

REPORT

No. 57.

(4)

OF THE
TRIAL OF FOURTEEN NEGROES,

AT THE
COURT-HOUSE, MONTEGO-BAY,

JANUARY 28, 1824,

AND THE TWO FOLLOWING DAYS,

ON A

Charge of **Rebellious Conspiracy;**

WITH THE

ARGUMENTS OF THE ADVOCATES,

AND THE

SPEECHES OF THE JUDGES.



Printed at Montego-Bay, Jamaica.

1824.

MONTEGO-BAY, JANUARY 28, 1824.

THE KING

AGAINST

<i>Richard Allen,</i>	<i>William Stennett,</i>	<i>William Kerr,</i>
<i>Trelawny,</i>	<i>John Cunningham,</i>	<i>Corydon,</i>
<i>Robert Galloway,</i>	<i>Archy Bucknor,</i>	<i>James Campbell,</i>
<i>Garrett Rainie,</i>	<i>Mary-Ann Reid,</i>	<i>and</i>
<i>Philip Haughton,</i>	<i>James Kerr,</i>	<i>Providence.</i>

Court.

The Honourable SAMUEL VAUGHAN,
 THOMAS JOSEPH GRAY,
 RICHARD BARRETT,
 ROBERT THOMAS DOWNER,
 DAVID BOYD, Esqrs.

GEO. C. RICKETTS, Esq. *Clerk of the Peace.*

WM. S. GRIGNON, Esq. *for the Crown.*

The Honourable SAMUEL JACKSON, } *for the Prisoners.*
 WM. D. QUARRELL, Esq.

Jury.

ROBERT JONES, Merchant,
 WILLIAM JAMES ANGUS, Merchant,
 JOHN TULLOCH, Planter,
 DAVID DANDIE, Carpenter,
 WILLIAM ANDERSON, Planter,
 JOHN ASBRIDGE, Merchant,
 ADAM ARKINSTALL, Planter,
 ANDREW YOUNG, Wharfinger,
 WILLIAM MUNDAY, Planter,
 JOHN TAYLOR, Planter,
 WILLIAM ARCHBALD, Planter,
 JOHN LIGHTBODY, Wharfinger.

All the witnesses were then called over, and ordered out of Court—to be kept in a separate room till called for.

On the Jury being called, Mr. JACKSON applied to the Court for one half of them to be from the country—planters.

Mr. GRIGNON stated he wished to see gentlemen from the country, but he presumed the Court would go through the venire regularly.

The Court stated that they would not interfere at present. That when the Advocates for the prisoners saw any person they wished to be object to, he could do so; but the Court must admit every person as they answered to their names, unless challenged, as it would otherwise appear like packing a Jury.

An overseer in Mr. Kerr's employment being called, Mr. GRIGNON objected to his serving under the 79th clause of the Slave Law, and this objection was allowed.

The Indictment was then read over by the Clerk of the Peace, and the prisoners pleaded *Not Guilty*.

The following is an abstract of the Indictment, leaving out only the caption and the formal part:—

JAMAICA, ss.—At a Slave Court, held at Montego-Bay on Wednesday the 28th day of January, 1824, Richard Allen, Trelawny, Robert Galloway, Garrett Rainie, Philip Haughton, William Stennett, John Cunningham, Archy Bucknor, Mary-Ann Reid, James Kerr, William Kerr, Corydon, James Campbell, and Providence, being persons of every mind and disposition, on the 13th day of December, in the fourth year of the King, &c., and on divers other times and days, as weaver before as after the day and year last aforesaid, with force and arms at the Parish of St. James, in the said Island of Jamaica, unlawfully and wickedly did conspire, combine, confederate, and agree together, and to and with divers negro and other slaves, whose names are at present unknown, to enter into a rebellious conspiracy, for the purpose of obtaining, by force and violence, and by acts of resistance to the lawful authorities of this Island, the freedom of themselves, and such other slaves, whose names are at present unknown, to the ever example of all others, against the force of the said Act of this Island in this case made, and against the peace, &c.

2d count—Charges that they did unlawfully and wickedly enter into a rebellious conspiracy, for the purpose of obtaining, by force and violence, and by acts of resistance to the lawful authorities of this Island, the freedom of themselves.

3d count—Charges that they did unlawfully and wickedly conspire, combine, confederate, and agree together, and to and with divers others, to be concerned in a rebellious conspiracy, to obtain, by force &c. the freedom of themselves, and others unknown.

4th count—That they unlawfully and wickedly were concerned in a rebellious conspiracy, for the purpose of obtaining, by force, &c. the freedom of themselves.

5th count—That they were found at a meeting formed for the unlawful and dangerous purpose of exciting, encouraging, and maintaining each other, and other slaves in endeavouring, by force, &c. to obtain their freedom.

6th count—That they were at a meeting formed for the unlawful and dangerous purpose of exciting, encouraging, and maintaining each other, and other slaves, in endeavouring, by force and violence, and by acts of open resistance, to obtain their freedom.

7th count—Charges that they did unlawfully attend nightly meetings of slaves of this Island, unknown to the owner, attorney, or other person having charge of such slaves.

Mr. GRIGNON—

*May it please your Honours,
Gentlemen of the Jury,*

I rise to address you on the part of the Crown, on one of the most important cases that ever came under your consideration. The question between the country and the prisoners at the bar is one of the greatest magnitude. These unfortunate persons stand before you charged with offences, which, if proved, will cause their lives to be forfeited. Gentlemen, in deciding this question, I am sure you will banish from your minds every thing that you may have heard or read out of doors, and attend solely to the evidence that will be brought before you. The question, Gentlemen, which you are about to try, has caused considerable agitation throughout the country: the subject has been canvassed by all parties; and while some have attributed to it all the consequence that it demands, others have declared it to be a subject of no importance. Neither of these opinions, Gentlemen, will, I hope, have any weight with you. You will come to this trial with unbiassed minds, and you will decide upon the evidence: you will banish all feelings, but a desire to do your duty according to the oath you have taken. The Indictment, Gentlemen, consists of seven counts. The 1st, 2d, 3d, and 4th, are framed under the 46th clause of the Slave Law, which I shall read. (The learned Gentlemen read the clause.) In this case we do not indict for rebellion, but for a rebellious conspiracy. The 5th and 6th counts are framed under the 54th clause, for being at a meeting for an unlawful and dangerous purpose. (He then read the 51st clause.) The seventh count, Gentlemen, is for being at meetings without the knowledge of the owner or overseer. (He here read the 51st clause.) Having stated that the four first counts are for a rebellious conspiracy, I shall proceed to shew you what, in the eye of the Law, is a conspiracy; and I shall read from Mr. Chitty's Book on Crown Law, p. 1139. (Passage read.) There can be no doubt as to what is an illegal meeting, for the Slave Law points out that any meeting of slaves, without the knowledge of their owner, overseer, or person having charge of them, is illegal. It is not necessary for me, on the part of the Crown, to prove that the prisoners associated together: it is sufficient if you can draw that by fair implication: on this point I read Chitty, 1141; 2d Lord Raymond, 1167, and 1st Salkeld, 174. To shew you that direct evidence is not necessary to prove the fact of conspiracy, but that the Jury may draw the inference from collateral circumstances, I read 1st Blackstone's Reports, 392. Now, Gentlemen, I have read the Law, and my duty will be, in the next place, to produce before you the evidence in support of the indictment. I shall briefly state the facts I intend to prove, and

not go into particulars of evidence, least it might injure the prisoners. Observations made by me in the early stage of the proceedings, and not supported by evidence afterwards, may make impressions on your minds which cannot afterwards be removed. I shall, therefore, only draw a faint outline, and leave it to be filled up by the evidence I shall lay before you. At Unity-Hall estate, in this parish, it is said there have been numerous meetings of slaves without the knowledge of the overseer; and at those meetings expressions were used, which had a tendency to excite rebellion among the negroes, for the purpose of obtaining their freedom; and it was also said that, if they did not obtain their freedom, both Unity-Hall and Spring-Garden negroes would take it by force. I shall call witnesses to prove the facts; and if I fail in bringing forward sufficient evidence to substantiate the Indictment, you will acquit the prisoners. I entreat you again to divest your minds of prejudice, and to remember that you have an important duty to perform to the prisoners as well as to your country.

Peter Bartibo, a free sambo boy about sixteen—

Mr. JACKSON objected to his being examined, because, being a free person and not christened, he could not be sworn. He read 4th Hawkins, 444, and Philips' evidence, 17 and 18, and therefore submitted to the Court he could not be examined.

Mr. GRIGNON, in answer, stated that there was no proof of his not being Christian, and stated that he would shew authorities to the Court to shew that he might be sworn, 3d Bl. Com. p. 379, note—Leach's Crown Laws, King against Morgan, Philips on Evidence, folio 21 and 65. He also put a case of an Anabaptist, who was not christened till he became of mature age. Was his evidence to be rejected if he believed in God, and in the sanctity of the Scripture upon which he is sworn?—Certainly not.

Mr. JACKSON, in reply, persisted in his objection; and stated that, before he could be sworn, he must be asked as to his religious principles.

Mr. GRIGNON stated he had no objection to this, but submitted that the Court should put such questions as they might deem necessary.

In this the Court agreed, and accordingly put the following questions:—

Q. Do you know what will be your punishment if you swear false?
—A. I shall go to hell. Q. Do you believe in God?—A. Yes.
Q. Where is God?—A. In Heaven. Q. Where is hell?—A. It is punish.
Q. Do you know the nature of an oath?—It is that I must tell nothing but the truth.

The witness was then sworn.—Knows all the prisoners except James Campbell and Proby. One night I was at Cunningham's house. Cunningham's two sons and Robert Galloway were there. Trelawny said we understand we shall get Friday and Saturday. William Stennett said it was all nonsense, we have heard of it three years, but don't see it. Robert Galloway said, by the new law we are all to get free. William Stennett said, if we do get free who is to work master's canes? Trelawny said they will hire us. Trelawny said, if we do get free we

wont live in such small houses: we will have large houses; and he said it would be a word and a blow between them and white people. Trelawny said, if he had a long life he hoped to live in his master's great-house. There was another night, at Mary-Ann Reid's house. One Saturday, about twenty of them were in the house, in Mary-Ann Reid's, the second time. All of them were talking—the whole of them were talking, but I did not go into the house. I heard Philip Haughton's voice, that they were going to get Friday and Saturday, and, if they were going to have any racket, it would be at Christmas, when the people were merrying. Q. At Mary-Ann Reid's house, who were there?—A. I did not go into the house. I saw Richard Allen, Trelawny, and Philip Haughton there. I did not see Robert Galloway nor Garrett Rainie. I did not go inside the house. Mary-Ann Reid was waiting on the people. Knows Emily; did not see her there. At the meeting at Cunningham's house, I saw Robert Galloway. Archy Bucknor was at his own house, I did not hear him say any thing; he had just come out of the hot-house sick. I never heard Garrett Rainie say any thing. I never was at Sue's house. The meeting at Cunningham's was at yams-time, none of the of the Spring-Garden negroes were at Cunningham's. Philip Haughton said, at Mary-Ann Reid's house, if we are going to have any racket we will have it at Christmas, when people are merrying. Trelawny said it would be a word and a blow.

Mr. JACKSON here submitted to the Court, that Mr. GRIGNON had in his possession the previous examinations of the witnesses, and objected to his having them or referring to them, as it gave him a manifest advantage in examining his evidence.

Mr. GRIGNON stated he had copies of the examinations, the originals of which were in the possession of the Clerk of the Peace: that the officer of the Crown always had the examinations, taken before the Magistrates, copied into his brief; but he appealed to the Court that he never had, and would not, during the whole of this trial, put a leading question.

The Court over-ruled Mr. JACKSON's objection.

Q. Were any other persons at Cunningham's house at the time you speak of?—A. Robert Bartibo, Betsey Bartibo, and Robert Goldring, were there. Half the people were over at Robert Allen's house, and half at Cunningham's. Q. How near are they?—A. About as far as from here to the door (20 yards). The dance at Mary-Ann Reid's house was a week before Christmas. I was not inside of Richard Allen's house. Q. who were at Cunningham's house?—A. Cunningham, Trelawny, William Stennett, and plenty of strangers: almost the whole estate's people were there. Mary-Ann Reid was not there. Richard Allen was in his own house. Robert Galloway was there. Did not see Garrett Rainie. Did not see Philip Haughton. Archy Bucknor not there. Did not see any Spring-Garden negroes there. Heard them talking in Richard Allen's house, but it was too far off to hear. Q. Who was at Mary-Ann Reid's?—A. Richard Allen, Trelawny, and Philip Haughton were there. Robert Galloway and Garrett Rainie not there. William Stennett was there. Did not see John

Cunningham. They were eating and drinking in Cunningham's house. At Mary-Ann Reid's house they were dancing. They had two tables laid for supper.

Cross-examined by Mr. JACKSON.—Q. Where have you resided the last twelve montns?—A. I was over the river at Mr. Scott's place. Q. Where is it?—A. In Hanover. Q. Who did you live with?—A. All my family. Q. Name them?—A. My father, mother, brothers, and sisters. Q. Up to what time were you living in Mr. Scott's house?—A. I lived there a long time. When we moved I went fishing for Mr. Sharpe. I do not rightly know the month. Q. When did you leave Mr. Scott's house?—A. I don't remember. It was last year, in the middle of the year. Q. Were you living there as long as the house stood there?—A. Yes, as long as the house stood. Q. Do you recollect a fire happening?—A. Yes, it was after my father's death, two Christmasses ago. The fire happened after my father's death. It was in the middle of the year. Q. Do you know how that fire happened?—A. I was out at sea; just as I came ashore the house was burning. I did not know how the fire happened. All was burnt down smooth. Q. Where have you lived since?—A. There were two houses, one burnt and one left. I built a new one in the room of that which was burnt. It is on Mr. Scott's land. Mr. Scott is in possession of it. Q. Have you ever lived in the Unity-Hall negro-houses?—A. No. Q. Have you ever gone there often?—A. No, Sir, I never go often. I never go there to eat and drink with them: most times I went there was to carry fish to sell. It was not a dance, but a supper at Cunningham's house. I do not know what the supper was for, but I heard them say it was new yams-time. All except the strange negroes were at the merry-making at Cunningham's house. I went there to sell fish. I had caught sprats that evening: I took them there to sell. Unity-Hall people bought them. Some of the old people bought them. Did not go that night to any other house. I walked past several other houses, but they were not in other houses, they were in Cunningham's house. I do not know if all were merry-making. I did not stop late. I only observed merry-making in Cunningham's and Richard Allen's houses: only in them two houses. Mary-Ann Reid's dance was just before Christmas. I went there that night. There was a dance at Adam Webb's house the same night. I did not go into Adam Webb's house. I walked past. I heard the fiddle and drum. I know Adam Webb. I never heard any thing bad of him all the time. I did not go for the purpose of merry-making. I went along the King's road by the bridge, and when I returned I came to Adam Webb's. I did not stop there. It was late, and I was anxious to get home. I was not driven away. The door was shut when I past, not opened by any one. Q. How did you hear of the dance at Mary-Ann Reid's?—A. I was there about an hour before the dance. Just as they begun to gather, I walked out. I had no fish to sell that night. I was not asked there. When I found the people began to gather I walked out. I was about an hour outside the house.

Re-examined by Mr. GRIGNON.—Q. I think you say all the people were not at John Cunningham's. State who were there?—A. Philip

Philip Haughton not there; Richard Allen not there; Trelawny there; Robert Galloway there; Garrett Rainie not there; William Stennett there; John Cunningham there; Archy Bucknor not there, sick in the hot-house; Mary-Ann Reid not there. There was no fiddle at John Cunningham's house. Q. Had you ever any quarrel with the Unity-Hall people?—A. Never with any of the prisoners; always on good terms with them generally. Brought up provisions for them in my canoe to the Bay to sell, and landed them at Mr. Campbell's beach. I once had a quarrel with a brown man named Allick Christie. Trelawny and William Stennett are sons of old John Cunningham. He has another small son, and one not living at Unity-Hall, named Richard Mowatt. I did not see him there that night. Q. Have you ever been ordered not to go to Unity-Hall, by Mr. Galloway.

Mr. GRIGNON objected to the question, and objection allowed. Q. Did John Cunningham ever give you a hog to mind?—A. No, not me, it was my brother.

Robert Barlibo, a free sambo boy, about fifteen years old, brother of least witness.

Mr. JACKSON made the same objection to his being sworn, and the Court questioned him as follows:—

Q. Which is the oldest—you or your brother?—A. Brother Peter.

Q. Do you know what will happen to you if you take swear, and tell what is false?—I will die and go to the Devil. Q. Do you know who made you?—A. God. Q. Do you know Jesus Christ?—A. If I believe in him, when I die I will go to him. Q. Do you know what an oath is?—A. Yes.

He was then sworn.—Q. Do you know the prisoners at the bar?—

A. Yes. (He recognised all but James Campbell.) I was at Richard Allen's house. When I was over there, I did not hear nothing there.

Then went to Cunningham's, and stood outside the house on a bench. Heard Trelawny say he had heard they were going to get free, else Friday and Saturday. William Stennett said he had heard so, but he was not going to look for it, as long as he had cloth and fish: that was all he wanted. Then Trelawny said they would get free else Friday and Saturday: if they did not get it they would rise at Christmas; and, when he got free, he would not live in such small houses, but would get his master's great-house. He and the white people would be on a shooting then. William Stennett said, if they got free the white people would hire them to cut the canes. This was in Cunningham's house.

