

RETURN made in pursuance of an Address of the 9th July 1817,
to His Royal Highness The Prince Regent,—for

COPIES OF THE PRESENTMENT of the Grand Jury of the Island of
Dominica, in February last; and of the Bills of Indictment referred to in that
Presentment.

Colonial Department, }
July 10th, 1817. }

HENRY GOULBURN.

Dominica.

In the King's Bench and
Grand Sessions of the
Peace.

3.

Our Sovereign Lord The King,
v.
Jean Baptiste Louis Bermingham.

THE Jurors of our Lord the King on their oaths do present, That John Baptiste Louis Bermingham of the said island, doctor of medicine, on the twelfth day of February in the fifty-sixth year of the reign of our Sovereign Lord George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms at the town of Roseau in the parish of St. George in the said island, in and upon certain slaves named Thornton, Billy, Pompey, Simon, Anthony, Chapman, Jack, Will, Boatswain, Gressy, Nannette and Timothy, then and there being, the property of and belonging to the said John Baptiste Louis Bermingham, in the peace of God, and our said Lord the King, then and there being, did make an assault, and with certain cords, whips, sticks and rods, them the said slaves named Thornton, Billy, Pompey, Simon, Anthony, Chapman, Jack, Will, Boatswain, Gressy, Nannette and Timothy, did then and there violently, cruelly and immoderately beat, scourge and flog such slaves, and each of them, not having disobeyed the order of his owner, and not having robbed or plundered the property of another, and not having been guilty of drunkenness, quarrelling, fighting, neglect of duty, absence from labour, or absence from his, her, or their plantation at any time without a written pass signed by the owner, manager, or overseer of the slaves, specifying the day and days which was or were intended to be given to the said slaves, nor having been guilty of any misdemeanour whatever, such flogging, beating and scourging, not being a punishment prescribed in and by an Act of this island, in such case made and provided, and other wrongs to the said slaves, then and there did against the peace of our said Lord the King, his crown and dignity, in contempt of our said Lord the King and his Laws, and against the form of the Act of this island in such case made and provided; and the jurors aforesaid, on their oath aforesaid, do further present, that the said John Baptiste Louis Bermingham, with force and arms on the day and year last aforesaid, at the town, parish and island aforesaid, in and upon the said slaves, named Thornton, Billy, Pompey, Simon, Anthony, Chapman, Jack, Will, Boatswain, Gressy, Nannette and Timothy, then and there being, the property of and belonging to him the said John Baptiste Louis Bermingham, and in the peace of God, and of our said Lord the King, then and there being, did make another assault, and with certain rods, whips, cords, and sticks, them the said Thornton, Billy, Pompey, Simon, Anthony, Chapman, Jack, Will, Boatswain, Gressy, Nannette and Timothy, then and there being, violently, cruelly, and immoderately beat, scourge and flog such slaves, and each of them, not having disobeyed the order of his, her, or their owner, manager, or overseer, and not having robbed or plundered the property of another, and not having been guilty of drunkenness, quarrelling, fighting, neglect of duty, absence from labour, or absence from his, her, or their plantation at any time, without a written pass signed by the owner, manager, or overseer of the slaves, specifying the day and days which was or were intended

to be given to the said slaves, nor having been guilty of any misdemeanor whatever, and other wrongs to the said slaves there did against the peace of our said Lord the King, and his Laws, and against the form of the Act of this Island, in such case made and provided.

W. W. Glanville,
Attorney General.

Sworn to give Evidence before the Grand Jury: Alexander Sutherland, Esq. Mr. Charles Jones, and Mr. Thomas Ralphs.—The Grand Jury return, “ No Bill.”

John Gordon, Foreman.

Dominica.

In the King's Bench and
Grand Sessions of the
Peace.

Our Sovereign Lord The King
v.
John M^cCorry.

