

Out Letters Judicial Department 1762-1814

Introduction: This is the fourth volume relating to judicial proceedings at St Helena. It includes judicial and administrative reports sent by the Governor and Council of St Helena to the Court of Directors of the East India Company. They communicate records from General and Quarterly Sessions, special hearings and legal consultations. The letters seek guidance on wills, estate disputes, slave law, evidence, capital convictions and military or civil misconduct. They frequently suspend executions and request support for royal pardons. They also report on the enforcement of new regulations and matters affecting public order. Throughout, the letters defer to London by asking for legal opinions and confirmation of decisions.

Source: Images of the original records can be viewed on the British Library's website: <https://eap.bl.uk/archive-file/EAP1364-1-6-4>.

Text Transcription: This text was produced entirely by AI transcription of handwritten document images on the British Library's website, at approximately thirty pages per hour.

Current AI systems cannot transcribe handwritten manuscripts with complete accuracy, particularly where documents are degraded or damaged, where poorly formed script or marginal notes merge into the main body of text, or where complex tables are present.

Four specific problems affected this transcription. First, AI is designed to prioritise meaning and readability, which creates a strong tendency to alter spellings, expand abbreviations, or adjust grammar rather than preserve original forms. It is particularly unreliable in recognising the correct spellings of unfamiliar surnames and place names. To mitigate this, for each image submitted, the AI was given a strict protocol requiring it to rely solely on clearly visible ink strokes and to mark any uncertain readings as [...], thereby reducing the risk of inferred or invented text. Second, AI struggled to transcribe handwriting in the style of the late secretary hand, commonly employed from the sixteenth to eighteenth centuries, in which the letter 'S' appears in a form resembling a trailing 'L'. Third, some of the handwriting in this volume is so faint or poorly formed as to be difficult to read even by eye. Fourth, many tabular sections were too complex to transcribe accurately, so these have been replaced by summary titles such as "Report: Invoice for Goods Received by Sea".

Given these limitations, this transcription should be regarded as unreliable and used only as a search-and-find shortcut. Once a relevant passage has been located, it must always be checked against the original images.

Modern Text Interpretation: Each section of text was submitted for AI analysis in order to explain the archaic language in clear, modern UK English. These are not direct sentence by sentence replacements, but explanatory interpretations intended to clarify meaning while preserving the substance of the original. Where a specific individual is named within a section of the original text, that person will generally also be identified within the explanatory interpretation. However, where the original consists largely of lists of names, these are not usually repeated in the explanatory text.

Each modern summary is followed by an AI-generated Interpretations section, which provides additional commentary on the material based on wider information located on the internet. The AI analysis also includes a 'Speculations' section, offering one or more possible reflections on the material. The value of these notes range from the profound to the trivial or self-evident - time did not permit deletion of the latter.

Referencing Text Locations: A dual numbering system has been adopted, combining the British Library film number with the manuscript's original page number. These are presented in the format: British Library Film No. / Document Page No.

Pagination: The pages are not numbered. The first page of records is shown in film No. 8 and this is assumed to be page 1 (its location is therefore 8/1). The page numbers then continue in sequence to the end of the volume.

Dates: The earliest letter recorded in this volume is a letter sent on 15 August 1762, and the latest is a letter sent on 21 February 1814. All these letters were sent to England during the administrations of Charles Hutchinson (1747-1764), John Skottowe (1764-1782), Daniel Corneille (1782-1787), Robert Brooke (1787-1801), Francis Robson (1801-1802), Robert Patton (1802-1807), William Lane (1807-1808), Alexander Beatson (1808-1813) and Mark Wilks (1813-1816).