Philip Haughton was there, and drank Wilberforce's health. A man and a woman were there at same time, from Friendship. Some from Laddington were there. A woman and a boy from Bamboo. I went to Mary-Ann Reid's dance same night. Did not hear nothing there.

Mary-Ann Reid had two dances: the first dance at yams-time, the same night as Cunningham had a dance. I went there, and heard nothing.

When Mary-Ann Reid had her second dance, Adam Webb had a dance. At the second dance at Mary-Ann Reid's, William Kerr was there; Richard Allen there; Robert Galloway not there; Garrett Rainie there; don't remember Philip Haughton; William Stennett there; John Cunningham there; Archy Bucknor not there; Mary-

Ann Reid there; James Kerr there; William Kerr there; Corydon there; did not see Proby; a man from Chatham, Daniel, was there; did not hear him say any thing. They almost always talk about free every night coming from the field. I have heard Trelawny say so. Trelawny said it would be a word and a blow between them and white people if they did not get free. Philip Haughton drank Wilberforce's health at Cunningham's house. They said Wilberforce would make them get free.

Cross-examined by Mr. JACKSON.—Knows Robert Goldring. I never have had any conversation with him about the business. We were going to Lucea together one day, and he said he would tell white people about it. It is all from my own knowledge what I say. I heard it all with my own ears. I had a hog from John Cunningham. I was to keep it until it was big, and then to share it. I live at Great-River, at a thatched house belonging to Mr. Scott. Cunningham took the hog from me. I do not remember that I said any thing to Cunningham. He gave me two dollars. I left Scott's house a long time since. Mr. Bernard took charge of the place. It was last year. Year almost out when we left it, and Mr. Bernard came. Q. Was this a large hog? —A. I had it from a little pig till it grew a large hog. After I could not get more than two dollars I was satisfied; but I first quarrelled with him, and tried to get more than two dollars. It was worth eight dollars. I do not recollect what I said. I remember a fire at the house where we lived. We all lived there—mother, sister, and brothers, when the fire happened. Only my sister, mother, and brother, saw me the day of the fire. I saw Mr. Kathrens there that day: he came in a canoe. Next day Mr. Scott came. Had no talk with him. After the fire, the next day, one of Mr. Scott's men brought me up to him. I do not remember what conversation I had with Mr. Scott.

Examination objected to by Mr. GRIGNON, as tending to criminate himself.

Mr. JACKSON replied, he might impeach witness's credibility, and cited Hawkins' Pl. C.

Mr. GRIGNON, in reply, cited Philips' Law Evidence, 229.

Question waved by Mr. JACKSON.

I am now living at Mr. Sharpe's. I went over to Unity-Hall sometimes. In the evening, when they drew off work, I heard them use these expressions. I went over there almost every night. My mother has a husband there, named Morgan. Morgan does not feed me. I have been twice in his ground. Just walk go there. I live at Mr. Sharpe's. Mr. Sharpe knows it. I frequently carry fish there to sell. Mary-Ann Reid has had two dances. I was only once at Mary-Ann Reid's dance. The night of her first dance I was at Cunningham's, and the last dance I was at Mary-Ann Reid's. I and the fiddler came away together in the morning, and went to the Bay in a canoe. I left Cunningham's house, after his dance, at six o'clock in the morning. My brother was not at Cunningham's dance. He was at Mary-Ann Reid's dance. He went away part of the night, about four o'clock in the morning. He went away to go fishing and left me. Webb and Mary-Ann Reid had a dance the same night. I did not go to Webb's. He

told me he had a dance. I know Daniel, from Chatham. He was not at Cunningham's dance, but he was at Mary-Ann Reid's last dance. Emily and Mary-Ann Reid are his sisters. His father is Cuffee, and he belongs to Unity-Hall. I know Allick Christie. I quarrelled with him about an oar belonging to his canoe: we borrowed his oar. When Trelawny said they would have a word and a blow, he was speaking to William Stennett. Trelawny was at the door mouth. I was on a work-bench at Cunningham's dance, and fiddler was inside.

Re-examined by Mr. GRIGNON.—Was at Cunningham's house at myams-time. I was there twice, besides the dance. There was a fiddler there the first time, but not the second time. It was about a week's time between the night there was a fiddle and no fiddle. My brother was there with me when there was no dance. Q. What was the conversation, in the canoe going to Lucea, between you and Goldring?

Mr. JACKSON objected to the question.

Mr. GRIGNON said he had a right to put it: that, as Mr. JACKSON had asked about it in his cross-examination, he had a right, on his re-examination, to have the whole out.

The Court agreed with Mr. GRIGNON, that he had a right to put the question, but wished him not to press it. Question waved.

Re-examination continued.—Mr. Sharpe threatened to shoot the hog; that was the reason I sent it away.

Robert Goldring, a mulatto slave, about twenty years of age, belonging to Mr. Coveney, being christened, was sworn.—Knows some of the prisoners. Knows Richard Allen and Cunningham. Philip Haughton I have seen; don't know him except by sight. Knows Trelawny. I know that man (William Stennett), but forget his name; he is Trelawny's brother. I know Garrett Rainie. I know Archie Bucknor by sight. I know William Kerr and Mary-Ann Reid. I do not know Corydon, James Kerr, Robert Galloway, Proby, and James Campbell. One Sunday evening I came over the river to the mother of these two boys. I went to get some money a woman, named Margaret Elliott, owed me. I saw her, and she told me she had given the money to the Bartiboes' mother; and I walked to the negro-houses to see her. I was vexed, and asked her for the money. I went to the door. She said I must stop a moment: that she would go down and see her son Peter, and try to borrow the money from him. While I was walking up and down the yard, I heard Richard Allen say to Trelawny, we are all to get Friday and Saturday. He was in his house when he said so, and I was close to it. Trelawny said to Richard Allen, no, we are all to be free. Richard Allen said no, we are to have Friday and Saturday. Trelawny said, when we are free, we wont live in such small houses as we live in now: we shall have master's great house. Richard Allen said, buckra wont allow you to make large houses. Trelawny then said, if they don't allow us, we shall fight for it. It was a Sunday morning: they had had a dance the night before. I went away to the river. About two or three days after I came back, and in the afternoon went up into Unity-Hall negro-houses. I stopped there till late, and had supper; but the old woman (Bartibo's mother) said she had no place for me to sleep. She went out to try to get me

a bed, and asked a man they call Andrew Dawkins to give me a bed. He came up and looked me full in the face: did not speak, but turned round and went away. Finding I could not get a bed, I went away down to the wharf-house, and lay down on the sails of my canoe and my nets. While I was there, I saw about twenty negroes assemble, and call out names of other people, but not their buckra names. I heard them call like a list. I looked out and saw about twenty near a large logwood tree, some standing in the road, some sitting on a wall. I heard them call Sam Wyllie. I went back to the hut and lay down. What they were doing I could not tell. They stopt there till about three or four o'clock in the morning, when they went away. The moon rose about ten or eleven o'clock. I did not hear their conversation; it was a good bit from the road where they were to the hut. Hannibal was the watchman at the hut.—I went out to fish very early in the morning. I did not tell him what I had seen, but asked him where he had been? He said, he had caught some crabs, and carried them to Mrs. Shrieves, at Welcome-Wharf, to sell. When Sam Wyllie's name was called, I heard him answer. I know his voice. There was no amusement: no drum nor fife. The moon rose late—about ten o'clock. Two days after this I said to Robert Bartibo and Peter Bartibo, "these negroes think they are going on right, but if white people knew it they would not overlook it." I went and informed the constable in Hanover. I told Robert Bartibo I was going to mention it to the constable, and he must remember the words. He was there the very day. He was on the bench when I was walking up and down, and he and I heard it. It was a Sunday morning. They had had a dance the night before, at Cunningham's house. I was not at the dance. I never was at a dance there. It was about eleven o'clock on the Sunday morning that I went there. It could not be negroes passing: it was out of the way: they must have come on purpose.

Cross-examined by Mr. JACKSON.—I never was at any of the dances at Unity-Hall. It was going from Great-River to Lucea that Bartibo and I talked. The meeting at the wharf happened before I went down to Lucea. It was about about nine o'clock at night that I saw the twenty people. The moon rose about ten. I stopped at the hut till daylight next morning. I caught two strings of fish, and gave them to Unity-Hall watchman to sell for me. I did not come out of the hut after the moon got up. I can't point out rightly who they were, but I heard Sam Wyllie called. I heard the list called. It was not a book-keeper: I can always tell a white man's voice. I know the difference between a white person's voice and a negro's. I can't point out any at the bar being there. I do not know them, and, as I do not keep company with them, I cannot tell their voices. Sam Wyllie belongs to Spring-Garden. Q. Do you know a Mr. Sharpe?—A. I have seen him: he is a relation of Mr. Charles Sharpe: he is a mason. He might have taken down something for what I know. I was in Hanover when Bartibo mentioned the business. When I was going to Lucea, I was on the beach at Paradise. Mr. S., the constable, rode up, and said he wanted me. He said I must go to Lucea. I said I would go in my

manoe. He said no, I must walk as he rode. He told me Bartibo had told Mr. Sharpe. I never told Bartibo to keep to one story. In the canoe, when I was going to Hanover, I said to Robert Bartibo (Peter Bartibo was at the other end of the canoe, and did not hear what I was saying), I said them negroes thought they were doing good, but if it got to white people's ears, they would not overlook it. He said he had heard the conversation going on. I said if ever it came out, he must remember to tell what he knew, and he must stand to prove his words, as I said I would tell the Constable. He said yes, he would; but, if his sister Bessy would talk, she knew all about it. He said he would be ready at any time to come forward.

Mr. GRIGNON here addressed the Court, and said it was evident that, from the lateness of the hour it would be impossible to finish the trial at one sitting; and, as it would be giving either the Crown or the prisoners an unfair advantage if one case was closed before the adjournment, by which means the other party would have time to seek for evidence in defence or to rebut particular points, he begged leave to suggest to the Court, whether the more proper way would not be to state a certain hour for adjournment. To this the Court assented, and had said they would adjourn at five o'clock.

Daniel, a negro slave, belonging to Chatham estate, not sworn, being ignorant of the nature of an oath, but declared that if he told a lie he should be punished by the Lord.—He recognises Garrett Rainie. Does not know his name, but has seen him at Unity-Hall. Knows Mary-Ann Reid. I was at her house. I saw William Kerr at Unity-Hall, but I do not know whether he belongs there or not. I went to Unity-Hall a week before Christmas. I went there on a Friday. I saw an old father there. My overseer gave me leave to go there to see him. On Saturday I was at a dance at Mary-Ann Reid's house.—The house was choak full of people, but I don't know them. I went to Mary-Ann Reid's house at Unity-Hall. They had a very good supper. I only heard them drink "Ladies and Gentlemen, good health." Could not hear any other toasts. Garrett Rainie said to me "my friend, where are you from." He said you are sitting down quiet here, you must be a stranger. I said I was from St. James's. He asked me how the law was that side. I said what law? He said the law about Friday and Saturday. I said I did not hear nothing much, except what I had heard there that night. It was a nonsense for slave to talk about such law. I did not think white people would do that, unless they gave up the cane. He said he understood the country was going to be given up to the slaves. I said it was nonsense, that I did not think white people would do so. *They did have the chatting about Friday and Saturday: all were talking about it.* I did not hear anything at all about a free port.

Cross-examined by Mr. JACKSON.—Q. Did Garrett Rainie say the country was going to be given up to the slaves?—A. Yes. He asked me how the law was. He said he understood the country was to be given up to slaves. He said "friend, you sit down quite quiet, you are a stranger." I said yes. He said, he understood there would be a free port in time. I said I knew nothing about it. He then said "I

understand the country is going to be given up to the negroes." I said I can't tell nothing about such thing. Mary-Ann Reid is my sister. Basheba, belonging to Unity-Hall, she is another sister of mine. I carried down a frock for my old father, and went to see him Friday, and staid there Saturday.

Re-examined by Mr. GRIGNON.—The first thing Garrett Rainie said was "my friend, you are sitting down quiet here, you must be a stranger." I then said I had not heard the law my side of the country, as I had heard it that night. I did not hear any thing bad, except what question they ask. William Kerr invited me to come to Spring-Garden at Christmas, because he got good eating and drinking at Chatham, but I told him I could not come.

Mrs. Whittingham sworn.—Knows James Campbell: he belongs to Mr. Whittingham. James came to me and asked what Somerset had been about? I said I did not know. He then said he had been at the Bay at same time; that he had heard all about it, and knew all about it, but he brought a still tongue in his head. He told me that eight negroes had been hanged in St. Mary's, and fourteen more were to be tried, and asked me if negroes could be hanged without the King's orders. It was on Sunday morning, the 28th December, about ten o'clock. He said Somerset had made himself silly in talking about things he ought not to do. Somerset belongs to Mr. John Whittingham. I do not know any thing of James: he does not reside at the wharf.

Eleanor Brown, a negro woman, belonging to the Bogue estate, christened, sworn.—Recognises James Campbell. I saw him up in the mountain. He mentioned slaves were going to get free, and when I came out of the kitchen, I said it was a lie: who going to give them free? He said when New-Year's Day gone past I should see them slaves were going to get free. He asked Robert Campbell if he heard any thing from the sea-side people. He wished the New-Year's Day was come already. I told Robert Campbell not to hear nothing from Jemmy. I do not know Unity-Hall nor Spring-Garden people. I said to Robert Campbell not to listen to Jemmy, because he was a liar. It was a liar word: no one would give me free, and as long as buckra gave me Saturday and Sunday, and paid the doctor, I did not want free. I did not want Robert Campbell to listen, because I knew this word was a lie. He said if sea-side people get the free, he, who was in the mountain, would be obliged to get it. If he get free he would not live in the mountain. I never saw James Campbell at the Bogue. He has a wife at Reading. Jemmy said he wished he could join the people to get free—the sea-side people—Galloway's people.

Cross-examined by Mr. JACKSON.—I have known Jemmy, in Mr. Whittingham's mountain, since Jemmy has belonged to Mr. Whittingham. I have a husband at Mr. Whittingham's mountain. I had my husband before Mr. Whittingham bought Jemmy. I do not know whether he is a liar. I would not believe Jemmy, because I do not believe about the free. *I never heard him tell a lie. I did not believe him, because we not going to get it. Robert Campbell and Jemmy were talking. I was in the kitchen, and heard Jemmy talk the word. I heard Jemmy speak. I heard say the word. I was in the kitchen, and*

came into the house and heard Jemmy. I heard Jemmy say if sea-side negroes get free—he (Jemmy) said the Unity-Hall negroes. I heard Jemmy say he would join the people there—he said the Unity-Hall people. He did not call kill at all. *Jemmy said that they were going to get free.* That if the sea-side negroes get free, they, in the mountain, would get it. That he would join the Unity-Hall people.

By the Court.—Q. What did Jemmy mean by saying he would join the Unity-Hall negroes?—A. He said the people were going to rise—Jemmy said. Q. When was this, before Christmas or after?—A. Before Christmas: long before: about seven weeks before Christmas. Q. How long have you known Jemmy?—A. I have known Jemmy about three Christmasses.

Adjourned till Thursday morning, at nine o'clock.

JANUARY 29, 1824.

Robert Campbell, belonging to the Bogue estate, a negro, not sworn to—Knows James Campbell, Providence, and Corydon. I was up at Mr. Whittingham's mountain: I went to buy provisions, and at night James Campbell came in to Thomas Darby's house, and tell Thomas, says he, he heard the country going to be free, and Thomas asked him how he came to hear it. I went out on the steps, and James came out on the steps and asked me if I heard of it, and told me the negroes were going to get free. I tell him I never hear such question as that, and he said I came from sea-side, maybe I knew more than he knew in the mountain. I asked how he came to know it? He said that although he lived in the mountain, he knew more what was done at the sea-side than I who lived at the sea-side; and, in the Christmas, he was coming down to sea-side to eat Christmas, and when, if any of the sea-side negroes get free, he would not go back to the mountain after Christmas. At Christmas I saw him at Mr. Colome's wharf, and I said "James, you come down." He said "Yes! I had come down to seek about those things." I asked him what things? He said about free. I asked him how he came to hear that? He said he heard it from Spring-Garden people, and then I asked him who he heard it from? He told me, at last, he heard it from Corydon, belonging to Spring-Garden. He said if any of the negroes took it, he would take it—he said Spring-Garden negroes—he heard it from Spring-Garden. *They said after New-Year's Day the country would be free. If any place get it, he would not go to the mountain. He would not call any name, but Corydon. He said he had been to Spring-Garden. He said he would not go to work if any of them did get free. He said he had been to Spring-Garden, and had heard it from Spring-Garden people, but would not name any but Corydon. James said there was a man named Wilberforce was going to give them free at New-Year's Day. He said (Jemmy) was coming down at Christmas to see about the free.—Jemmy said if any of the negroes got free he would take it. He said he went to Spring-Garden to a dance. He did not tell me when Corydon told him. Thomas Darby did not say nothing. Jemmy brought up the word, and Thomas Darby said—*

Mr. JACKSON here objected to any thing being mentioned that Thomas Darby said.

Mr. GRIGNON said it was in the presence of the prisoner, and was admissible evidence.

Objection over-ruled by the Court.