THE Jurors of our Lord the King, upon their oaths, do present, That John M^cCorry, of the said island, Esquire, on the twenty-seventh day of September in the fifty-sixth year of the reign of our Sovereign Lord King George the Third, by the grace of God of the United Kingdom of Great Britain and Ireland, Defender of the Faith, and so forth, with force and arms at the parish of St. Paul's in the said island, in and upon a certain negro slave named Jemmy, then and there belonging or appertaining to a certain sugar plantation or estate situate in the said parish and island, called or known by the name of the River Estate, in the peace of God, and our said Lord the King, then and there being, the manager of the said plantation or estate did make an assault, and with certain cords, whips, sticks, and rods, him the said Jemmy did then and there violently, cruelly, and immoderately beat, scourge and flog such slave Jemmy, not having disobeyed the order of his owner, manager, or overseer, and not having plundered or robbed the property of another and not having been guilty of drunkenness, quarrelling, fighting, neglect of duty, absence from labour, or absence from his, her, or their plantation, at any time without a written pass signed by the owner, manager or overseer of the slaves, specifying the day or days which was or were intended to be given to the said slave; not having been guilty of any misdeameanor whatever, such flogging, beating and scourging not being a punishment prescribed in and by an Act of this Island in such case made and provided, and other wrongs to the said Jemmy then and there did against the peace of our Lord the King, his crown and dignity, in contempt of our said Lord the King and his laws, and against the form of the Act of this island in such case made and provided; and the jurors aforesaid, on their oaths aforesaid, do further present, that the said John M^cCorry, with force and arms on the twenty-eighth day of September, in the year aforesaid, in the parish and island aforesaid, in and upon the said Jemmy, a slave then and there belonging or appertaining to the said estate or plantation, situate in the said parish and island, commonly called or known by the name of the River Estate, in the peace of God, and our said Lord the King, then and there being, did make an assault, and with certain rods, whips, sticks, and cords, him the said Jemmy did violently, cruelly and immoderately scourge, beat and flog such slave Jemmy, not having disobeyed the order of his owner, manager or overseer, and not having plundered or robbed the property of another, and not having been guilty of drunkenness, quarrelling or fighting, neglect of duty, absence from labour, or absence from his plantation at any time without a written pass signed by the owner, manager or overseer of the slaves, specifying the day or days which was or were intended to be given to the said slave, nor having been guilty of any misdemeanour whatever, such flogging, beating and scourging not being a punishment prescribed in and by a certain Act of this island in such case made and provided, and other wrongs to the said Jemmy then and there did against the peace of our said Lord the King, his crown and dignity, in contempt of our said Lord the King, and his laws, and against the form of the Act of this island in such case made and provided; and the jurors aforesaid, on their oaths aforesaid, do further present, that the said John M^cCorry, with force and arms, at the parish and island aforesaid,

said, on the said twenty-seventh-day of September, in the year aforesaid, in and upon the said Jemmy, then and there belonging or appertaining to the said plantation or estate, called the River Estate, situate in the parish and island aforesaid, in the peace of God, and our said Lord the King, then and there being, he the said John M'Corry then and there, being the manager of the said plantation or estate called the River Estate, did make an assault, and with certain sticks, cords, rods, and whips, him the said Jemmy did then and there violently, cruelly, and immoderately beat, scourge and flog such slave Jemmy, not having disobeyed the order of his owner, manager or overseer, and not having plundered or robbed the property of another, and not having been guilty of drunkenness, quarrelling, fighting, neglect of duty, absence from labour, or absence from his plantation, at any time, without a written pass, signed by the manager or overseer of the said slave, nor having been guilty of any misdemeanor whatever; and other wrongs to the said Jemmy, then and there did, against the peace of our said Lord the King and his laws, and against the form of the statute in such case made and provided: and the jurors aforesaid, on their oaths aforesaid, do further present that the said John M'Corry, on the said twenty-eighth day of September, in the year aforesaid, with force and arms, at the parish aforesaid, in the island aforesaid, in and upon the said Jemmy, then and there being a slave belonging or appertaining to the said plantation or estate called the River Estate, situate in the parish and island aforesaid, in the peace of God, and our said Lord the King, then and there being, he the said John M'Corry, then and there being the manager of the said plantation or estate, did make an assault, and with rods, whips, sticks and cords, him the said Jemmy did then and there violently, cruelly and immoderately beat, scourge and flog such slave Jemmy, not having disobeyed the order of his owner, manager or overseer, and not having robbed or plundered the property of another, and not having been guilty of drunkenness, quarrelling, fighting, neglect of duty, absence from labour, or absence from his plantation, at any time, without a written pass, signed by the owner, manager or overseer of the said slave, specifying the day or days which was or were intended to be given to the said slave, nor having been guilty of any misdemeanor whatever, and other wrongs to the said Jemmy then and there did, against the peace of our said Lord the King, his crown and dignity, in contempt of our said Lord the King and his laws, and against the Act of this island in such case made and provided.