AI Generated Summary

Introduction

The correspondence runs from 15 August 1762 to 21 February 1814. Almost all of it consists of letters on legal business from the Governor and Council of St Helena to the Court of Directors of the East India Company. The Court had ordered that legal letters, consultations and proceedings be kept apart from all other business, and the Council agreed on 15 August 1762. Judicial letters therefore formed a series distinct from those on trade and stores, and defence, trade and farming appear only where a case touched them. [Film No. 8, 10, 57, 137-138, 153]

Governance and Administration

A letter of 15 August 1762 reported that a sheriff had been chosen only twice and that no constable had ever been recorded. The only other officer found was a clerk of the peace who appeared to have been a lawyer. Latterly the Governor and Council had issued every writ and jury summons, a Company writer had acted as clerk of the peace and the marshal had kept the jail. A consultation of 28 June 1761 had appointed a sheriff and a constable and named a clerk of the peace at £40 0s 0d a year. The Council asked the Court for a scale of fees. [Film No. 9]

The Court refused to send out anyone with legal training. On 1 May 1763 the Council undertook to manage with the books and instructions supplied and always to keep a sheriff, a constable and other officers. It asked for two long and two short constables' staves as badges of office. The Court judged English clerks' fees unsuitable, so the Council planned its own scale of modest charges for approval. On 25 April 1764 it undertook to regulate the jailer's fees so that no prisoner paid improper charges. [Film No. 12, 13, 16]

Governor Charles Hutchinson did not sign the letter of 25 April 1764, which John Skottowe signed first. The Council arranged for the Lieutenant Governor to preside over the court while Hutchinson remained on the island and after he left. Skottowe's governorship dates from 1764, and Orlando Bagley's executors addressed "Governor Skottowe" on 23 April 1770. Skottowe signed every letter from 25 April 1764 to 27 May 1782. Daniel Corneille signed from 5 March 1765, apart from breaks in 1768-1769 and on 6 April 1782. Matthew Burling sat from 1763 to 1774. A Bazett, named as Robert on 27 October 1773, had joined by 21 May 1772, and William Wrangham by 15 August 1774. From 12 June 1776 Matthew and Henry Bazett signed with Skottowe, Corneille and Wrangham, and this board of five remained unchanged into 1782. [Film No. 11, 16, 17, 22, 23, 27, 29, 35, 38, 39, 42, 57]

On 25 April 1768 the Council deferred Captain Thomas Kirkpatrick's service as a justice of the peace until the Court gave its view. It asked whether his active military command barred him from civil authority even if he completed the formal qualifications. It forwarded his own letter so that he could put his case to the Directors. Kirkpatrick had signed every letter since 1762 but not this one, and by 10 September 1768 the Council described him as disqualified. [Film No. 22, 24]

The letter of 4 August 1782 was the first headed by Corneille, and Alexander Grame joined to keep the board at five. Henry Grame had replaced Alexander Grame by 29 April 1784. The board signed as four from 10 March 1785 and as three by 1 June 1786. [Film No. 58-67]

Corneille's government ended in 1787. Robert Brooke joined the signatories on 28 May 1787 and headed them by 11 August 1787, when Francis Robson also appeared. A letter of 15 May 1788 blamed a lapse in reporting on the change of president, meaning the Governor as head of the Council. The board had shrunk to three by 20 July 1788. B. A. Wright signed from 21 August 1789, William Wrangham by 21 July 1791 and Wright again by 17 February 1794. [Film No. 71-107]

Brooke signed with Robson until 2 February 1801. Robson headed the Council from 21 April 1801 to 21 November 1801 and Robert Patton from 17 May 1802 to 2 May 1807. W Lane headed the letter of 2 February 1808 and Alexander Beatson those from 20 October 1808 to 21 August 1813. Mark Wilks signed as Governor on 21 February 1814. W W Doveton signed almost every letter from 7 May 1799 onward. [Film No. 108, 110, 114-116, 128-129, 144, 146]

On 2 February 1801 the Council reported that its papers held nothing out of the ordinary. On 21 November 1801 it described the uneventful record of the court of 7 October 1801 as proof that the island was calm and orderly. Purely formal letters ran from 21 May 1803 to 21 August 1812. [Film No. 114-115, 119, 121-123, 127, 139, 141]

Records went home as ships allowed, with duplicates by separate ships. A letter of 7 February 1811 carried the duplicate record of the court of 12 April 1810 with the original of that of 12 July 1810. It dated the start of its slave-law proceedings 19 February 1810 in the text and 20 January 1810 in the note beneath. A draft of 21 February 1814 was headed "Law Letter" and bore a note referring to the Lieutenant Governor. [Film No. 137-138, 153]