Thomas Darby said to James he did not care about the freedom. If any body have it, very well. Jemmy said because him (Thomas) live well with his master, he did not wish to hear such questions. I only heard James speak of the time at the mountain and the time at the wharf. He said he had got it from Spring-Garden people, and mentioned Corydon's name.

Cross-examined by Mr. JACKSON.—Eleanor and Sarah were in the kitchen: me and Thomas Darby and Jemmy were in the house. Eleanor heard half what Jemmy said. She went into the kitchen. When I saw Jemmy begin to run hard about such questions, I went out into the steps. Then Jemmy came out and said, though he lived in the mountain, he knew more what was done at the sea-side than me at the sea-side. He spoke of Wilberforce going to give them free after New-Year's Day, but did not speak of any quarrel between the King and Wilberforce. I have known Corydon since last year: all last year. It was when I went out to the steps that Eleanor heard Jem. The two houses are so near that in the kitchen you can hear what they say in the great-house. It is not a buckra-house. It is a negro-house. In the negro-houses we were, and the little kitchen is to cook the victuals. It was Thomas Darby's house. *I heard all that James said. I have said all I heard. He did not speak about buckra. He did not speak about other estates. He did not say about half the mountain negroes.*

By the Court.—Q. Did you hear Jemmy say the people would rise? —A. No: Jemmy said if any got their free, he would get it. That the word would be given out at New-Year's Day for the country to be free. Q. You have mentioned that when you saw Jemmy at the wharf he only spoke of Spring-Garden negroes. Did he, in the mountains, mention Unity-Hall negroes.—A. No: he did not mention Unity-Hall negroes, he only said Spring-Garden.

Sam Wyllie, a negro, belonging to Spring-Garden, not sworn.— was at both dances—one at Mary-Ann Reid's house at Unity-Hall and one at Adam Webb's at free-school. I know the prisoners. Proby was at the dance at Mary-Ann Reid's, just before Christmas. He was at Mary-Ann Reid's house. When morning star rise, I came up to Mary-Ann Reid's house, and took a dance, and then went away. I met Proby at the grindstone as I was going home, and we walked home together. When we got to the big road, I looked round and saw William Kerr coming along. Proby began to tell me about Friday and Saturday. William Kerr overtook us. Proby said that we were going to get Friday and Saturday, and if we did not get Friday and Saturday we should be free. I said I could not believe it. Then he said, if I did not believe it, after New-Year's Day I should hear better. He told me that Mr. Barrett was gone up to town; and from town he heard he was gone off in the Packet. Then I asked him

What he had gone home for? and he said he had gone home to seek for Friday and Saturday or their freedom. He said the Duke would come round after New-Year's Day. I told him I did not believe it, because we lived well on the property, had plenty of allowances, and did not want it. I did not expect any thing more. I said we upon the property are better off than those that are free already: that I had plenty of land to work provision, and plenty to eat, and master always gave us better allowances than those people who were free already: that we slaves upon the property, when we were sick, master employed the doctor to attend us, and always mind us till we get better. *Just as Proby and I met up, he took up this word. I had no conversation with Proby at the dance, as I had gone to the brown dance at free-school. I did not stay at Mary-Ann Reid's house. Proby was there, but I was not there. Proby left me at the brown people's dance, and went by himself to the dance at Mary-Ann Reid's house. William Kerr did not join in the conversation. William Kerr had come from Mary-Ann Reid's dance. He did not use any expressions one way or other. I know James Campbell—I saw him at Spring-Garden, at Ann Sinclair's house. He was at Spring-Garden, but I did not go to the dance, because it was my watch at bottom.*

Q. Cross-examined by Mr. JACKSON.—At yams-time it is customary for us all to have our friends about us. He did not tell me nothing at all about a rise; but what he speak I talk. I went to Mary-Ann Reid's dance, and the dance was going on.

A. Louisa, a negro slave, belonging to George Williams, not sworn.—knows Mary-Ann Reid. I was in the gaol, in the same place as Mary-Ann Reid. I heard her say "the word did spell in her house, but him can't talk to make buckra hear her: by and by buckra would punish her." One night we were talking, one strange woman came to me, and Mary-Ann Reid said, when she came to the Court-House she would not talk it because of buckra. I can't tell what she meant, but she said the word did spell in her house.

A. Mr. Aikman, overseer at Unity-Hall.—Q. Were you informed of, and gave permission for a dance at Mary-Ann Reid's, a week or ten days before Christmas?—A. No. I gave leave to Adam Webb to have a dance, but I did not give leave to Mary-Ann Reid that night; that, as I gave leave to Adam Webb, she might have thought she had leave. Q. Did you ever say that you had not given them leave to have any dance since August last?—A. I do not recollect. Adam Webb's house is within two hundred yards of the overseer's house, but Mary-Ann Reid's is half a mile off. All the negro-houses are upon the same line as Mary-Ann's Reid's is, except the head driver's and head cooper's; those two and Adam Webb live at the free-school: all the negro-houses are within twenty-four feet of each other.

Q. Cross-examined by Mr. JACKSON.—Q. Have not the negro-houses been removed from the free-school to their present situation?—A. Yes. For these four or five years we have been removing. In 1819 we commenced removing, and there are now forty houses there. Adam Webb desired me leave to have a dance, on the 13th December, at dusk. The negroes asked for merry-making the day they eat their new yams, on the

27th September: they asked me at shell-blow. I have lived eleven years at Unity-Hall. Never have been any unusual numbers met at Unity-Hall. Has been ten years in charge of the property, as overseer. There are 232 negroes on the estate. Q. During your residence on the estate, what is the character of the negroes?—A. I have some bad characters of runaways—one or two on the property: the others, generally speaking, I reckon to be very good people, as far as I have seen: not all of one disposition, nor all of one temper. As far as I know they are well disposed, and I believe they do nothing purposely to injure their master's interest. Q. Do you know the prisoner, Robert Galloway?—A. Yes: he is head driver; as far as I know he is a well disposed negro. It is not very probable that a head driver would be a bad disposed negro. Archy Bucknor is a very good character, as far as I have seen, and is head pen-keeper. Philip Haughton is a good trustworthy negro, like the other two: he is second driver, and a man that I would trust with any thing when my back is turned. William Stennett is as fine a negro as ever I saw in Jamaica: we never had an angry word together. The others are common field negroes, except John Cunningham, who is head watchman. Richard Allen is a fine a working negro as I have upon the estate: not one of the prisoners ever ran away. Trelawny was injured in the hip, but is now got better again: he was out and in the hospital for two years, and doing but little work, but for some time past he has been in the field. Mary-Ann Reid's character is good as far as I know, as long as I have lived on the estate. Unity-Hall joins Spring-Garden, line and line. I cannot say whether the negroes are in the habit of visiting. I have never been at any of their meetings; but, as far as I know, they are on good terms. They have wives on the estate. Spring-Garden negroes have wives at Unity-Hall and Unity-Hall negroes have wives at Spring-Garden. I know William Kerr, as he is head boiler on Spring-Garden. I know nothing of James Kerr or Corydon. I know the family of the Bartiboos: their father was a fisherman, hired at twenty pounds a-year, on the estate. They lived on Unity-Hall the first day I went there. I believe the father has been dead about two years: as far as I can recollect he quitted Unity-Hall in 1816.—Q. Do you know the character of Peter and Robert Bartibo?—A. I do not consider them any great characters: they have been a great nuisance on Unity-Hall. I have taken them up. Last year I took one of them in the cane yard at night, going down by the works. I have frequently given the estate's people directions to drive the Bartiboos off whenever they see them. Mr. Galloway did not like to see them on the property, and many times has told me not to allow them to come on the property. One little boy, a brother of Peter and Robert, had bad yaws, and they used to bring him with them when they came. In the mornings I have seen him twenty times coming from the negro-house. I have known the Bartiboos commit depredations by cutting canes. There is a piece of two acres and a-half close to their house: they commenced cutting them: the watchman told me so, but he never brought either of them to me. I only received this information from the watchman. I have cut off the canes, in consequence, sooner than

attended. The mother has lived a long time with a man named Morgan. The mother and all the family I consider free, and she lives with this slave in his house and goes to his ground. I believe Morgan supports her, and he is a great help to the family.

Re-examined by Mr. GRIGNON—The watchman's name was Quashie. I consider cutting canes an offence. I should suppose stealing to be a crime. Q. How came you to swear before the Magistrates that they never committed any crime?—A. I stated I never caught them thieving, except the one I caught in the cane-yard. Q. Did not you state they were merely in the cane-yard about eight o'clock?—A. Yes. Q. What character is Garrett Rainie?—A. He is a good negro; he keeps one wife: I can't say he is a bad negro. Q. Did you ever tell any one he was an obeah man.—A. No. Q. Did you ever mention to any person that you knew there were meetings at the bridge?—A. I mentioned to Mr. Watt that there were meetings at the bridge on Sunday mornings: there were one hundred negroes—negroes going to market. Q. Then these meetings that you speak of were merely matters of course?—A. I consider they only went there to buy and sell provisions. I never saw any harm there. Q. Did not you mention this in consequence of the proceedings at Unity-Hall?—A. Not the least idea of it in my mind. Q. Did you ever give a different character of the Unity-Hall negroes to any person from what you have given to-day?—A. No—When asked as I have been to-day I never did. Q. Did you ever say they were villainous or rascally?—No I never did. I said that negroes were troublesome, but I did not allude to Unity-Hall negroes. Q. Did you ever mention you should have to send some more of them down to the Bay?

Mr. JACKSON objected to the question, and cited 1st Burn's Justice, p. 844.

Mr. GRIGNON answered, and cited Philips, 229 and 230.

Court over-ruled the objection. A. I said I was afraid I should be obliged to send one. Q. Did you recollect that you said before the Magistrates that they never got your sanction since the month of August last?—A. I stated before the Magistrates either August or September, I know not which.

Examination of Thos. Aikman, overseer at Unity-Hall, taken Dec. 23, 1823.

“Q. Have you lately given the negroes leave to have dances?—A. Saturday week the brown lad, Adam Webb, asked leave to have a little merriment, and promised to have it over by half-past eleven o'clock. This was two hundred yards from the overseer's house where he lived: not in the negro-houses. That he was given no permission to any one to have a dance in the negro-houses since the month of August. The negro-houses are nearly half a mile from the overseer's house. Does not know of any dance in the negro-houses on Saturday night week: if there was, it was unknown to him.”

Further examination, 31st December, 1823.

“I told them (the Bartiboos) never to put their foot on the estate again: Mr. Galloway would not allow them: and if they did, they would be taken up. Never heard any charge against them: never heard they had committed any crime: never were brought before me for any crime, but merely were ordered off the estate.—Sworn before me, this 31st December, 1823.

“SAMUEL VAUGHAN.”

I was obliged to remove Quashie as watchman. I dare say all watchmen cut canes. The cane-piece is close to Bartibo's house. I never saw them cut canes. I never gave the negroes on Unity-Hall permission to dance from the time of yams, in September, till Christmas, except the dance to Adam Webb. Q. Where was the watchman: on the top side of the piece?—A. About the middle of the piece. The cane-piece is narrow and the watch-hut in the piece.

By the Court.—Q. As you know the Bartiboos so well, why did you not know which it was you took up walking in the cane-yard?—A. I don't know—don't recollect.

Mr. Lindsay, overseer on Round-Hill estate, sworn—Q. State what character you have heard of the Unity-Hall negroes?—A. I never heard any thing. I went over there one day after the negroes were taken up. Mr. Aikman said this is a troublesome business altogether, taking people from home. Mr. Aikman said they are a villainous set; but, like other estates, there are good and bad among them.

Cross-examined by Mr. JACKSON.—Q. Did this conversation pass between you and Mr. Aikman at Unity-Hall?—A. Yes, at the overseer's house. I went to enquire if he had any of his people home from the Bay. He said that he had just sent another. He did not know what for; and he was afraid he would be obliged to send more. He said one of them had been insolent to the book-keeper. It was in consequence of that he said "*some more.*" I am confident he said he thought it was for assisting the Round-Hill negroes in tying the Bartiboos that the one was sent. It was in consequence of an order from the Magistrates.

Re-examined.—He said one of the negroes had been insolent to a book-keeper. Two negroes from Mr. Payne's mountain had been passing along the road and called to one of the negroes to speak to him. The book-keeper would not let him go, and at breakfast time he went down. After breakfast, the negro gave a laugh and said—"Ah, negro more than buckra. Negro will take them time." I asked him if he was going to send him up to the Bay. He said yes: but how to take him? I told him that, when they served fish to-morrow morning, it would be a good time to take him. He said yes, he believed he would. I do not consider he was asking my advice.—Q. Was it not in consequence of this conversation that the words villainous set was used?—A. Yes. Q. What impression did it make on your mind?—A. It made a very bad impression on my mind: it conveyed to my mind that they were rebelliously disposed.

By the Court.—I connect, in my own mind, the word villainous with their being taken up. He meant that there were bad ones among them. I have often heard the expression "rascally set" used by others.

By Mr. JACKSON.—Q. Do you not think Mr. Aikman mentioned that he had an unfavourable impression on his mind merely in consequence of some of the negroes being charged with so serious an offence?—A. Yes: he may. Q. Did Mr. Aikman, as overseer, express any indignation that more innocent negroes should be taken up?—A. No: he did not express his confidence of their innocence,

Case closed on part of the Crown.

MR. JACKSON—

*May it please your Honours,
Gentlemen of the Jury,*

It falls to my lot, assisted by my friend, Mr. QUARRELL, to defend the unfortunate prisoners at the bar of the foul crime of rebellious conspiracy, and I must confess that, in my judgment, upon hearing all the evidence that has come out on the part of the prosecution, it does not prove nor bring home to them the charges, either as conspirators or as actors individually. The indictment is formed upon the 46th, 51st, and 54th clauses of the Slave Law, and the first six counts are a rebellious conspiracy, to meet the evidence that it was supposed could be adduced this day, in support of this charge; and under each of these counts, if found guilty, the lives of the unfortunate prisoners, who are before you, would be forfeited. It must, however, appear strange to any but a professional man, that the 7th count should have been added to this indictment. The 7th count, Gentlemen, charges the prisoners with having held private meetings, without the knowledge of the overseer, attorney, or other person having charge of them, under which count, if found guilty, the punishment is merely of flogging. I will endeavour to state to you the reason of this. Mr. MARRIGNON, in his opening, stated that a case had been prepared for the purpose of obtaining the opinion and advice of his Majesty's Attorney-General, as to proceedings that should take place; and if, in the first instance, he should advise a prosecution, how the counts should be framed and the indictment drawn. That able lawyer did commend the first six counts, as affecting the lives of the prisoners; but his quick penetration and consummate judgment suggested the propriety of adding the 7th, fearful that the evidence to be given in support of the other six might not be sufficient to convict them, and to make sure, at any rate, they should not get off. Now, Gentlemen, I do say, that none but a professional man could, for a moment, give any reason why six counts, affecting the lives of the unfortunate prisoners at the bar, should be brought forward, and that those should be connected in the same indictment with the 7th, the punishment for which is only a simple flogging; whereas, if found guilty on either of the other six, the lives of the unhappy prisoners will be forfeited. Dances, we all know, Gentlemen, are permitted by the Slave Law; and as to meetings, there is but one witness who has spoken of a meeting, and even he, Gentlemen, could not state that any of the prisoners at the bar were there. Such dances then, Gentlemen, being sanctioned by the Slave Law, should not be stampt with the charge of sedition, conspiracy, or rebellion, without the testimony of known good characters—men of reputation; nor should it be set down upon slight grounds that they have attended those dances for dangerous purposes, such as may affect the safety of the inhabitants of this island, whether white people or free people of colour. I submit that some of the characters whom you have produced before you, in support of this indictment, are not the kind of people that ought to have been produced, to stamp the prisoners with the foul character of conspirators: they should have persons more generally known, and I will

contend that no expressions at this dance, which do not bear the evident meaning of rebellious conspiracy, should be tortured into expressions of disaffection and rebellion; and every allowance should be made for their deplorable ignorance, which indeed pervades their whole race—a state to which it would appear they have been designed by nature; and it should also be remembered how liable we are to misconstrue their words, from the very incorrect and unintelligible mode the negroes have of expressing themselves. If any hasty expression should have escaped the negroes at their dances respecting emancipation, will any one doubt that they have been led away by what has passed in the House of Commons, and by the rumours of a class of fanatics, justly stiled our enemies? If, then, Members of the House of Commons—men who are supposed to be of education and knowledge, shall, with impunity, broach and publish doctrines, which they must be well aware could not be invented by the prisoners, and which these Members of Parliament must have known were calculated to mislead the uninformed minds of slaves (for instances of the kind were not wanting)—If then, I say, that such shall be permitted with impunity, how much commiseration is to be shewn to the prisoners at the bar, whose only offence is enquiring into the meaning of these doctrines, and have given way to feelings which were heretofore strange to them, and would, to this day, have remained so, had not these doctrines been broached to them? I again express my conviction that the evidence adduced on the part of the prosecution does not come up to the proof which ought to have been brought forward, to put the lives of fourteen in jeopardy. Has any evidence been produced that they had arms or ammunition, or that they had any weapons concealed?—No. Does the evidence shew any previous concerted plan on the part of the prisoners at the bar?—Certainly not. Is it in evidence that there has been any communication between the prisoners and those men in St. Mary's, who have been justly convicted and suffered for their crimes?—No. In a future stage of these proceedings it may be pressed on your consideration, that it appears, from the evidence of Mrs. Whittingham, as to Jemmy, one of the prisoners, having given information on a Sunday to his mistress, that eight negroes had been hung on the previous Wednesday. Now, Gentlemen, what distance is Port-Maria from Montego-Bay? How long will a person be in going from one place to the other? By water it would be accomplished in twenty-four hours, perhaps in twelve hours; by land in thirty-six or forty-eight hours.—These people who were hung, were hung in St. Mary's on the morning of Wednesday previous to the Sunday when James Campbell gave the information to his mistress. As to the evidence of Eleanor Brown, who states a confession made by Jemmy in private to her, so far as it goes it can only affect Jemmy himself. The evidence of Robert Campbell is to the same effect against Jemmy, and there is also Samuel Wyllie's evidence against Proby; and generally, when you have the confession of one of the prisoners, it can only affect that person himself. I shall shew you from Hawkins' Plea of the Crown and Mr. Philips' Law of Evidence, that whatever Jemmy might have said cannot, in the slightest degree, affect either Unity-Hall or Spring-Garden.

negroes. (He then read 4th Hawkins, 444, and Philips' Evidence 82 and 83). Now then, Gentlemen, with regard to this evidence of Eleanor Brown, against James Campbell, there is this law. (He then read 4th Hawkins, 435). I trust, therefore, you will recommend him to mercy, although you may find it your duty to convict. With these remarks I shall now submit to your consideration the evidence for the prisoners.