W. W. Glanville,
Attorney General.

Sworn to give evidence before the Grand Jury: Nathaniel Dailey, Esquire,
and John Baptiste Long.—Grand Jury return, "No Bill."

John Gordon, Foreman.

Dominica.

In the Court of King's Bench
and Grand Sessions of the
Peace.

Our Sovereign Lord The King,

v.

Alexander Le Guay.

THE Jurors of our Lord the King, on their oaths, do present, That Alexander Le Guay, of the said island, planter, on the eighth day of January, in the fifty-seventh year of the reign of our Sovereign Lord George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and so forth, with force and arms, at the parish of St. Paul in the said island, in and upon a certain negro slave named Jeanton, the property of and belonging to him the said Alexander Le Guay, in the peace of God, and our said Lord the King, then and there being, did make an assault, and her the said Jeanton did confine in an iron chain, by affixing and fastening the same with padlocks in and upon the neck, arms and legs of the said Jeanton, such punishment not being prescribed in and by a certain act of this island in such case made and provided, against the peace of our said Lord the King, his crown and dignity, in contempt of our said Lord the King and his laws, and against the form of the Act in such case

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case made and provided. And the jurors aforesaid, on their oaths aforesaid, do further present that the said Alexander Le Guay, on the tenth day of September in the fifty-sixth year of the reign of our said Lord the King, at the parish aforesaid, in the island aforesaid, with force and arms in and upon the said negro Jeanton, the property of and belonging to the said Alexander Le Guay, in the peace of God, and our said Lord the King, then and there being, did make an assault on her the said Jeanton, did then and there maim, deface, mutilate and cruelly torture the said Jeanton, and cause to be maimed, defaced and cruelly tortured, by fracturing and causing to be fractured the arm of her the said Jeanton, against the peace of our said Lord the King, his crown and dignity, and against the form of the Act of this island in such case made and provided.

W. W. Glanville,
Attorney General.

Sworn to give evidence before the Grand Jury: Doctor W. Bremner,
and Doctor James Brown. Grand Jury return, "No Bill."

John Gordon, Foreman.

Dominica.

I do hereby certify, THAT the three foregoing Indictments, and the Returns thereon, are faithful copies from the originals filed in the office of the clerk of the Crown.

7th February 1817.

Joseph Court,
Acting Clerk of the Crown.

Dominica.

The Grand Jurors of our Sovereign Lord the King do unanimously present, That they visited and inspected the Gaol, which in many places requires considerable repairs, as well for the security of the persons therein confined, as to prevent injury to their constitutions. In particular they present the want of Beds in the different rooms, as well above as below stairs, and of Shutters for the front windows.

On this subject the Grand Jury have with regret to state, that a similar presentation was made to the Bench at a former Court of Grand Sessions, of which no notice appears to have been taken. The Grand Jury do therefore respectfully presume to hope, that this presentation, in which the humanity of the country is involved, will meet with the attention which it deserves.

The Grand Jury have further to present the dangerous consequences which are likely to occur from the number of Indictments for unmerited punishment inflicted on negroes by their owners, managers, or employers, which have been laid before them this day, unsupported by any evidence whatsoever; on the contrary, it appeared from the evidence that in some of the cases the negroes merited the punishment they received.

Grand Jury Room,
the 4th day of February 1817, }

(Signed) *John Gordon,* Foreman.

(A true Copy)

Joseph Court,
Acting Clerk of the Crown.

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

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

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

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

My Lord,

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

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

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

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

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

I have, &c.

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

(Signed) Benjamin Capper.

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

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

Inclosure No. 2.

1.—*Singleton's Case.*

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

Honoured Sir,

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

of

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