Military Affairs and Defence

The letter of 15 August 1762 asked whether the Articles of War bound militia officers and men on duty, as they bound the garrison. On 1 May 1763 the Council reported that the Court's letter of 17 December 1762 had settled the point. The militiamen were neither enlisted nor paid, so the Mutiny Act did not cover them. Planters who failed in militia duty therefore remained under civil law and could not be court-martialled by the Governor. [Film No. 10, 12]

A letter of 6 December 1781 contains the only direct trace of the American war. Captain Edward [...]ott of the Company's ship *Tartar* brought three of his men to the island as prisoners: the third officer Richard Bulley, the midshipman John England and the boatswain John [...]ggan. They were accused of forcibly attacking and boarding a Spanish frigate at anchor off São Tomé. Britain and Spain had been at war since 1779, but São Tomé was Portuguese and Portugal was neutral. The Council, sitting as justices, took sworn statements and handed them with the committal order to John Galbraith of the royal bomb vessel *Terror*. He was to forward them to Philip Stephens, Secretary to the Admiralty, since offences at sea lay outside the island's jurisdiction. [Film No. 56]

Judiciary and Legal Procedure

The letter of 15 August 1762 answered the Court's general letter on legal affairs of 3 February 1762. The Council undertook to hold quarterly courts and courts of oyer and terminer for every crime and to sit as a court for property disputes, with juries deciding every case. It would follow English law as far as local conditions allowed, guided by its own judgement and by law books and instructions from London. It enclosed a compilation of island laws and a record of jury proceedings from 1679, the earliest year with surviving records. The island had no courthouse, and the Council hoped the Court would send timber and other materials the following year to build one. The Court had forbidden the island to send any more offenders to England, and the Council complied. It asked for the printed Old Bailey trials for murder, theft, rape, bestiality and larceny as models. [Film No. 8, 9, 10, 53]

The reformed court first sat on 12 October 1762 and again on 11 January 1763, and letters of 9 February 1763 and 6 March 1763 carried the proceedings home. The second enclosed the gallows confession of William Jenkins, probably condemned in January 1763 and since hanged. From 23 June 1763 the Council sent second copies of every set of proceedings by another ship. The Court's legal letter arrived on the *Duke of Richmond* and approved the first three sets, as the Council acknowledged on 5 March 1764. The Council promised to lay any doubtful point before the Court and to withhold its decision until the reply arrived. [Film No. 11, 14, 15, 16]

The court sat every January, April, July and October from 12 October 1762 to 1814. A gap in the letters between 3 March 1766 and 25 April 1768 perhaps reflects the surviving record, since sittings resumed without comment. Most letters record only that the court sat. Special sittings of the justices met on 3 November 1769, 14 July 1780, 17 October 1780, 23 April 1781 and 9 July 1781, the last four each within

days of a quarterly court. Others met on 23 May 1787, 24 February 1794 and 25 May 1796. The court of 12 to 14 January 1791 sat for three days, where one day had been usual. From 1792 the Council also forwarded its separate legal consultations and, by the Court's order of May 1792, the proceedings of justices acting alone under the slave code. No letter appears between 3 November 1794 and 31 May 1796, when one packet carried four quarterly courts from 8 July 1795 to 6 April 1796. [Film No. 17, 20, 21, 28, 31, 35-55, 57-107]

A letter of 23 June 1763 answered the Court's ruling that no written statement could serve as evidence against an accused felon. The Council would bind every prosecutor and witness by bond to appear at the next jail delivery on pain of forfeiting the named sum. It asked whether it could recover forfeits from seamen who sailed before the trial when they next called at the island. The same letter accepted that the Council would suspend the sentence of any condemned prisoner it judged to merit a royal pardon and report the case in full. On 10 September 1768 it asked whether, when several men were condemned for one crime, it could hang only the most hardened and suspend the rest. No reply survives. [Film No. 13, 14, 25]

A letter of 1 August 1769 asked which convicted men could give evidence. The Council held that anyone pilloried was infamous and barred as a witness, including those pilloried for perjury or for taking a reward to drop a prosecution. Its authorities conflicted on branding in the hand. One treated branding after benefit of clergy as a statutory pardon that restored credibility. Another barred those who had lost their ears, stood in the pillory or tumbrel or been branded while the sentence was in force. The Council concluded that infamy followed the nature of the offence more than the punishment. [Film No. 26, 27]