James Scott, sworn.—Is acquainted with the two Bartiboes. Q. Will you state what you know of them?—A. Some time last year Mr. Kathrens wrote me—

Mr. GRIGNON here objected, that nothing could be spoken of but from witness's own knowledge, and no collateral facts could be gone into. That the witness might be asked generally as to his knowledge of the witness's character, but that he could not go into any particular circumstances, and cited Philips on Evidence, 229.

Mr. JACKSON stated he had a right to shew any circumstances to impeach the credibility of a witness produced by the Crown, and cited 4th Hawkins, 437—1st Burn, 833, 834, 835, 843, and 844.

The Court allowed the objection.

Q. Have you the means of knowing the general character of the Bartiboes?—A. In some measure I do.—Q. Would you, from that knowledge, believe them upon oath?—A. I would not.

George Kathrens, sworn.—Knows the Bartiboes. Q. Have you the means of knowing the general character of the Bartiboes?—A. I have.

Q. Would you, from that knowledge, believe them upon oath?—A. On no account.

Cross-examined by Mr. GRIGNON.—Do you know any thing of your own knowledge?—A. I do. Q. When you were before the Magistrates, did you declare that you knew nothing of your own knowledge against them?

Examination of George Kathrens, taken 31st December, 1823.

“ Q. Do you know the two Bartiboes?—A. Perfectly well. Q. Which is the eldest?—A. I believe Peter. Robert ought to have been hung eighteen months ago. Q. Will you speak to the general character of them?—A. I never heard any thing good of them. Q. Relate what you know of them?—A. I went down to Great-River, in a small canoe with a couple of boys, about eighteen months ago, after the death of the father: the mother's house was in flames: the mother told me her son Robert did it. Q. Did she tell you Robert wilfully set fire to the house?—A. She said, Robert said he wanted to burn the old rat out, and the young ones—he meant his mother and the grand-children. She told me he had got on an adjoining hill, and was stoning. I did not see him. The mother told me this: she did not tell me any thing else. I saw the house in flames: it was not a good house. The mother I have known for thirty-five years: she is a bad character: an indolent woman. She was once sent from Unity-Hall to the Workhouse. I know nothing of it but what the mother told me. She said nothing against Peter Bartibo. They never stole any thing from me. Their common character, as I hear, is infamous; but I know nothing of my own knowledge against them.

“ Sworn before me, this 31st December, 1823.

“ SAMUEL VAUGHAN.”

Q. You have said you knew of your own knowledge—what do you mean when you say you know of your own knowledge?—A. I saw a house on fire, and the mother told me Robert had done it.

Robert Waite, sworn.—Knows the Bartiboes. Q. Have you the means of knowing the general character of the Bartiboes?—A. Yes: I never heard any good of them.—Q. Would you, from that knowledge, believe them upon oath?—A. I would not believe a word.

Cross-examined by Mr. GRIGNON.—Does not live at Unity-Hall.—Has not a wife there. She once belonged to Unity-Hall, but purchased her freedom long ago. Q. Suppose a negro and the Bartiboes to tell you any thing, which would you believe?—A. There are principal negroes that I would believe—not all negroes.

Betsey Bartibo, the elder, alias *Elizabeth Scott*, sworn.—Goes to Unity-Hall sometimes. Does not stay there entirely. My husband lives there: has a ground there. Remembers when John Cunningham had the merry-making at yams-time. All the Unity-Hall people eat yams together, same time all over the estate. They had a dance at night, at Cunningham's house. Did not hear of any other dance. The Guinea negroes played goombah too, and danced. I was with them when they played a little time. Did not hear the negroes say any thing bad before I left them. As long as I stayed there I did not hear any thing bad. I left them playing and dancing. I did not go to any other dance that night. The Guinea negroes were playing out of door. I saw Robert Galloway there. Did not hear him talk. Left him there. Never heard him say any thing bad. If Unity-Hall negroes had any bad meeting, I should have heard them. Never heard them mention any, or I would have mentioned it. I never knew any negroes better treated than Unity-Hall. They always say their owner is very good to them. Robert Galloway always minds his master's work well. I know all the prisoners belonging to Unity-Hall. Never heard any thing bad of them. Does not know much of Spring-Garden negroes. I know William Kerr: always see him come to Unity-Hall. Cannot tell whether he is good or bad. I heard they had some meeting, or dance, at Spring-Garden canoe-house. They had a little play there. William Kerr said so. On a Sunday morning William Kerr came, and said they had a play last night at the canoe-house.

Betsey Bartibo, christened, sworn.—Was at John Cunningham's dance yams-time last year. I went there at night, one Saturday night, about dusk, before dark. I never left it till next morning. No words at all passed at John Cunningham's house. I have heard of the Unity-Hall negroes speak of getting free: they would fight for it. Trelawny said so. Trelawny is Cunningham's son. He was speaking of it to William Kerr, of Spring-Garden; and told him if they did not get free, they would fight for it. It was on a Sunday morning, after the dance. Trelawny said so. Emily was there. Nobody else was there. All the rest had gone away. I don't know whether Emily heard. I was inside, Emily was inside, and Trelawny and William Kerr were outside. It was past negro breakfast time. Has no husband now at Unity-Hall. Had one there last year, William Stennett. They could not agree. He went to have another woman. I am a sambo.

Cross-examined by Mr. GRIGNON.—I and Emily were in the house. Any body might have been outside without my seeing. William Kerr came to Unity-Hall one morning, and said they had had a noble meeting in the road. I heard it out of William Kerr's mouth at the negro houses. It was a meeting at Spring-Garden road. They did not mention a dance. I did not understand the meaning of the meeting. It was on the road. It was the week after Montego-Bay Court (in November) that the meeting was. William Kerr spoke of there being a meeting twice. The meeting was some weeks after Cunningham's dance, one week after the Court. When William Kerr spoke to Trelawny, it was the day after Cunningham's dance.

To question by Court.—I and Emily were inside the house the same Sunday morning after the dance at John Cunningham's. This was the Williams-dance. The time he spoke of the meeting, I was at Richard Allen's house. Richard Allen and all were there; Trelawny was there; Emily was there; none of the Unity-Hall negroes were there. William Kerr said they had had a noble meeting at the canoe-house.

Mr. JACKSON here stated that he suspected his witnesses had been tampered with.

The Court said they could not allow such a suspicion.

Mr. JACKSON said he would prove it, and re-called

James Scott, re-examined.—Last Saturday eight days I saw Betsey Bartibo at the Church-yard, and asked her what she was doing there. She said she was not at the Bay as a witness, and that all Peter had said were lies. I concluded it was so.

Mr. GRIGNON here objected to this course of examination, and said no person could call evidence to discredit his own witness—Philips on evidence, 232.

Mr. JACKSON here requested that the Court would order the Clerk of the Peace to produce Betsey Bartibo's examination before the Magistrates.

Examination of Betsey Bartibo, taken 31st December, 1825.

"She is older than her two brothers, and was a good deal at Unity-Hall. She has no husband there now: had one there before William Stennett, but have not got him now. Last time I was at Unity-Hall was when Mary-Ann Reid had a dance: went to the dance; but did not hear any thing pass when I was there at the dance. The other story that Goldring was talking about: there was a parcel of men talking, but I did not mix with them: I staid with the women. I heard the negroes always talk that Friday and Saturday was their's. They did not speak of injuring any white people; but said they were going to leave Friday and Saturday. Never heard Wilberforce mentioned. Did not hear them say any thing about they would take with strong, but that they were to have Friday and Saturday.

"Taken before THOS. PHILLPOTTS,
D. BOYD.
W. S. GRIGNON."

Robert Adcock, gaoler at Montego-Bay, sworn—About three weeks ago, two of the Insolvent Debtors were playing at skittles: the ball struck Peter Bartibo, and he immediately took up the ball and threw it away. I chastised him for so doing. He began to abuse me in a most shameful manner. Several of the prisoners told him if he was

not quiet he would get himself into trouble. He still continued, and aggravated me to that degree that I took the keys and locked him up all night. He was next morning released, on Mr. Phillpotts making him beg my pardon. I know nothing further.

Mr. Mollyson, overseer at Spring-Garden, examined by Mr. JACKSON.—Q. Will you explain to the Court the play at the canoe-house? —A. The negroes of Mr. Clark, the mason, were hanging the coppers: one of them played on the fife, and on his continuing to do this, it occasioned a collection of negroes which I dispersed, and I checked him. Some few nights after I heard a fife and drum at a distance: I asked the watchman what it was, he said some people were playing at the canoe-house, as I would not allow them to play in the yard. This was in my opinion the sole occasion of the meeting: it was in November after the Court. I whipped two or three of the Spring-Garden negroes for going there: none of the prisoners at the bar were there. I do not know the number of people there: the watchman mentioned two of the people who were there. The canoe-house is about a quarter of a mile from the works, the winding of the road puts it out of my sight. It is not a confined place: not likely for private meetings: a field of guinea-grass is near it. I know nothing of the Bartiboes but from common report. I have resided at Spring-Garden eighteen years. Taking it on the whole, I think William Kerr, James Kerr, and Corydon, very good slaves. Sometimes I have punished them, but never knew them guilty of any thing bad. I always considered that they are the reverse of rebellious characters. A very little chastisement brings them to a sense of their fault. They never have been accustomed to any severity. I have every reason to suppose they are attached to their master. I never knew them injure the stock; and when an accident happens, they feel for it as much as a white person. It has been customary for the negroes to have a merry-making at yams-time—on one estate at one time, and on another at another. In common, the driver, or some of the negroes in whom I can confide, asks my leave, and I give leave and hold that person responsible. If one asks it, there becomes a general play all night. I never interfere except there is a quarrel, and then I look to the person to whom I gave the leave. As to James Kerr, William Kerr, and Corydon, I never heard any words tending to rebellion, or tending to obtain their freedom. I should consider those three slaves, taking their general conduct, to be as good as any on the estate. They have common faults as well as others: nothing of a seditious nature. The negroes at Unity-Hall and Spring-Garden are on good terms: they visit and invite each other. I have seen Unity-Hall negroes at Spring-Garden, and, to my own knowledge, Spring-Garden negroes go to Unity-Hall: they mix together in habits of friendship.

Cross-examined by Mr. GRIGNON.—I never heard them speak about free. They never asked me if it was true they were to be free. Dickson was the watchman. I cannot tell who was at the meeting. I once wrote about Captain Boyd's negroes: they came into the yard. I don't consider it was a dangerous meeting. They were going to have

at a dance at the grass-piece, and Mr. M'Intosh sent them away. The grass-piece was not under my controul. Some of the Spring-Garden negroes were there. Q. Did Mr. Aikman ever tell you he had any knowledge of meetings at the bridge?—A. Mr. Aikman told me that he had seen frequent meetings at the bridge, but he thought nothing of it.

By Mr. JACKSON.—If negroes met for rebellious purposes, would they play fife and drum?—A. I think not; I have never heard any thing more of the Unity-Hall negroes than others.

Richard Mowat, a negro slave, belonging to Mr. Mowat, sworn.—Knows John Cunningham: he is my father. Was at Unity-Hall, at my father's house, new yams-time. James Yatman was the fiddler. There was nothing said there. At eleven o'clock the dance broke up, because Archy Bucknor would not pay the fidler. James Yatman and I slept together, and I went away with him before day. The house was full. Betsey Bartibo, the younger, was there. I did not hear anything. I went down very late. It was about nine o'clock when I came down. At the time I went down the house was full. My father's house has three rooms. I know Corydon: he was there. I did not see any supper. Betsey Bartibo slept in the house: the house was locked up after the dance was over. I did not see William Kerr had a john-canoe to dance at Christmas. I was to get a dancer from Unity-Hall, to dance the john-canoe. Richard Allen was to dance it. Adam Webb was to have had a john-canoe. Garrett Rainie was to have danced it for him.

Q. Cross-examined.—John Cunningham is my father. I went down at nine o'clock. At eleven the dance broke up, and I went to bed. I left no one in the hall. I and the fiddler went to bed. There was no supper. At yams-time they generally have a dance. I never knew any other dance at John Cunningham's. The john-canoes are generally the worst characters, but you will do any thing to earn a five-pence. I can't say whether john-canoe dancers are trickified. I went away at day-break. I was not there at ten o'clock in the morning.

James Yatman, a slave belonging to Mr. Yatman, sworn.—There was a dance at John Cunningham's house in September. I went there about half-past seven. Another fiddler was there. I played till eleven, and they refused to pay. I went to bed, and about five o'clock in the morning went away. I did not hear any bad talk when I was there. I was fiddler, I was engaged playing the fiddle. Three or four only were dancing. It was a small house. I did not see any one outside. There were very few people. Those not dancing were sitting down. I do not know rightly whether there were any outside, but could not have heard any talk outside. John Cunningham was there, and Delawny was there. Did not see any of the other prisoners. Do not know them. Never was at Unity-Hall any other night.

William Jarrett, a slave, belonging to Spring-Garden.—Knows John Cunningham: was not at his dance: was at Mary-Ann Reid's dance at before Christmas; that is all I know. I went there: the dance was good as over. I asked for a dance, and danced a reel. The fiddler asked me for tenpence: I had no tenpence to pay. I left it

about twelve o'clock at night. I left them playing. There was supper. I saw all Unity-Hall people round the table, and I saw more strangers, but I don't know where from. I did not hear any word. Did not hear any bad word. I saw rum and santa upon the table. They drank the Ladies' and Gentlemen's healths round the table. Fortune walked home with me: nobody else. I and Mary-Ann Reid danced a reel. The fiddler said I must pay a mac—tenpence for her, tenpence for me: I refused. Polydore said the men were to pay for the women. Adam Webb had a dance. Mary-Ann Reid made the dance for amusement—only amusement. I did not carry any money. I saw fresh pork on table—some roasted, some stewed. Mary-Ann Reid did not ask me to pay. I saw the people of colour dancing at Adam Webb's, and I went up to Mary-Ann Reid's.

Nicholas Jarrett, a slave to Spring-Garden estate.—Was not at John Cunningham's: was at Mary-Ann Reid's dance the week before Christmas. Did not hear any bad words. Did not drink health to any body, only "Ladies and Gentlemen, your healths." I went away at day-light: me and James Kerr walked. Do not know whether William Kerr was there or not?—Yes, William Kerr was there. I do not know when he went away. He was watchman that night: he went away before me. I eat supper before he came. He went away before me in the morning. He was watchman near by the dance—close to the line. Never heard any thing that night about Friday and Saturday: never heard such thing spell. I do not know when William Kerr went away, because I did not see him. They did not drink any healths, but Ladies and Gentlemen. I never heard any of the Spring-Garden or Unity-Hall negroes, nor any body else, talk about Friday and Saturday, or free.

James Brown, sworn—Resides at Unity-Hall as second book-keeper. At Unity-Hall all last December they were penning the cattle close to the road. One of the drivers generally goes to the pen to call the list of watchmen, to see if they are there. Hannibal always watches at the wharf. He might have heard the driver call the watchmen. A person in the hut might have heard. It is generally called at eight or half-past eight. There are generally three watchmen.

Cross-examined,—There is a negro on Unity-Hall named Sam—none named Sam Wyllie. No negroes ever lent from Spring-Garden to Unity-Hall.

