I was told arose from excessive drinking.

Inclosure, No. 2.

I can only say generally of this man, that he often applied for, and received charity; and whilst I was town warden of Kingstown, he was, from charitable motives, and being apparently utterly destitute and sick, and in danger of starvation, carried into a house in the jail yard. He was there fed and clothed until an opportunity offered of sending him to England, where he was very anxious to go. He accordingly went by the Loyalty, Captain Stranack, and upwards of £.90* was paid by me (then town warden) for the purpose, afterwards reimbursed by the legislature.

* £. 94. 15 s.

To His Excellency
Rear-Admiral Sir C. Brisbane, K. C. B.
&c. &c. &c.

I have, &c.
(Signed) Andrew Rose.

Edmund Griffin, Esq. (signed)