At the court of 4 October 1809 the jury acquitted John Bowles, a soldier, of burglary but convicted him of stealing goods worth £0 6s 0d from a house. The court treated this as grand larceny in a dwelling and sentenced him to death. The Council cited page 240 of the fourth volume of Blackstone's *Commentaries* and the works of Burn and Jacob, which denied benefit of clergy for thefts from houses. Finding no exact precedent, it turned to the manuscript book of instructions issued when the island's Court of Judicature was founded. That book prescribed branding on the hand for a man convicted of theft after acquittal of burglary. [Film No. 136-137]

On 11 October 1809 the Council postponed Bowles's execution because of the conflicting authorities and the jury's recommendation to mercy. It relied on the third paragraph of the Court's legal letter of 16 November 1763 and awaited the Court's orders and any royal pardon. The house robbed was Governor Beatson's residence, so Beatson left the bench before the court opened its commission of gaol delivery. None of the justices was a trained lawyer. [Film No. 137-138]

On 21 March 1809 a coroner's inquest returned wilful murder against Lieutenants Robert Wright, Onesiphorus Beale and Francis Seale. Wright had killed Lieutenant Stephen Young in a duel, and the other two had been seconds. All three were island-born and connected to several leading families. At the court of 12 April 1809 Governor Beatson addressed the grand jury, and several gentlemen stood down because of ties by marriage to the accused. Doveton, who was also unwell, and Leech kept off the bench. The sheriff was related to one prisoner, so the coroner, Dr Baildon, drew up the jury lists in his place. [Film No. 132]

The grand jury, finally made up of men open to no objection, sent the three for trial for murder. Dr Baildon listed 33 men, including Captain Cowham of the *Camperdown* and two of his officers. Each name went on a slip in a hat, and 12 were drawn at random. Further draws replaced men who stood down for distant kinship or whom the prisoners challenged. None of the final 12 jurors was island-born. After hearing every witness, the jury acquitted the prisoners. [Film No. 133]

The Council's report on the duel is dated 8 May 1810, but its own reference to a legal letter of 8 May 1809 and the order of the letter book place it on 8 May 1809. Only Beatson and E S Broughton signed it. It praised the three men's good name and deep remorse in prison and hoped they would become useful members of the community. [Film No. 134, 138]

The letter of 15 August 1762 blamed recent robberies, burglaries and other grave crimes on Black islanders and other lawless people, whom the Council meant to punish severely enough to deter others. It conceded that its fine on Richard Law for mistreating William Moore lacked a firm legal basis but defended it by local precedent. [Film No. 8]

A letter of 13 August 1768 reported that Stephens Papps, a garrison soldier, had accused three fellow soldiers of killing a yearling bull of Matthew Burling at night and carrying it off. He named two others as helping afterwards and admitted taking part himself, and all five were committed for trial. Statutes of 1741 and 1742 had made cattle stealing a felony without benefit of clergy. On 10 September 1768 the Council explained that Corneille had resigned and left, leaving two justices with Kirkpatrick disqualified. The commission of oyer and terminer allowed two to sit, but Burling owned the animal and the law books gave no rule for criminal cases. The Council applied the civil rule, excluded Burling and postponed the trial until more justices were appointed. It bailed the two accessories and eased the irons of the three principals. Corneille signed again on 1 August 1769, but the outcome does not appear. [Film No. 23, 24, 25, 27]

A letter of about November 1771, placed by the sequence after one of 4 May 1771, reported a theft from the Company's stores. Andrew Tedrick, a former matross, broke in alone and confessed under questioning. He named another former matross, Stephen Swartsing, as knowing of the plan and sharing the money. Both pleaded guilty at jail delivery and were condemned, an accessory before the fact being punishable as a principal. Tedrick was hanged on the 26th, probably of October 1771, and Swartsing's sentence was suspended. [Film No. 31, 32, 34]

Tedrick had withdrawn his charge that Swartsing encouraged the theft and admitted that Swartsing tried to dissuade him. He had pressed part of the money on Swartsing and forced an oath of secrecy on him. Swartsing had also helped prevent Tedrick from killing Jonathan Doveton, against whom Tedrick held a grudge. The Council recommended him for royal mercy as young, Dutch, unfamiliar with English law and well behaved. His fate is not recorded. [Film No. 32, 33]