Jane M'Donald, a mulatto slave, belonging to Unity-Hall, sworn.—I returned to the Island last Christmas twelve months. I was eight years in England the last time, and I was there three years before. I might have remained in England if I chose. I came out on account of my family. I have a number of children and grand-children on the estate. Knows prisoners at the bar. I see nine belonging to Unity-Hall. I never knew any wrong of them. If there had been any thing bad I should have heard, because nothing passes but what I know of. John Cunningham expected a party, and asked me to make some bread for him. I made three loaves. He said he had some friends coming, and he wished to give them a good breakfast and he had no one to get it for him. I said Sarah Christie should

make some coffee for him. She went down, but his company did not come to breakfast. In the evening, I went down through the negro houses. They were all very jovial and quiet. Then I went to the works. I did not go in to Cunningham's. I stood at the window. Mr. Aikman and I saw them going by about sun-set: strangers going home. Always a custom at Unity-Hall, when they have yams, to ask their friends. Adam Webb is my son. He killed a pig to sell in the yams-time. He made a john-canoe for Christmas. Garrett Rainie was to carry it. A parcel of them bought clothes to wear at Christmas.— Garrett Rainie bought a round jacket. I know the Bartiboes from children. I never knew them to be good characters. Their father wished for master, and master wished them away. I was at Adam Webb's dance, but would not have allowed Bartiboes to come there: they were not fit company for me. Mary-Ann Reid had a dance the same night. Q. Do you think, from your own knowledge of the negroes, that they would express a wish to be free?—A. No. They don't desire a better master than Mr. Galloway: they don't want a better overseer: they don't find fault with the overseer. Mary-Ann Reid bought a dress at Montego-Bay to wear at Christmas. Mr. Mowat's boy had a john-canoe: Richard Allen was to carry it: he had his jacket before, and did not buy any. Mr. and Mrs. Galloway have always told me I may come back to England when I please. I know William Kerr, James Kerr, and Corydon. I never heard any bad characters of them. I have known William Kerr from a child. Has known the Bartiboes from children: I have known them fifteen years: they were strolling about. Out of fifteen years, I have been eleven in England. I knew them before I went off, and I used to give their mother old clothes for them: they were very poor. I have heard some of the Unity-Hall people talk about freedom. I have heard Richard Allen say he never wished to be free. The free story was quite talk at Montego-Bay, and they heard of it, and came home and talked of it. They said they heard the negroes were to be free. I told them the poor people in England were much worse off than the slaves in Jamaica; and Richard Allen said, if they offered him free he would not take it. This was three or four months ago—before the yams-time. I am a confidential servant of Mr. Galloway, and if the negroes had intended any harm I should have known it. My family are all browns, and confidential. Adam Webb is my son. My daughter, Mary-Ann Irving, lives in master's house. All my family are good and well disposed—not likely to join in any mischief. If any thing troubles any of them, they run to tell me. They come to me to beg for them.

Adam Webb, a brown man, a slave, belonging to Unity-Hall.—I do not know if Cunningham got liberty to have a dance; but Richard, the driver, asked to have a play—they were going to eat yams. A good many people were at John Cunningham's. I went up there and carried pork to sell, and went to Cunningham's about eight o'clock. Has often kept spell as book-keeper, and has regularly done so the last four years. Master allows me meat from the butcher's stall every week. I am allowed rice like a white person. A fortnight before Christmas

I asked the overseer to have a dance. Mary-Ann Reid had her dance the same night. I asked leave on a Saturday evening, and had the dance the same night. If any thing had been going on wrong, I should have known it. I have sambo children at Unity-Hall. I intended to have a john-canoe at Christmas. Garrett Rainie was to carry it for me. I got an apron for him to wear when he danced. I shewed him the apron on the Saturday; he was pleased with it. I was taken up, and put in gaol three days. The constables took me up. I was very much surprised, because I did not know what I had done. I know that John Cunningham gave Robert Bartibo a hog to mind. John Cunningham took it away. It was worth three pounds. Robert Bartibo said John Cunningham had taken away the hog, and he would make him repent it. Samson heard it as well as me. The Bartiboes were not at my dance, because they were not company of mine—because they are not respectable people. I have now told all I know.

Cross-examined by Mr. GRIGNON.—I never heard Spring-Garden negroes speak; but I have heard all Unity-Hall people say they were going to get free: a great many of them said they would rather work for their master. Philip Haughton said, if he heard them say any thing about free he would tell the overseer. I never told the overseer. I do not know that there are meetings. I never was at any, except John Cunningham's. I said to the Magistrates that the negroes said they were going to get free, and that he said he would carry them to the overseer. I am positive I told this to the Magistrates. I was not at Mary-Ann Reid's house. The negroes on the estate, generally, were speaking about getting free. I never heard of any other dance excepting John Cunningham's. They have plenty of ground to work provision: they like their new grounds very well; they begged master to buy it for them.

Adjourned till to-morrow.

JANUARY 30, 1824.

Sampson, a slave, belonging to Unity-Hall.—Was at Mary-Ann Reid's dance. I eat supper before I went to the dance. I did sit down to supper. I did not hear any bad words talked by any body about free, nor Friday nor Saturday. They drank each other's healths. I do not want free. I have a very good master: very good trustee; very good busha; very good fellow-servants. Master gives me my clothes, and every thing I want: good ground. If I were free, I could not get what I do from my master. I was at the bridge when Cunningham's son took away the hog from Robert Bartibo. Robert was in a passion, and said, as long as John Cunningham did not pay him for minding his hog, he would get his payment from him some how or other: he said he would get his satisfaction some how or other.

Susan Simmons, belonging to Unity-Hall, christened, sworn.—I was at Mary-Ann Reid's dance just before Christmas. I was waiting on the table. There was a small pig for supper, a little santa and rum on table. I did not hear nothing. I know nothing else. I waited on

able all the time. If any bad word was spelt in the house I must have heard it. If there had been any bad words about free, or Friday and Saturday, I must have heard it. Does not wish for freedom herself. Never heard any of the negroes express a wish to be free. I and Betsey Bartibo left Mary-Ann Reid's house next morning before six o'clock. Betsey Bartibo and me, and the fiddler Polydore, walked down together from Mary-Ann Reid's house. I left them and went to the Overseer's house. There was not a large party at Mary-Ann Reid's. Not a great many strangers. Some strangers. Some from Spring-Garden. Did not see any from Round-Hill, Welcome, Haddington, nor Friendship—not one. Never heard any of the Unity-hall negroes talk about freedom. Q. What do you know of the character of Betsey Bartibo?

A. Mr. GRIGNON here objected, as Betsey Bartibo was a witness called by themselves, and they had no right to impeach the character of their own witness.

M. Mr. JACKSON read 1st Burn, 846, and asked for former examination of Betsey Bartibo.

M. Mr. GRIGNON, in reply, cited Philips' on Evidence, 232—that the party cannot impeach the testimony of their own witness, and that they could only call for the examination of those witnesses that the crown produced, not their own.—(Examination of 24th Dec. read.)

A. *Jenny M'Donald* recalled.—The Monday after the people were taken up, I went down to the works between seven and eight o'clock in the night. On my way returning, I overtook Betsey Bartibo, and expressed my surprise at my son, Adam Webb, being taken up, as he had done nothing. Betsey Bartibo said, "don't you hear if any free person brings out any thing against them, they are to have maintenance for life? and if any slave, they are to be free, and have house and land for their life-time?" Says I, "Betsey, you are living at our house, did you ever hear such a thing?" She said, no—she never did. Says I, because you are a free person living in the negro-houses, you had have a right to mention it. I said I did not know where this news was coming from; she said from Robert. She said Peter knew nothing about it: it was Robert told him.

M. Mr. GRIGNON objected, that the witness could not give evidence of what Betsey Bartibo told her Peter had said: let Peter Bartibo be called himself.

T. The Court asked Mr. JACKSON to state his question?

Q. Did Betsey Bartibo mention to the witness that it was money which her brothers wanted?

T. The Court decided the question could not be put.

M. Mr. *Adcock* recalled.

M. Mr. GRIGNON stated that although it was not legal; yet, as some objection had been said about tampering with witnesses, he would not object to the examination.

O. On the first commencement of the business Betsey Bartibo was in the gaol with her brother. A quarrel arose between them. Betsey Bartibo told her brothers in a passion that she ought to be ashamed of having come to the Court-House, and said what they did against so

many poor people. I chastised them at the time, and told her she had better be cautious of what she was saying. It was Peter and her: she alluded to the prisoners in the gaol.

Basheba, a negro slave, belonging to Unity-Hall, lives in Mary-Ann Reid's house.—Was at Mary-Ann Reid's dance a week before Christmas: was there the whole night in the house. I staid there all Sunday. I was in the house all the time of the dance. Can't recollect all the people. William Kerr was there at night: at day-break he went away. I did not see Trelawny in my eye. If Trelawny had been there, I would have seen him. I did not see him the next day. I did not see Betsey Bartibo. She was there Saturday night. She went away just before day, Sunday morning. I did not see her after she walked away. I did not see Trelawny or William Kerr on Sunday, and if they had been there, I must have seen them. I did not see Emily on Sunday. She went to the Bay on Sunday morning, at day-break.

By the Jury.—Q. Were you at John Cunningham's house?—A. No: I was not there at all.

Martha Hodges, a negro slave, to Unity-Hall estate.—I was at Mary-Ann Reid's dance. I went there very late. When supper came, Mary-Ann Reid invited me to supper. She had nothing but some pork half roasted, half stewed. Many people came, and could not get supper. They drank rum and water, and drank each other's health. There was nothing to drink but a bottle of santa and a bottle of rum. I went away at first cock-crow. I did not see Trelawny. Nobody and I walked. I walked by myself. I did not hear any bad talk. Nobody mentioned about free or Friday and Saturday. If they said any thing I must have heard it.

Richard Doman, a negro slave, belonging to Unity-Hall, christened, sworn.—Was at Adam Webb's dance, same night that Mary-Ann Reid gave a dance. I saw Trelawny there. I am a driver. I know the character of Unity-Hall negroes. Never heard the prisoners at the bar, nor any of the Unity-Hall negroes, say they would take their freedom.

Laurence Allen, a negro slave, belonging to Unity-Hall, christened, sworn.—I was at Mary-Ann Reid's dance before Christmas. William Kerr was there: he went away soon in morning, a little after day-break. Trelawny was not there. Is sure Trelawny was not there.—Betsey Bartibo was there: she went away at day-light. William Kerr was not at Mary-Ann Reid's house from day-light till negro breakfast. Trelawny was not there from day-light till negro breakfast. Betsey Bartibo was not there from day-light till negro breakfast. I was there myself at day-light, for an hour, and then came down to Mary-Ann Reid's house.

George Kerr, a negro slave, to Unity-Hall, christened, sworn.—Was watchman, the night of Mary-Ann Reid's dance, at the works and saw Trelawny there.

Alexander Christie, a mulatto slave, to Unity-Hall.—Knows the Bartiboes. I don't know their character, no more they are rogue people and story-tellers. I and Robert Bartibo quarrelled about the paddle.

John Edward Payne, Esq.—Has been in habits of intimacy with Mr. Galloway, the proprietor of Unity-Hall: since has often visited Unity-Hall. Q. Do you know the character of the negroes at Unity-Hall? A. I can't say any thing against them; I never heard Mr. Galloway or the overseer say any thing against them; I know Jenny M'Donald and her family; I believe their characters to be excellent, so much so that I would as soon trust my life in their hands as in any person's in Jamaica.

Henry Gordon, Esq.—Has known Mr. Galloway, since 1810, he is a kind master, I know it, and I believe it is universally known. I have known Jenny M'Donald in Jamaica and in England; I have known her living in Mr. Galloway's family, among white persons, as a confidential servant; I know Adam Webb perfectly well, his character I have always understood to be remarkably good; I do not know any of the Unity-Hall negroes, I cannot speak positively of their character, I can negatively, I never heard any harm of them.

Thomas Darby, a negro slave, belonging to John Whittingham, Esq. examined, sworn.—Knows James Campbell, he told me he had gone to a dance at Spring-Garden; it was at yams time; he said after he left the dance he went over to Reading; on a Saturday I came from the negro grounds at Cow Park, and when I came home I saw Robert Campbell sitting on the steps; he said he came to buy victuals; I told him he would get victuals to buy when the negroes came out of their grounds; James Campbell came to my house, and told me he expected to get a better living; I asked him what he meant; he told me I should know by this and after Christmas; I told him I did not wish to hear any nonsense in my house; he told me because I lived better than him I did not wish to hear it; I said if there were many negroes wished to get free, and when they get their free they would not know what to do with it, if they do not behave themselves when they get it, they would turn good for nothing; I told him to stop and go up, and after that he went away; I can't prove James Campbell's character; I saw Eleanor Brown then in the kitchen; I, Robert, and James were in the house; Eleanor Brown was in the kitchen; and James Campbell said that all the negroes were going to get free; I asked him who told him; he said we should know by this and after Christmas; he said he had been at a dance at Spring-Garden; he did not tell me about going to sea side; Robert Campbell was in the house; James Campbell has belonged to master about five years; can't speak to his character; knows nothing bad of him; before I came in I saw Robert Campbell and James Campbell at the steps; Eleanor Brown was in the kitchen; if she listened she might have heard. Q. When Jemmy was at home, did you ever hear him say any thing about the sea side? A. No, Sarah was there, she belongs to the house; but when Eleanor Brown comes up, Sarah does not do any thing.

Mr. Manderson.—Has known James Campbell twenty years and above; has seen him frequently until the last five years; a considerable part of the fifteen years he was under my controul; he was a very good orderly negro; I lived next door to where he lived for the fifteen years.

Frances Saunders, a free brown woman, sworn.—Knows Providence.

MR. GRIGNON said that he did not come to press a conviction against

the prisoner; and said, if the prisoner's counsel wished to examine him, he would consent to his being removed from the bar.

Evidence for Defence closed.

It was admitted that the examination of *Betsy Bartibo* was not upon oath.

Charles Sharpe, Esq.—Knows the Bartibos; I have understood they generally bear an indifferent character; I know nothing of them of my own knowledge; I only know Peter Bartibo; I have known him since 1820, during the father's life time; within the last four months he has lived with me; since I have known Peter, he has been an industrious well disposed boy; the father told me the rest were idle, not Peter; has always seen Peter fishing; I would believe him as soon as I would believe persons of his description; they did not volunteer their evidence; it came out by the greatest accident; Mr. Bernard came to me about three or four weeks before Christmas; he asked me if I was aware that there were to be Guards at Christmas, he had seen the *Royal Gazette*, and Guards were ordered. He went away shortly after. Peter Bartibo had been sitting near us mending his nets, and when Mr. Bernard was gone, he said, Sir, is there going to be Guards, I said yes, he asked why? is there any war any where. I told him the French and Spaniards are quarrelling, and I suppose that is the reason, he gave a sneer and said it was more likely negroes were going to rise, which induced the white people to have Guard. This was about three or four weeks before Christmas, I asked him what induced him to say so?—he said he had heard it at Sandy-Bay and Blue-Hole, and said that the Unity-Hall people were getting ready for it; I repeated this conversation the next day to Mr. Bernard, he said he would mention it to the Magistrates, if I did not, I asked Peter Bartibo again about it, he said he was afraid he would get into trouble. A few days after that, I received a letter from Mr. Phillpotts, one of the Magistrates, ordering me up to the Bay. I had no knowledge of the circumstance until Bartibo told me, he did not at first mention the Unity-Hall people until I pressed him. I live close to Unity-Hall Estate, I had no conversation with any one but Peter Bartibo, my head man's name is Polydore, his character is very good, some years ago he was violent, I stated that I would sooner believe Polydore than Robert, and the rest of the Bartibos; except Peter, Peter has a wife on my property, when my negroes are at home, he sleeps in his wife's house but when the negroes are out, he sleeps in an out-house near my house, I have confidence in Polydore, if he had heard any thing I should hope he would have told me. I know Alexander Chrystie, I have caught him often stealing fruit and threatened to send him to the workhouse.

Cross-examined by MR. QUARRELL.—If I had known on Sunday that Polydore's testimony would be wanted I would have kept him at home, he is now at a distance, I don't know whether he was at Mary Ann Reid's dance.

Evidence closed.

MR. JACKSON—

May it please your Honours,

Gentlemen of the Jury.

We are now arrived at the conclusion of this important case. All the evidence is closed, both on the part of the Crown as well as that for the prisoners, and I congratulate the country, through you gentlemen, composing the Jury. I congratulate the Bench, that the serious charge of rebellious conspiracy has not been proved, and I trust that you, and every one that has attended this important investigation, will leave this Court with a full conviction, that the alarming charge has not been supported; that the agitation and apprehensions of the country may be dispelled, and that the community may be assured that the numerous meetings, said to have taken place for dangerous purposes, have been only for dancing and merriment. Some few idle stories and expressions have been spoken of by some of the witnesses, if indeed, you can believe what they have said; but I trust, gentlemen that you entirely disbelieve them. Although the family of the *Bartibos* are free, yet, I trust, you will dismiss that circumstance altogether from your minds, and not consider them in a better light, or more worthy of belief than the negroes with whom they associated. It has been proved to you, Gentlemen, that even the female part of that family cohabit with negroes, and I trust, that you will never allow the evidence of persons of such vagabond habits to induce you to believe that they have come forward to tell truth, when they say that negroes who have every comfort, every happiness at home, would abandon such advantages, and be guilty of rebellion. I will now, Gentlemen, address you shortly upon the evidence, and particularly upon the evidence of the *Bartibos*—Peter, who was the first examined, states, that he knows all the prisoners at the bar, with the exception of Proby and Jas. Campbell. He remembers being at Cunningham's house; was at his supper; Cunningham's two sons were there. (The Learned Gentleman here read over to the Jury the principal part of the evidence, commenting upon it as he went on. He then proceeded.) I have, Gentlemen, been making a mistake to-day, as to the dance which *Betsy Bartibo* spoke of. It was my impression that she spoke of the dance at the house of Mary Ann Reid, and I was led into that error by a mistake which occurred in the notes taken by my friends on the part of the defence. I now find she did not speak of the dance at Mary Ann Reid's house, but of the dance at John Cunningham's house. This mistake has made a material alteration in our case, not at all as to the guilt of the prisoners, because no one can believe them guilty, but because had we not committed this error we could have contradicted her testimony in the same manner as to John Cunningham's dance. I shall, therefore, leave the cause in your hands, Gentlemen of the Jury, assured that you will do justice, and rely on your comparing the evidence as taken down by yourselves, and observing the contradictions in it; and I will now merely

trouble you Gentlemen of the Jury, with the Law as applies to the evidence before you. And first,—whether one prisoner can by any thing he says, implicate the whole or not—and secondly, that if the whole are not implicated, and only one proved to be guilty, that one must be acquitted of conspiracy. To prove this doctrine to you Gentlemen, I shall read Philips's evidence, page 74. The case of the King against Stone, in 6 Term Reports, page 527. Stranges Reports 1 Vol. page 144. The King against Cope & al. Now, Gentlemen, look at *Eleanor Brown's* evidence, as far as it goes it proves that Jemmy was not conspiring, his confession to her must be taken altogether. To prove this, I shall read to you 1 Burn, 610, 611. I cannot, Gentlemen of the Jury, see the reason why *Sam Wyllie*, the evidence brought forward by the Crown, was not included in this indictment, for if the rest are conspirators he must also be a conspirator. As to *Louisa*, she appears to have been a negro levied on for taxes, not a felon, not committed for trial—and I cannot conceive how she came to be confined in the same cell with the prisoners; she was an innocent creature, and ought to have been in another room. As to *Mary Ann Reid*, against whom she was brought as an evidence, she was very harshly used, she was placed on board ship and even sailed in the ship to the adjoining parish and suffered much from sea-sickness. I shall no longer detain you Gentlemen, but leave to my friend Mr. Quarrell, who assists me in the defence of these unhappy persons to address such remarks as occur to him on the subject.

MR. QUARRELL—

*May it please your Honours,
Gentlemen of the Jury.*

In rising to address you before so crowded an audience for the first time, I cannot help feeling under considerable embarrassment, suffering as I am myself from recent severe indisposition, I trust, both the Court, and you Gentlemen of the Jury, will make every allowance for my inability to do that for my unfortunate clients which a more able pleader would do. I will, however, make such remarks as have occurred to me during this tedious investigation. It is not, Gentlemen, to be wondered if conversations take place among the negroes respecting additional days, we have indeed heard the subject so much spoken of, so frequently debated, that it must become familiar to them; for we all know that our usual time for conversation is not during the hours of business, when all are at labour, but when we retire to our homes, and are surrounded by our domestics: From the hall or dinner table conversation immediately passes to the kitchen or pantry, and from thence we all know every conversation is repeated and remarked on in the negro houses; we have also so many discussions in our newspapers, either as editorial remarks or anonymous communications, that we cannot be surprised if the subject is familiar to the negroes. I am, however, perfectly satisfied Gentlemen, that

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you will not allow your minds to be swayed by any thing that you may have heard or read out of doors. That you will in that box only attend to the evidence before you, and return your verdict upon that evidence alone.

Gentlemen, the indictment consists of seven different counts. The first six are for a capital offence—the punishment attached to the last is merely a flogging. Now, Gentlemen, can any thing be more ridiculous than this, to tack a seventh count which only speaks of a trifling offence, to six other counts, each of which are capital? It puts me in mind of a 74 gun ship towing a cock boat. It appears that the Crown Officers, rather than the case should slip through their hands tacked this seventh to the others. I have, Gentlemen, seen some strange things in my life, but I never witnessed, never heard of such a proceeding. I have defended many negroes, but never knew such an attempt. I find, Gentlemen, that dances and merry-makings in the negro houses are attempted to be converted into conspiracy. (Here the Learned Gentleman's voice was so low, we could not catch what he said, but he recapitulated much of the evidence and commented upon it.) Now about these meetings of which so much has been said; we have proved that there was a Cattle Penn near the road, and that the driver was in the habit of calling over the names of the watchmen; this Penn too was near the public road where many negroes must pass, might not they have joined in conversation with the watchmen and driver. *Goldring* could not distinguish who they were. Then the meeting at the canoe house after the evidence of *Mr. Mollison*, there can be little doubt that it was for the purpose of merry-making. He tells you that some mason negroes employed on the estate had a fifer among them, and that as he would not allow them to play in the boiling house they went to the canoe house for that purpose. There was another meeting at *Mr. McIntosh's* grass piece, some negroes of *Mr. Boyd's* were there, but surely nothing serious can be argued from that circumstance.—The *Bartibos*, Gentlemen, are fishermen, in the habit of going up and down along the coast, and of course associating with sailors. Is it improbable that these very individuals, the *Bartibos* might have carried the news to the poor unfortunate individuals whom they now seek to convict, such things have been done gentlemen. We have all heard of blood money, but language is almost wanting strong enough to hold up such people's names to execration. You all remember the lines in *Hudibras*.

And like the Devil did tempt and 'suade them,
To rogueries and then betrayed them.

It has been said Gentlemen, that *Wilberforce's* health was drank; has any one a right to regulate drinking healths, I know no law to prevent any person's health from being drank who is not a traitor. Great stress, Gentlemen, has been laid upon the evidence of *Daniel*. He came to *Unity-Hall* to see his old father, and bring him some cloaths, he had had a previous acquaintance with *William Kerr*, having often seen him at his own house; but in all his story there is not the slightest tittle of evidence of con-

spiracy, no plot, no scheme, no overt act, nor anything tending to it.—
 What does constitute conspiracy? not dancing, not merry-making, not a
 yams feast; there were no arms, no ammunition, no preparation, except
 preparations for the Christmas festivities; nothing to affect the prisoners
 and Gentlemen, I shall sit down under the full conviction that you will
 agree with me, it is your duty to acquit them.

MR. JACKSON—

By the favour of the Court I beg leave, gentlemen again to address
 a few words to you on the Law of this important case. Whatever may affect
 the prisoners or either of them, they themselves out of their own mouths
 must have furnished the evidence that you have heard; it has been alto-
 gether unsupported by any respectable person whatever, by any charac-
 ters not polluted, and I beg, therefore, to call your attention to the pas-
 sage in Mr. Hawkins Pleas of the Crown, 4th Vol. page 435. The
 Learned Gentleman then read the same to the Jury.

I now, gentlemen leave my unfortunate clients case in your hands, full-
 relying on a verdict of acquittal.

MR. GRIGNON—

*May it please your Honours,
 Gentlemen of the Jury.*

The situation in which I am placed, is very different to that of my two
 friends, who are bound to urge every argument, to exert all their ingenu-
 ity, to induce you to acquit the unfortunate prisoners at the bar. My
 duty, Gentlemen, is to support the case of the crown, but without any
 feelings of hostility towards the prisoners. It is my duty merely to state
 a plain unvarnished tale, and to sum up that evidence, which has been
 given, not omitting any part of it that may be favourable to the prisoners.
 With this feeling I am sorry it is my duty from the line of defence
 which has been adopted, to refer to a misstatement made by Mr. Jackson
 in his opening the case yesterday on the part of the prisoners. I never stated
 that any case had been laid before His Majesty's Attorney-General
 but as he has adverted to it, it becomes my duty to speak on that sub-
 ject. A case was indeed laid before him for his opinion, but what was the
 Learned Gentleman's opinion—very different from what Mr. Jackson has
 stated. The Attorney-General expressed no doubt as to the sufficiency
 of evidence to bring home the charges to the prisoners. I offered to read
 that opinion, if Mr. Jackson would consent to it, but he will not, and
 would not have touched upon the subject, nor have sought to have
 strengthened my case by an opinion of such weight, had he not by his re-
 marks compelled me to do so. Now, Gentlemen, I beg to call your at-
 tention to the nature of the offence with which the prisoners are charged.
 It is not rebellion.—It is conspiracy to rebel. They stand charged with
 a crime previous to rebellion, with the first step and not with rebellion
 itself. If they had, it would have been necessary to prove some overt act

that they are now tried merely for a rebellious conspiracy. Mr. Jackson states that in his opinion, such a charge should be proved by respectable characters; but Gentlemen I will ask you if the evidence brought before you is not exactly that species of evidence, if the witnesses are not exactly that description of persons that you would have expected to prove the charge. Would any of you gentlemen, would any of my Learned Friends be found in the negro houses at Spring-Garden or Unity-Hill in the dead of the night, to hear such conversations; would not the fillings of my Learned Friends be roused, if I were to ask them such a question? Who then are we to collect evidence from, but from persons of the very description of the witness produced? I shall show to your satisfaction gentlemen that there is not that contradiction among the *Veritibus* that has been stated. Recollect that in this island lately, proof has been given, and conviction followed of several unfortunate persons of the crime of rebellion. Now, Gentlemen, by whom was this charge supported; by the evidence of a son against a father, and by the evidence of one of the conspirators by the evidence of one of the very persons engaged in it. Gentlemen, I must also advert to another observation of my Learned Friend.—I am sorry he said any thing about the Attorney-General's opinion, but gentlemen, banish both his remark and his answer from your minds, and do not let even the very high authority of the Attorney-General's opinion influence you; decide upon the evidence, and upon the evidence alone. I am only sorry I am compelled to speak on the subject, I can only say it was not my wish but my duty that compelled me. Now, Gentlemen, I will proceed to answer the defence made by my Learned Friends. They have adverted to many circumstances quite foreign to the point at issue. But why have they not stuck to bad principles, why have they not adhered to the evidence of the individual witnesses placed before you. They have spoken of an unfortunate business being placed in a cell; was that the act of the crown?—Was it the act of any individual concerned in the prosecution? no, certainly not. The person who levied on her for taxes, was obliged to place her in safe custody, and when the prisoners were committed, the gaol was so full, that several persons, were for want of room to keep them separate, confined in the same place; then again as to his remarks upon the conduct of those who placed Mary Ann Reid on board ship instead of leaving her in the cell. It was the act of a friend of Mary Ann Reid's owner, a magistrate who did so, that she might be kept separate but in safe custody. She was not placed there to endure hardship, but to be kept separate. I regret much that this extraneous matter has been introduced, but I am obliged to answer it. I now go to the character of the witnesses produced on the part of the Crown. First *Peter Bartibo*, *Mr. Sharpe* speaks very favourably of him, and all that my Learned Friend says of my can only apply to *Robert*; but I will call to your recollection the evidence that has been produced to prove the infamy of his character. I will observe in the first place, that it is all hearsay, except the evidence of *Kathrens*, he is the only person who speaks of his own knowledge, and I will ask you to read (for it is in evidence before you,)

the testimony he gave when examined a short time since before the Magistrates and contrast it with the evidence he has given this day. I will then ask you to whom credibility belongs? I will also state that if they wanted to support the evidence of *Kathrens*, they might have attempted to do so; for the very woman whom he speaks of in his examination before the Magistrates of being his informant of *Robert Bartibo's* conduct, was subsequently produced on the board; I mean *Elizabeth Scott*, the mother of *Robert Bartibo*, why was she not asked as to the truth of what *Mr. Kathrens* said she told him? she too was called in the defence, and was one of my Learned Friend's own witnesses. How then is the evidence of *Robert Bartibo* shaken?—We are told he had a grudge against one of the prisoners *John Cunningham* but what is the fact, *John Cunningham* had defrauded him by giving him two dollars only as his half of a hog worth nine dollars, and *Robert Bartibo* says he will get payment one way or other; but gentlemen how little does he put in execution any threats of vengeance. In his testimony he does not state one syllable against *John Cunningham* he says the meeting was at his house, but does not say one word against himself. Now, Gentlemen, if these two brothers had planned a story, had fabricated a tale, had consulted each other upon it, would they not have told a connected story, would they not have planned a deliberate tale? They were brothers, associating together, always covering together; and what is the fact, that the information is drawn from them unwillingly. One of them accidentally almost, spoke on the subject to *Mr. Sharpe*, and stated that his brother could give further information on an act for which he deserves the thanks of the country, and is this to be brought against him as a charge of improper conduct? If you cast obloquy upon *Bartibo*, you will prevent forever any discoveries being made by persons of his description to the proper authorities. What you are to look to, is to see whether he is contradicted; he was very closely and very strongly cross-examined, and he “was asked about a quarrell” with *Christie*, he admits it, he said at once yes; we borrowed his paddle and it appears they had some quarrel about it, but nothing is hidden; and what is this *Christie*, look at the character given him by *Mr. Sharpe*; that two brothers do not tell you a settled tale, there is nothing to make you presume that it was a case got up between them. Now then as to *Goldring*, no attempt is made to contradict him, nothing is said to impeach his testimony; compare his tale with the *Bartibos*, all is consistent. We must now go to *Betsy Bartibo*, the sister, and examine her evidence. She is said to be an infamous character, but by whom was she produced who brought her forward as a witness? not the prosecution; she was a witness brought forward by my Learned Friends in defence; and what then are you to conclude, either the impeachment of her testimony is after thought, upon finding she confirms her brothers, or else my Learned Friends produced in defence a witness whom they knew to be infamous? Gentlemen, *Betsy Bartibo* is to be believed, she was in friendship with the *Unity-Hall* negroes, in fact she was the mistress of one of them when examined without oath, she did not disclose what she knew, but

when called upon these board, when that solemn oath was administered to
 her, she does unwillingly, perhaps, but she does confirm her brothers
 evidence. A witness however is called to impeach her testimony, and
 which I did not object to, or rather did not press my objection although
 the law they were not entitled to impeach their own witness, but I wished
 to give the unfortunate prisoners every chance: but what was the evidence
 of the Gaoler? not that *Betsy Bartibo* said her brother lied, not that
 she contradicted their statement; but they had a quarrel and *Betsy* said
 "why do you tell against them poor people." But read her examina-
 tion, you will find no contradiction: she has only told more now upon
 her oath than she did at that time. After saying thus much I shall pro-
 ceed to enquire, gentlemen, in the first place as to the law of conspiracy.
 Conspiracy, Gentlemen is where several agree or conspire together to
 do an illegal act or to do a legal act if prejudicial to others. Mr. Jack-
 son has stated part of the law, but I am bound to state the whole law to
 you on the subject; I shall therefore read from *Chitty's criminal law*
 2d vol. page 1139. Thus gentlemen any agreement between parties to do
 any act that is against Public Police is a conspiracy. I shall now read
 the Slave Law by which it will clearly appear, that by the facts proved
 before you, they have been guilty of being concerned in a rebellious conspi-
 racy. Gentlemen, it has been stated by my Learned Friends that they have
 heard of the proceedings in England, when more time was proposed to be
 granted to them, and that they had conversed upon that topic. If that
 had been the case gentlemen, if nothing further had been proved against
 them they would not now stand here. But recollect, most of the wit-
 nesses called in defence, from the same estates declare that they never
 heard any thing about free; it is true *Jenny M'Donald* and *Adam Webb*
 speak of it, but what does *Adam Webb* tell you, he says that *Philip*
Wroughton remarked if they continued such conversation he should be
 obliged under the necessity of informing the overseer. Would it have been neces-
 sary in his idea to have given this information if the conversation had
 been innocent, you have it also in evidence that some of them said
 "had others of the prisoners were present when the expression was used
 we will fight for it." Is this an innocent expression? I asked Mr.
Collison the overseer upon Spring-Garden, if they ever enquired of him
 about free? he answered no, he presumed they would not attempt to
 do so, I differ with him, if the negroes had heard any thing on
 the subject and had gone to enquire if there was any foundation
 for such a report, I should have considered it highly to their credit,
 they would have been informed that there was no truth in it. I come
 not here to attack characters, I come not to say more against the
 prisoners than I am bound to do; but I do say, that I believe they have
 been led astray by a set of wretched fanatics in England, who have for
 some time been endeavouring to sow the seeds of discord in this happy
 land; but is that an excuse for the guilt of prisoners? Is that an apo-
 logy for having acted contrary to Law? It may excite our pity, when
 we see these deluded men placed in the present situation by the reports
 of such fanatics; but as a Jury, you cannot allow that it is an answer to

a charge of rebellious conspiracy. That the conspirators have been misled. That a conspiracy has existed, is beyond a doubt; and it now comes to you to consider whether the prisoners at the bar were parties in it. I will now, Gentlemen, call your attention to the prisoners by name.— Though no acts of conspiracy are proved against Rich. Allen himself, yet it is proved he was present and joined in conversation. As to Trelawny, it must be strong in your minds that all his expressions tended to one end, that it would be a word and a blow, that they would be free, that they would fight for it, that they would not live in such small houses.— Garrett Rainie is connected with the others by the evidence of *Daniel*; he states that Garrett Rainie entered, into conversation and said “you seem to be a stranger,” where are you from, how is the law about free with you? what is his answer? that he never had heard so much of it as he had heard there that night; he said they *all* were chatting about it, and who are they that he alludes to—they are the very Unity-Hall people. I will notice what was said by my Learned Friends, that if there was conspiracy, *Daniel* himself was a conspirator, and ought to have been tried. Gentlemen, if such is the case, *Daniel* can have no bias against the prisoners, but he would rather conceal part of their purpose; but you have heard his evidence and will give every weight to its merits. If we have proved seditious expressions, we have also proved that William Kerr was present when they were used; the expression that you may recollect was drawn out from *Daniel* very unwillingly, was, that the country was to be a free port. Now I must again repeat, that so far from *Daniel* being a willing witness, that he gave his testimony unwillingly, he was first asked by me if he heard any thing about a free port; he said no, but he afterwards goes on a little further—is pressed, and at last makes use of the very expression, as having been said by the prisoner. I will now proceed to speak of Philip Haughton—*Peter Bartibo* says, all were talking at Mary Ann Reid’s dance. Philip Haughton said “if we are going to have a racket we will have it at Christmas when people are merrying,” and *Robert Bartibo* proves, that at Cunningham’s house Philip Haughton drank Wilberforce’s health. One of my Learned Friends has said, it is no crime to drink a person’s health, unless he be a traitor. Now I feel no hesitation to state, that Mr. Wilberforce is a base traitor to this country, and to the unfortunate prisoners whose cause he pretends to espouse. *Robert Bartibo* goes on to state that Wm. Stennett said, if they were free the white people would hire them. Gentlemen, this prisoner is proved to have been at the meetings, but, from the kindness of some of his expressions towards his owner, I must candidly state, I think him much less criminal than the others. I shall be glad if you can bring your minds to acquit him. I do not recollect that there is any particular evidence against John Cunningham, but the meetings were held at his house. I must, therefore say, that he is not as innocent as William Stennett. Archibucknor is proved by a witness called on the part of the prisoners to have been there; there does not appear to be any circumstances of particular atrocity against him. There is very little doubt but that William Kerr was deeply implicated; he was in company with *Sam Wyllie* and