Two soldiers, William Messenger and James Harvey, were condemned for burglary at the court of 16 January 1788. On 2 February 1788 the Council reprieved Messenger alone. Harvey and Cornelius Flowers had made him drunk and forced his part at bayonet point, and he was found asleep in the house. His officers praised his character, and Wrangham wrote separately for him. Neither drink nor duress was a defence in English law, so the Council offered both only as grounds for mercy. [Film No. 72-73]

Bench and jury clashed at the court of 17 and 18 April 1792. The bench showed the jury how to spare James, a simple-minded slave tried for stealing two pigs, by valuing them below £0 1s 0d, the threshold for capital grand larceny. The jury refused and forced a death sentence. On 21 May 1792 the Council, having learned that his master underfed him, asked the Court to seek a pardon. The same jury convicted Nicholson, a soldier, of a worse offence in terms that left him liable only to branding on the hand. It convicted Kelly of theft despite repeated warnings that the evidence fell short. The bench held that a defendant without clear proof against him must be acquitted and asked the Court for instructions. On 23 and 30 April 1792 the Council found false a charge that a Company hospital assistant had tried to suborn witnesses against Kelly. [Film No. 93-96]

Soldiers of the light infantry stole livestock in August 1792, confessing to destroying three young cattle, three sheep and many poultry. The Council offered two rewards within a few days, the second on 9 August 1792, and had traced the offenders by 13 August 1792. Every man indicted at a special sitting was convicted and sentenced to death. The Council marked Dix as the worst and Warner as next and meant to make examples of one or two. A petition from both juries and other inhabitants led it on 23 August 1792 to refer every case to the Court for leniency, though Dix was given no hope meanwhile. It also introduced new measures to protect planters' livestock. [Film No. 97-98]

A sentry killed a corporal of the garrison, and a special sitting on 25 May 1796 let witnesses from the fleet in port testify before sailing. The bench charged the jury that the evidence supported manslaughter at most, a clergyable offence. The jury twice returned murder. On 31 May 1796 the Council asked the Court to send a pardon quickly and to say whether it had acted rightly. [Film No. 106-107]

A letter of 14 March 1800 reported a special sitting called after a spate of thefts and damage to property, chiefly by very young men the Council thought schooled in crime since childhood. It could not wait for the regular court because witnesses aboard the Company's ships would otherwise sail. The jury recommended Thomas Roper to mercy. The Council, satisfied that his protests had saved William Ellis's life, asked the Court to seek a royal pardon. [Film No. 113]

The letter of 21 April 1801 reported that Richard Brennan had been hanged for rape. On 20 April 1802 the grand jury threw out the only charge put before it. A letter placed by the sequence in October 1802 reported a wave of thefts and two men sentenced to death for sheep stealing. A white inhabitant indicted for the same crime evaded the sheriff's officers, probably by escaping aboard a ship. A letter of 16 October 1802 cited proclamations already issued and the creation of a regular police force, which the Council claimed the inhabitants at large approved. [Film No. 114, 116-118]

Thomas McMeines was convicted of highway robbery at the court of 8 and 9 April 1807 and recommended to mercy. On 2 May 1807 the Council asked the Court to petition the King for his pardon, giving no reason beyond the jury's wish. [Film No. 128]

On 4 January 1810 Robert Leech committed Patrick Jones for the rape of Eleanor Thompson, a girl under 9 years of age. The court met on 10 January 1810 and adjourned for 14 days so that Jones could prepare his defence. It convicted him, and he was hanged on 24 January 1810. [Film No. 135]

At the court of 7 October 1812 James Bucknell was sentenced for fraud to two hours in the pillory, and Thomas Bates was acquitted of grand larceny. At the court of 28 April 1813 William Alexander So[...] was condemned and executed for breaking open and stealing a trunk of boots and shoes landed on the quay from the extra ship *Sovereign*. James Benson was acquitted of theft at the court of 12 January 1814. [Film No. 141-143, 146]

Slavery and the Slave Code

On 15 August 1762 the Council announced that every Black islander accused of a capital crime would go before a jury. No Black person had ever been allowed to give evidence against a white one, for fear of false accusations. Their evidence against one another had always been accepted in every kind of case without oath. The Council asked whether a free Black islander or a slave could swear on the Gospels, since none was Christian. [Film No. 9, 10]