Proby returning from the dance, and heard their conversation. *Goldring* states the conversation between him and *Trelawny* at ten o'clock in the morning. And you will remember his declaration as proved by *Betsy Barti-*

"obo" "that they had had two noble meetings." As to the rest of the prisoners and it has been very clearly proved they were at the different meetings. Now, Gentlemen, these meetings whatever they were, were without the knowledge or sanction of the Overseer, and this is a very strong reason to induce you to suppose, it was for an improper, or dangerous purpose. *James Kerr* and *Corydon* were proved to be there, and it is with this that I shall connect the other prisoners with *James Campbell*. The evidence of *Robert Campbell* confirmed by *Thomas Darby*, who was called for the defence; as well as *Eleanor* one of the evidences on behalf of the prosecution, you prove that *James Campbell* declared he was quite ready to join them. It is also proved of him, that he declared he got his information from *Corydon*, and that he was at the dance at *Spring-Garden*; thus a combination was shewn, between *James*, and the *Spring-Garden* people, and a combination between them and the *Unity-Hall* people; by that means *James* is completely connected with the conspirators. You will recollect that if a conspiracy is proved, it is a conspiracy amongst a great number.—*James Campbell* came down to *Spring-Garden*; we prove he was there at a dance, and that he afterwards came down at *Christmas* to see what was going on. It is said that if only one person is found guilty on an indictment for conspiracy, that he must also be acquitted. This is perfectly true Gentlemen, if other persons unknown to the Jurors were not also stated in the indictment to have joined in the conspiracy, but I conceive he has been fully proved to have been connected by the evidence adduced. To prove that it is unnecessary that any act should be done in consequence of the conspiracy, I will cite 1 *Salkeld*, 174, 2 *Lord Raymond*, 1167; to prove that direct evidence is not necessary, but that the fact may be gathered from collateral circumstances, I cite 1 *Black. Rep.* 92, 1 *Strange*, 144. Having read these authorities to you, it is for you Gentlemen to say, whether upon all the evidence brought before you, the charges against the prisoners have been proved. I should mention that from the youth of *Proby* I offered my Learned Friends to allow him to leave the bar and go up to give evidence if they wished; I do not mean to press for a verdict against him, but with regard to the others, it is for you to consider whether a rebellious conspiracy has not been completely proved. I must here state that they are not charged with rebellion, but all the conversations proved, all the expressions used by the prisoners that they would fight for it, and so on, are for your consideration. I say therefore upon the whole circumstances together, it rests with you to state whether the fact of a conspiracy to rebel has or has not been proved. I will read another authority in answer to a case cited by my Learned Friend. I will read *Chitney's Crown Law*, Vol. 3, page 1139, to shew you the nature of conspiracy. I am sorry Gentlemen, my Learned Friends did not remain satisfied with their own declaration that the facts laid in the indictment were not proved, for they have weakened their own case by the evidence they have called to attempt to disprove them. With regard to the meeting

on the road, which *Goldring* speaks of; I admit that none of the prisoners are proved to be there, but my Learned Friends attempt to disprove the fact, about meetings taking place, and say it was a driver calling over the names of the watchmen, but remember, Gentlemen, the bookkeeper says the watchmen to be called were only three in number. *Goldring* says, that the meeting which he saw, and the list which he heard called, consisted of upwards of twenty, and one of the names called was Samuel Wyllie, belonging to Spring-Garden estate, I do think they had better have remained satisfied with saying that none of the prisoners were proved to be there. We produced the evidence to shew that there had been meetings in the very neighbourhood of Spring-Garden and Unity-Hall, and that the negroes on those estates might reasonably be presumed to know of meetings which were held in their immediate neighbourhood. Another strong fact against James Campbell, is, that he mentioned to his mistress on the Sunday morning at ten o'clock, that eight people had been hung at St. Mary's, and fourteen more were left for trial. Mr. Jackson contends that the communication between Port-Maria and Montego-Bay may be very rapid—granted; but who was the messenger? to whom was the information brought? was it communicated to the Senior Magistrate? or to any of the public authorities? was it known to the whites or freepersons? no, they did not know the circumstance until the post came in the next day. What then does it prove, it proves that those persons had the means of communicating, and got information much more rapidly than the white people. Now with respect to the conversation which *Betsy Bartlett* speaks of, she says Emily was in the house, and might have heard; why was not Emily called if she could have contradicted her; *Goldring* confirms her, and you must bear in mind that she was their own witness; she did not mention it at first certainly, but when brought on those boards she stated it clearly. She also stated that she only saw William Kerr and Trelawny, but that there might have been other persons whom she did not see. *Robert Goldring* says he was outside and they prove the same facts. I do therefore conceive that although the slaves had not formed any regular plan, any mode of acting, had had no drill, no Fire-Arms, had committed no overt act of treason, still there is sufficient evidence to prove their evil intention, and that they associated together for an evil purpose. If you believe on the other hand that the words were perfectly innocent, that there was no intention of enforcing their plans or carrying them into execution, you must acquit them, if you can gentlemen, after weighing all the evidence—if you can, upon considering the duty you owe both to the prisoners and to your country, I say if you can in your consciences acquit them, I can assure you it will give me the greatest satisfaction. If our enemies could witness what we have this day seen, the anxiety of my Learned Friends and their assistants in the defence, the mild and merciful inclination of the Court, the patient attention of your gentlemen of the Jury, the anxious wishes of the bystanders to bring forth every thing that could save the prisoners, I say gentlemen, if our enemies could witness this trial, they must be callous indeed if they did not abandon all the accusations they have brought against us for

allowing our negroes a fair and impartial trial. I shall now gentlemen, conclude; and leave the case in your hands subject to the remarks that you will hear from their honours on the bench, and may that Almighty power unto whom alone all hearts are open, from whom no secrets are hid, guide you in your deliberations and direct your judgments in such a way that your verdict may be that of truth.

CHARGE FROM THE BENCH.

MR. JUSTICE VAUGHAN ADDRESSED THE JURY—

Mr. Foreman and Gentlemen of the Jury.

This is the case of the King against Richard Allen, Trelawny, Robert Galloway, Garrett Rainie, *alias* Garrick, Philip Haughton, William Stennett, John Cunningham, Archy Bucknor, Mary Ann Reid, James Kerr, William Kerr, Corydon, James Campbell, and Providence, *alias* Proby. They are indicted under three several clauses of the Slave Law, the 46th, 51st, and 54th. The first charge against them which is comprised in the first four counts of the indictment is for a rebellious conspiracy; the 5th and 6th counts charge them with meeting to conspire, and with meeting for a dangerous purpose; and the 7th count charges them with having had dances or meetings without the knowledge of the Overseer, or other white persons having the charge of them. It is not necessary for me Gentlemen, at present to go into the particulars of the case. The Court is divided in its opinion; two of my brother Judges are of opinion that the charge of conspiracy is not proved, the majority, however think, and I am of that opinion, that it is proved. Mr. Barrett is the Gentleman who dissents, and as it is the usual course where more than one Judge addresses the Jury, for the Junior to give his opinion first. He will address you on the subject. I shall then follow and mention to you the opinion of the majority of the bench.

MR. BARRETT—

Gentlemen of the Jury.

It has been shewn to you by the Presiding Judge, the nature of the charges brought against the unfortunate prisoners at the bar. Had this case been of less importance; had not the lives of fourteen unfortunate beings depended upon its issue; unexperienced as I am in Courts of Justice, I should not have ventured to give an opinion; but on so solemn and important an occasion—differing as I do, in opinion, with one, who has a right, from his greater experience in Courts, to expect his opinion will have more weight than mine;—I feel it an imperious duty upon me, that however trifling the advantage of my opinion may be to the prisoners at the bar, that they should have the full benefit of it. I need not endeavour to impress on your minds, Gentlemen, the duty you owe to the unfortunate prisoners; you are too well aware of the duty of Jurymen, not to know; that wherever there is a doubt, it is your bounden duty that

the prisoners should have the advantage of that doubt. I shall proceed, therefore, to sum up the evidence that has been given, as impartially as is in my power. I have attended to the evidence throughout, I have endeavoured not to omit any part of it, and I have impressed it on my own mind by copying it. I may not have attended to all the dry arguments of Law that have been used, and you are not to allow the lives of so many fellow creatures to be placed in jeopardy by the niceties of a Court. I shall now proceed to sum up the evidence. (Mr. Barrett then read the evidence of *Peter Bartibo*.) I think, Gentlemen, it appears from that evidence that they were making merry; in his evidence he says that they were all there; in his re-examination he repeats it again, and says there was no fidler. *Robert Bartibo* is then brought forward; by his evidence it appears that William Stennett was talking with Trelawny, who appears to be most implicated amongst them. It strikes my mind as being very extraordinary, that Trelawny should have commenced this conversation with William Stennett, who appears on every occasion to have rebuked him. The prosecution has been abandoned against William Stennett, and I take this opportunity of stating, that in abandoning the prosecution against William Stennett, the Crown has weakened its cause very much, because, if there has been a conspiracy, every individual has been equally guilty. I must also observe, that although Mr. Wilberforce is an enemy of this colony, he ought not to be stigmatized with the name of traitor. With respect to the dance at Mary Ann Reid's house; I must entreat you to recollect, that when the Crown Officer speaks of meetings, and when he cannot bring it home to any of the prisoners, you are bound to suppose none of them were present; I wish you would notice, that at the same night that they wish to impress on your minds, that there was a treasonable meeting at Mary Ann Reid's house, she gave a dance. It seems improbable that she would have had a dance had there been any intentions to conspire. I would have you to notice also, that the evidence of *Robert Bartibo* expressly denies that he ever heard the Unity-Hall negroes in the habit of talking of free, but he says Trelawny said so. Trelawny said "it would be a word and a blow between them and the white people." I wish here particularly to notice, that the expression is precisely the same that he is stated to have used at John Cunningham's dance. He says, that Philip Haughton drank Mr. Wilberforce's health; I cannot conceive that you will attach any criminality to that use of Mr. Wilberforce's name. You will observe, that the question is, if the parties now on their trial joined in a rebellious conspiracy to obtain their freedom. It appears that his health was drank in silence, no huzzas, no approbation, the others did not receive it with applause, on the contrary, I must say, they heard it with indifference. (Mr. Barrett then read *Robert Bartibo's* further evidence.) It is unnecessary for me to state Gentlemen, that it appears plain from the evidence of *Robert Bartibo*, that it was a merry meeting; both in his examination in chief, his cross examination, and his re-examination, he speaks of the fiddle being there; he said he was not at Cunningham's dance. There is some contradiction, Gentlemen, between the evidence of *Peter Bartibo* and

Robert Bartibos, that I cannot reconcile. Now as it has been attempted to be shewn that there were several meetings, at some of which there was a dance, and at some of them there was no dance, the two *Bartibos* cannot speak of the same time; it is to my mind a most extraordinary thing, that they should so agree in expression. I must confess that I am convinced that they have conversed together on the subject before they came here. I do not mean to say that nothing took place, but that the expressions are too nicely suited to be true. It is for you Gentlemen to decide, but you must remember; that upon the evidence of these *Bartibos* the lives of the prisoners depend, and it is your duty to sift it most narrowly. I do not go too far, when I say, that if you have any suspicion of the truth of their story, it is right the prisoners should have the benefit of it; the evidence is most extraordinary; that the evidence is suspicious, its similarity in some points, and its discrepancy in others shews most strongly. While on this point, I would notice an error in the Gentleman who conducts the case for the Crown—he said that none of the witnesses alluded to the characters of the *Bartibos* spoke of their own knowledge, except *Kathrens*. As to the evidence of *Kathrens* I agree with him, you may throw it on one side. But there was another evidence who did give a character of the *Bartibos* from his own knowledge; this was *Allick Christie*, although according to the rules of evidence you may not be called to consider of it; he says that they are story tellers and rogues. Now as to the evidence of *Robert Goldring*, (he read *Goldring's* evidence,) the conversation of Trelawny with Richard Allen cannot be coupled with what took place at John Cunningham's, therefore, you are to suppose this was another conversation, and that Trelawny was so ill disposed that he repeated his threats at all times, at all places, at all hours; it is certainly plain from what *Goldring* says, that Trelawny had no secret design, for he appears to have spoken of it to Richard Allen at ten o'clock on the Sunday morning openly in the negro houses. From these circumstances it is for you to judge of *Goldring*. I cannot observe in any of the evidence; that Richard Allen can be at all implicated; even if there had been a conspiracy, all that has been proved is, that when Trelawny opened his mind to him, he answered we are to have Friday and Saturday.

MR. GRIGNON here stated, that having left the Court for a few minutes he had been informed on his return, that Mr. Barrett in his address to the Jury had stated, that the Crown had abandoned the prosecution against William Stennett. He begged leave to state and to request his honour to mention to the Jury that he was mistaken, he had only said in his address to the Jury, that he felt it his duty to call the attention of the Jury to the conversation of William Stennett, and he should be glad if they could bring their minds to acquit him.

MR. BARRETT—Well gentlemen, there is not much difference whether the Crown abandons the prosecution or the gentleman who conducts it hopes you will acquit.

MR. GRIGNON said with great deference he begged to state he had not used the word hoped, he had said if they could bring their minds to acquit him he should be glad.

MR. BARRETT—Gentlemen, I cannot at all see that any correspondence has been proved between the prisoners at the bar and the persons who composed the meeting at the road. It does not matter much whether you credit *Goldring's* account of it or not, it does not follow that because there was a meeting or even a conspiracy that the prisoners at the bar were concerned in it. They must not be mixed up with it, it must be proved against them. *Robert Bartibo* and *Peter Bartibo* do not state that *Trelawny*, *William Stennett*, and *Trelawny*, and *Richard Allen* met in the day time, *Goldring* on the other hand states that the conversation took place in the open day on a Sunday, that *Robert Bartibo* was there, you will please also to observe that he did not carry the information to the Constable, Gentlemen, if there is a conspiracy, *Daniel* must have been a conspirator, and the Crown Officer has not done his duty in not prosecuting him. He says in his evidence (here Mr. Barrett, read *Daniel's* evidence in a very incorrect manner, not reading it as the witness gave it, but picking out different parts and omitting entirely that part of *Daniel's* evidence, printed in Italics,) that there was no improper conversation in *Mary Ann Reid's* house, I conceive therefore the evidence of *Daniel* does not prove any conspiracy. It must be within your knowledge that much has been said both in the House of Assembly and elsewhere about extending the number of days to be given to the negroes, it may have been under that impression that *Garrett Rainie* asked about the law. *Garrett Rainie* does not say he was about to take up Arms, or to commit any rebellious act. If there was a conspiracy *Daniel* whose evidence has been so much relied on, is a conspirator, but it appears he heard nothing till he came to *Unity-Hall* and says, it is a nonsense business.