On 1 May 1763 the Council complained that the Court's letter of 17 December 1762 had left the question unresolved. It now swore Black witnesses on the Old Testament when they testified against one another. It would still admit no Black evidence against a white person until the Court ordered otherwise. [Film No. 12, 13]

A letter of 31 May 1780 reported that Major Henry Bazett, justice on duty by rotation, had received a complaint from Woodbury, a slave, against his master, John Worrall. Worrall had placed greased candle wicks between Woodbury's fingers and set them alight, and Woodbury would probably lose the use of some fingers. The Council found the offence within the Coventry Act of 1670, which made deliberate maiming a capital felony regardless of the victim's status. The only witnesses were Black, so it postponed the trial and referred the matter home, citing consultations from 13 December 1779 to 7 February 1780. The outcome does not appear. [Film No. 52, 53]

Nelly, a young female slave of Thomas Leech, was condemned for burglary at the court of 16 July 1783. Burglary lay outside benefit of clergy, but the jury recommended mercy and repeated its verdict unchanged when sent out again. On 29 July 1783 the Council reprieved her and asked the Court to seek a royal pardon, blaming Leech for hiring her out to soldiers of the garrison. No step was taken against Leech. Nelly hanged herself in the jail on 19 November 1783. [Film No. 60-62]

Yon, a slave of William Worrall, was condemned at the court of 4 October 1786 for sheep stealing, a capital felony without clergy since 1741. On 16 October 1786 the Council argued that he had stolen alongside his

master and on his orders, which a slave could not lawfully refuse. It sent the appeal by a Dutch frigate under Captain With bound for Holland, and the pardon returned within seven months. The pardon was proclaimed at a special sitting on 23 May 1787, and Yon was freed. On the Court's orders the same sitting examined whether Worrall could be tried and found no supporting evidence, as the Council reported on 15 May 1788. [Film No. 68-70, 74]

At the same sitting of 23 May 1787 the Council published the opinion of James Adair, Recorder of London, on whether Black witnesses could be admitted. The letters do not record his advice. [Film No. 70]

Dick, a male slave with a bad record and no one to plead for him, was condemned at the court of 7 October 1789. On 4 November 1789 the Council suspended his execution because a man in his position would not have been hanged in England. The only proven property was a knife of the Reverend Mr Wilson, never produced in court or shown to be worth £0 0s 2d. The candles and other goods had been charged as the property of slaves, who could own nothing in law, so the conviction could not bear a death sentence. [Film No. 78-79]

On the Court's orders the Council sent proposals for new slave regulations on 21 August 1789. Serious matters would go only to a magistrate with no personal interest in the case, who would keep a written record for review at the quarterly court. On 26 September 1789 the Council referred to the Court a complaint by Hagar, a female slave, against her master, R. Mason. [Film No. 76-77]

The Court approved the code, and a letter of 21 July 1791 reported its proclamation at the quarterly court. The Council asked the Court to overlook slave-owners' opposition as misunderstanding. Mr Lambe apologised in open court for mistreating his slave, and the Council sought the Court's pardon for him. The grand jury had refused to indict both Lambe and Captain Greentree, and the Council promised to send home every well-founded bill it rejected. [Film No. 84-85]

A letter of 25 February 1792 reported that Lambe and Robert Mason had forfeited their recognizances. The Council had taken only part of each sum because both men were poor with families, leaving the balance to the Court. It left a further case against Richard Mason unresolved. It recorded its first rulings under the code in full as precedents and asked for leniency towards men untrained in law. [Film No. 90-91]

A proclamation of 5 March 1792 told slaves how to claim the Sunday rights already granted them. On 19 March 1792 the Council punished a slave for a false complaint against his mistress. A letter of 21 May 1792 sought the Court's view on the Council's handling of Mrs Kennedy and her slave in April 1792 and on a new kind of case involving a slave of R. Go[...]. The Council had resolved to indict Mrs Dentaffe but dropped the case at her slave woman's earnest plea. It reported that slaves of humane masters had borne food shortages patiently. It enclosed the Greentree bill rejected on 12 January 1791 with its supporting deposition. [Film No. 91-93]