Gentlemen, I think there is nothing in the evidence of *Daniel* to prove a conspiracy; he proves a conversation with *Garrett Rainie*, and also a conversation in the house about Friday and Saturday, but nothing more. The evidence of *Mrs. Whittingham* appears to be of importance only, that *James Campbell* said some negroes had been hung in *St. Mary*: *James Campbell* is said to have known of it before the information came regularly by the post. Gentlemen, it would be an insult to your understanding to draw any conclusion from this. The observation made by *James Campbell* who mentioned it as a mere report cannot connect the prisoners with conspiracy. It is possible *Mrs. Whittingham* may mix *James Campbell's* conversation in her own mind with what she heard afterwards. I do not recollect whether eight negroes were hung in *St. Mary*; it is possible that *James Campbell* heard it. With respect to what *James Campbell* said to his mistress that he heard all about it on the 28th December, you will recollect gentlemen, this was after Christmas, when Guards were kept and the whole country in commotion, and I say absolutely that what he did say referred to the negroes being taken up and not to any conspiracy. (Mr. Barrett stated that *Mrs. Whittingham* said *Somerset* had made himself silly, instead of which her evidence was that *James Campbell* said so.) As to *Eleanor Brown* in all the evidence she has given except the last part, she proves nothing, she did in answer I believe to a question from the Court, say that the

people were going to rise; but she was particular in stating that they did not call kill at all. (Mr. Barrett omitted that part of *Eleanor's* evidence printed in Italics.) It is for you to consider the culpability of *Jemmy* and whether he made use of the words the "negroes are going to rise," but in fairness to the prisoner, I must say the question was pressed upon her; the Court asked her what *Jemmy* meant and it was then and not till then she said they were going to rise. You cannot possibly link *James's* expression with a rebellious conspiracy; there appears no doubt that *James Campbell* was under an impression that they were to have more time allowed them at Christmas and new year's day; not that they were going to rise, not that there was to be any conspiracy; but if you will believe any thing against him you will find accordingly. But by the evidence of *Robert Campbell*, it appears that *James* said, he had received his information from *Corydon*, and not from any of the other negroes belonging to *Spring-Garden* or *Unity-Hall*. It appears too, that *James Campbell* did come down at Christmas and he saw him sitting at *Moome's* wharf; this was at Christmas; and it will be for you to say, whether negroes having been taken up, and Guards kept, the conversation did not wholly relate to those circumstances. There can be no doubt that guards were ordered, and that the subject would be a common topic of conversation. *Daniel* distinctly states he had heard nothing about two or three properties going to join, and he knows excepts the *Unity-Hall* negroes. Now then for *Sam Wyllie*; *Goldring* says, that he had heard *Sam Wyllie's* name called, and that he answered; why is not this person indicted? if any person ought to have appeared at the bar it is *Sam Wyllie*. It will save the time of the Court to state, that this witness was one of the conspirators; I do not know that you can draw any inference from all the evidence given, that there was any private meeting, or any conspiracy. It appears the houses were open to all, all were at liberty to come. I cannot as a Judge say, that when I see conspiracy conducted with so little concealment, so little secrecy, that there can be any foundation for such a charge; they lose the name of conspirators and become mere merry-makers, mere dancers. *Louisa* is the next evidence; before you put any weight as to the testimony of this witness, you must have made up your minds that bad words were spoken; she says, that *Mary Ann Reid* says the word did spell in her ear, but that does not prove that she alluded to any bad words; the people were drinking the health of *Wilberforce*, she might have thought the magistrates alluded to, and although there is no harm in it, yet the language of that toast might have presented itself to her mind. The Magistrates of *Montego-Bay* might be satisfied that she alluded to the conversation of freedom, but Gentlemen, I am not satisfied, that because she had the words were spelt in her house, she alluded to the conversation respecting freedom. *Mr. Aikman* speaks to his knowledge of the prisoners, the evidence of *Aikman* applies only to the 7th count, and is in your recollection. (Here the Presiding Judge requested *Mr. Barrett*, it being five o'clock of the third day, to curtail his observations, which he declined.) I will not say any thing more on this, I pass over the rest of *Aikman's* evi-

dence, and *Lindsay's* evidence they merely express opinions, for the prosecution closed with *Lindsay*. The first evidence in the defence is *Robert Waite*, then *Eliza Scott*. I will not take up the time of the Court by reading the evidence for the defence, I will only make an observation on *Betsy Bartibo*, for as I have given it as my opinion, that the indictment is not proved, I think it would be a work of supererogation to take up the evidence in defence. I do not think on my conscience that any conspiracy has been proved. Now as to *Betsy Bartibo*, I shall call upon you to recollect this evidence; how she spoke upon the boards; her evidence seems to refer to a conversation that took place on a Sunday, the same that *Robert Goldring* spoke to, after he came to *Betsy Scott* for money; the words used were spoken to *William Kerr*, *Goldring* says to *Richard Allen*, *Betsy Bartibo* says that no one else was within hearing at the time. Now it is for you to give your consideration to the evidence; *Betsy Bartibo* and *Robert Goldring* both spoke of seditious expressions by *Trelawny*—one says it was addressed to *William Kerr*, and the other to *Richard Allen*; *Betsy Bartibo* says no one else was within hearing, to her knowledge, when *Goldring* speaks to the same conversation being within his hearing. I have now, Gentlemen, gone over the evidence to the best of my ability; such evidence as has been most relied upon by the Crown I have stated; it is for you to judge, whether it is fair to convict prisoners upon such imperfect evidence; if you can say they are guilty, you will find them so, but if you have any doubts recollect they are to be in favour of the prisoners; it is the boast of English jurisprudence, that the prisoners are to have the benefit of it. I am to be succeeded by the Presiding Judge, who views the subject in a different light. The opinion of the majority of my brother Judges I do not shrink from; I am joined by my friend *Mr. Downer* in my opinion, and it will be for you to determine the question. The lives of the prisoners are in your hands, if you think the case has been proved you will find them guilty, if not acquit them.

MR. JUSTICE VAUGHAN—

Mr. Foreman and Gentlemen of the Jury.

I am sorry there has been any difference of opinion upon the bench, but after the address of my eloquent brother Judge, it is my duty to state the opinion of the majority of the Court. After the fatigue you have undergone, and the various recitals of evidence which you also appear to have minutely taken. I shall confine myself to some observations on the case and on the evidence; the first question is, what is conspiracy? *Mr. Jackson* for the prisoners, has given from *Burn* the strictest sense of the word, that they do confederate with oath, covenant, and so forth, but the word conspiracy is often of less import, and is applied to various actions in common life—as to trade, reputation, and other cases of less importance than the case we are now considering. *Lord Mansfield's* opinion has been given, that the existence of conspiracy may be collected from circumstances, and not from specific acts. It is for you to declare whether the circumstances in evidence before you amount to conspiracy;

you are to consider first the number of meetings, at least twelve are
 approved, and I believe many more; and these were of different descriptions,
 as some were dances at yams time, and others not, some were without leave;
 there were three at Unity-Hall and one at Spring-Garden at yams time,
 four were without dances, that is one at Cunningham's, one on the road,
 and two mentioned by William Kerr to be noble meetings. These were
 of a description that to a man's mind would give rise to suspicion; the
 meetings spoken of in the evidence are, one at the canoe house, one at the
 grass piece, four at the estate, two by William Kerr, one by *Goldring*,
 one at *Phillis's*, one by *Webb*, besides the various meetings at the bridge
 mentioned by *Mr. Aikman*, and supposed by him to be for the sale and
 purchase of provisions, and therefore, prove nothing. It is singular that
 at the meetings without dances we have no evidence; except that at Cun-
 ingham's were rebellious expressions were used. We will now con-
 sider how far there was a rebellious conspiracy; the meetings were on
 two properties adjoining each other, and some of them took place as far
 back as August, and these various expressions are proved in evidence. It
 was to be with the whites "a word and a blow," "would fight for it,"
 "they and the whites are now on a footing;" two of them say it is to be
 after new year's day; one of them says I wish new year's day come already,
 if there was to be a racket it was to be at Christmas, when the whites were
 merrying, to rise at Christmas. All these expressions Gentlemen, must
 be termed criminal and rebellious; but you are to consider that there was
 no overt act of rebellion proved; no proof of a sword being drawn, nor a
 threat against a white except by implication. In rebellion you must have
 an overt act, but here there is only a disposition in the mind, a propensity
 of mind to crime. I shall now observe, upon the mode of trying negroes,
 nothing can be more favourable to the negroes, than the way in which they
 are tried. I do not know a case where a negro was brought to the bar
 for a capital offence, without exciting a feeling in his favour. The Laws
 also are uncommonly favourable to slaves; every Session almost produces
 some Law to add to their security. It is only three Sessions since a Law
 was past giving him greater protection than the whites, for after a capital
 conviction the whole evidence must be submitted to the Governor. In
 England the notes of the Judge are alone before the Crown, and I believe
 in all cases at Assizes, even that is not done, the Judge tries, and awards
 the execution, or respital of his sentence. But I will go further, and
 state that there has been a tendency in the Court to shew favour to the
 prisoners. It yesterday departed from the strict rules of evidence in their
 favour, and to-day still farther, and when you yourselves wished to en-
 quire on a certain important point of *Wyllie*; the Court interposed as did
 the gentleman conducting the prosecution, and checked it. However
 hard, rules sometimes appear, yet rules for evidence are for the further-
 ance of justice, without which, the proper result could not be obtained.
 Still a step farther than the strict rules of evidence was conceded by the
 Court, and even now the Court are inclined to depart from their strict line
 of duty, and put it to yourselves, whether you may not consistent with your
 oaths, lose sight of the first four counts on this indictment, and con-

fine yourselves to the 5th, 6th, and 7th, and to consider whether the prisoners or any of them are guilty of the 5th, 6th, and 7th counts. Having given our opinion that the whole of the indictment has in strict Law been proved, the Court wish to submit to you, whether as there has been no evidence of arms, no drilling, no direct or positive plan of proceedings; you can with safety to your consciences abandon the first four counts altogether; if you do, it will give us pleasure. It is entirely out of the ideas of the Court in a case where no overt act appears, except words, to award a sentence as for a capital offence; I do not recollect a case of this nature shewn, where the judgment has been death. I shall make no comment on what has been said by my brother Judge, you are fully competent to judge of his observations. Upon the evidence which has been adduced, I am bound to observe, particularly in respect to *Bartibos*, which has been much commented on. From whom are you to expect evidence except from those on a level with the accused? It is necessary to public justice that even accomplices should be admitted as evidences. It would be impossible otherwise to detect crimes committed in concealment. But even if you set aside the two *Bartibos*. The witnesses in support of the indictment are very numerous—*Goldring, Daniel, Louisa, Betsy Bartibo, Mrs. Whittingham, Eleanor Brown, Robert Campbell*, and even their own evidence *Jenny M. Donald, Adam Webb, and Thomas Darby*; in respect to *Betsy Bartibo*, she gave evidence before the Magistrates different from her testimony before the Court, viz. that of her being at Mary Ann Reid's dance, but this appears to be because she was not asked about it, and all she said of the conversation was in consequence of a question put to her. There are some who are by far more guilty than others, particularly *Trelawny, William Kerr, and James Campbell*. It is no crime to talk of Friday and Saturday; it is spoken of in the newspapers, and is common discourse; but the expressions used here, as well as in *St. Mary* indicate a unity of design, as does the information of *James* to *Mrs. Whittingham* of eight being hung, and fourteen to be tried, a day before the news came to the public here. The evidence of *Webb* is in favour of the prisoners, as he proved the threat of *Robert Bartibo* against *Cunningham*, but it is against *Webb's* testimony that he should know nothing of any dances at *Unity-Hall* or meeting, but at yams time, and *John Cunningham's*; it was morally impossible that he should be ignorant of these; all that has been said of *Mr. Galloway* is true; I knew him, and was intimate with him for thirty-four years, and know him to be a man of the greatest humanity and kindness to his slaves; I have known *Mr. Kerr* the same time, and he has also been as humane. It could neither be them nor their managers that occasioned what has happened; it must be some extraneous cause which was well accounted for by the prisoner's counsel; but the duty of the negroes was not to engage in any thing of this sort, it was against the Law, and if there are these ideas of freedom among the negroes, it is our duty to repress it, the Laws repress it. It never would be suffered in England; if any man there should lift up his hand against the Law he would suffer for it. I have known negroes apply to those who manage them to know the truth of these reports, and that

was the course they ought to have pursued. If on a consideration of the case you should be of opinion that there is no criminality? no conspiracy? you will acquit them, or as many as you think are not guilty; if you think they are criminal, but not of the first four counts, you will return them guilty only on the three last; if only some of them are guilty of these counts you will return them so, and if you think the others should have more lenity shewn them, you will bring them guilty of the last count alone. You are the protectors of the prisoners where charges are not proved, as well as the protectors of the country—but unless you maintain the Laws you give up your selves and the country.

The Jury retired for an hour and brought in their Verdict:—

Trelawny, William Kerr, John Cunningham, Philip Haughton,—
Guilty on the 5th, 6th, and 7th Counts of the Indictment.

Richard Allen, Robert Galloway, Garrett Rainie, William Stennett, Archy Bucknor, John Cunningham, Mary Ann Reid, James Kerr, and Corydon,—Guilty of the 7th Count, Providence—Not Guilty.

Mr. Vaughan then proceeded to pass sentence on Trelawny, and addressed him stating: That he had been tried and found Guilty of attending meetings for a dangerous purpose, and without the knowledge of his Overseer. That he had been ably defended for three days,—that 12 Honest Men had given his case their most serious consideration, but had found themselves compelled to find him Guilty. He added, you have been insensible of the advantage you have enjoyed in this Country under a kind master,—who has liberally supplied your wants, and as an example, the Court sentence you to be transported for life.

Saturday, 31st January.

The Court being re-assembled, Mr. Vaughan said, that from the anxiety and fatigue that the Jurors had undergone, the Court had discharged them last night, not conceiving at the moment that their attendance would again be required; the Court had since, on a reference to the 54th Clause of the Slave Law, under which the three prisoners were convicted, found that they had no alternative, but must pass sentence of transportation upon them. That the Jury would be required to value them, and therefore, it would be necessary to call them together again.

Mr. Barrett said, as it is probable I may not be here when sentence is passed; I shall take this opportunity of declaring my opinion of the Clause in the Slave Law, on which the 5th and 6th Counts of the indictment are framed. There are 6 Counts under the 2 Clauses, the first 4 under 46th, and the last two under the 54th Clause, and as under the 46th without any forced construction the Court may apportion the punishment without going so far as death, or Transportation; I think, the Court may also refer, the 5th and 6th Counts to the same Clause. I have not changed the opinion that I gave yesterday; but I think the Court are not bound by the 54th Clause which my brother Judges think imperative.

Mr. Vaughan stated that he could see no difficulty whatever in calling the Jury again. Suppose a change of opinion on the Bench, although as

far as I have seen there is none. The expression I used last night was, that the others were equally guilty with Trelawny, but in mercy, not in strict Justice we proposed a lighter punishment for them. There has been no change of opinion, but by a reference to the Clause under which they are convicted, we have no alternative. We differed in opinion with Mr. Barrett last night, but softened our charge to bring it nearer his idea.— We therefore are of opinion the Jury must be called.

Only four of the Jury appearing.—The Court adjourned to

Monday, 2d February.

COURT.

MR. VAUGHAN, MR. GRAY, MR. BOYD.

The whole of the Jury answered to their names.

The Jury addressed the Court to state that their opinion certainly was, that, had it not been for the charge of Mr. Vaughan; they should have considered the whole indictment proved against the four who they convicted under the 5th 6th 7th Clauses only.

Mr. Jackson objected to the Jury proceeding to value the prisoners, being a different Jury although composed of the same individuals.

Mr. Grignon stated they were the same Jury. The Court had not been broke up, they had not past sentence, and they had not discharged the Jury, but allowed them to retire; that the Court were perfectly competent to recal them, it was only a question of valuation and had no reference to the fact of Guilty or not Guilty. It was indeed a new issue.

The Court declared that they did not consider the Jury had been altogether discharged, as there were still indictments on the Calandar to be tried, that they had in consideration of the fatigue they had undergone, being in Court three days, kept in a Lodging-House two nights, allowed them to retire, certainly not expecting to call them again but when they found it necessary they had a right to do so. Mr. Grignon prayed the judgment of the Court on the three prisoners. Mr. Jackson prayed the mercy of the Court for them. Mr. Vaughan then proceeded to pass sentence.

William Kerr, James Campbell, and Philip Haughton, you have been convicted jointly with Trelawny, of attending meetings for the dangerous purpose of obtaining your own freedom, and the freedom of others by force. You have had a long and impartial trial; never was a trial more patiently conducted, and never were greater exertions made than in your defence. The Jury have found you Guilty, and the Court sentence each of you, to be transported off this island for life. Mr. Jackson then moved an arrest of Judgment. Mr. Grignon stated that it was too late the Court had already passed sentence and it could not be recalled.

Mr. Jackson stated his reasons which were

1st. That the verdict was not according to evidence.

2d. That the evidence on the part of the Crown was contradictory and insufficient.

3d. That after verdict and the Jury valuing Trelawny, the Court dismissed the Jurors, and their power as to the Jury was at an end, and the Court having intimated that they should pass a lighter sentence on the three prisoners, could not now sentence them to transportation.

4th. That after discharging the Jury it was irregular to call them together again, upon a subsequent day, to value the three other prisoners.— They being no longer the same Jury although the same 12 individuals.

5th. That finding the prisoners guilty under the 7th Count, was contrary to evidence; that it never was the intention of the Slave Law to take away the power of the Court from mitigating their sentence when they thought proper.

Mr. Grignon stated, that to move an arrest of Judgment after sentence, was so irregular, he should not argue upon it; but merely state that not one of the reasons given by Mr. Jackson, were good in arrest of judgment, which must be from an error apparent on the record.

The Court stated, they should forward Mr. Jackson's reasons with all the proceedings to his Grace the Governor.

They then sentenced the other prisoners as follows:—

Garrett Rainie and Corydon, twelve months hard labour in the workhouse, 39 lashes going in, and 39 coming out

John Cunningham, in consideration of his age, and also as one of his children is transported.—They sentenced him only to six months hard labour in the workhouse.

Mary Ann Reid, in consideration of her sex, they sentenced her to four months hard labour.

Robert Galloway and Richard Allen, three months hard labour in the workhouse, to receive 39 lashes going in, and 39 coming out.

William Stennett and Archy Bucknor, to be imprisoned one month, and kept to hard labour, to receive 39 lashes going in, and 39 coming out.

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ERRATA.

In page 5, line 18 from the bottom, for "51st clause" read "4th"
Page 33, line 2, read since 1809.

John Cunningham, in his...
Mary Ann Reid, in...
Robert Calloway and Richard Allen...
William...
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1812