On 2 November 1792 the Council sent the Court a ruling under the code that stopped an owner taking a nursing infant from its mother. It argued that a breastfeeding child yielded no profit or service, so only malice could explain the demand. [Film No. 99-100]

At a special sitting on 24 February 1794 Sam, a Black man, was condemned for taking a lamb, against the bench's recommendation delivered by Major Robson. In a minute of 19 May 1794 Governor Brooke refused to sign the death warrant until the Court had decided. No one had sworn to the lamb's owner or to a theft, the prosecutor's story had shifted and nobody knew whether the lamb bore a mark. Brooke observed that planters marked and ate unmarked strays at every round-up and killed an animal at shearings, ignoring the Company's rights as lord of the manor. The Company's overseer confirmed that the Company had lost sheep this way, and the clerk of the peace confirmed Brooke's account. Robson and Wright endorsed the referral the same day. [Film No. 102, 104-105]

On 3 November 1794 the Council reported that it had sold off the island several Company slaves found guilty of sheep stealing by justices under the code, without trial at a quarterly court, and a few privately

owned slaves. It argued that sale met the ends of justice, repaid part of their cost and broke up a dangerous gang. [Film No. 103]

Nearly every letter from 29 August 1799 to 21 February 1814 enclosed the justices' proceedings under the code, heard by magistrates without juries. On 17 May 1802 the Council reported that complaints under the code now needed one sitting a week instead of two, and it credited the Court's regulations with improving slaves' conduct. [Film No. 111, 116, 146]

At the court of 13 January 1802 a sergeant of the garrison was acquitted of deliberately and maliciously firing at Job, a Black man, who lost the sight of one eye. The Council reported the verdict without comment, and the page does not say whether Job was slave or free. [Film No. 116]

A letter of 20 October 1808 sent a separate extract on the prosecution of Messrs Balcombe and Solomon for breaking the 39th article of the slave laws, a case raised in paragraph 40 of the letter of 17 June 1808. [Film No. 129]

At the court of 13 January 1813 Caesar, a free Black man, won a civil action over a slave woman, Susan, and her children, Mary and Charlotte. The defendants were the executors of Mrs Ann Seale and the administrators of Lieutenant Stephen Young. Paragraph 46 of the Court's orders of 12 February 1725/6 forbade any Black person to own a slave. The code allowed manumission only on a bond of £100 0s 0d lodged with the churchwardens against the freed person becoming a charge on the parish, and Caesar could not raise it. Appealing to the Court's humane wish to restrict slavery, the Council asked in a letter of 1813 that the three be declared free without the bond. [Film No. 142-143]

A slave woman owned by Captain Beard, an officer in the island's service, died on 29 August 1813 after a brief illness. Reports about the state of her body led the coroner to have it exhumed three days after burial. The inquest returned wilful murder against Mrs Beard, and the grand jury sent her for trial. The evidence proved contradictory, and she was acquitted. Captain Beard was convicted of failing to prevent the ill-treatment of two of his slaves and fined £75 0s 0d. The Council held that the trial had not proved that Mrs Beard's cruelty caused the death, so not even manslaughter could be found. It judged her husband's neglect of his duty to protect his slaves a crime, although he had neither inflicted nor approved the cruelty. [Film No. 144-145, 150-152]

The letter of 21 February 1814 assured the Court that improper severity towards slaves was rare. It cited slave-code records showing owners fined in few cases, mostly for punishing slaves in an unauthorised manner and sometimes perhaps more mildly than the law allowed. Governor Wilks set out his views in an address to the grand jury printed in the October issue of the *St Helena Monthly Register*. The draft shows the Council first calling the problem cruelty and saying it had been unknown for many years. It first wrote that Mrs Beard's cruelty had no connection whatever with the death, and it struck a plea that fined owners had broken the letter rather than the spirit of the law. Parliament had abolished the slave trade in 1807. [Film No. 145-146, 150-153]

Free Black Islanders

After a grand jury complaint about the growing free Black population, the Council adopted resolutions at the court of 26 April 1786. On 28 May 1787 it reported them, warning that numbers grew daily and asking for approval by the next year's ships. It blamed the delay on the extraordinary and unjustified conduct of Major Richard Scott, since dead. [Film No. 70-71]

On 20 August 1790 the Council referred a claim by the executors of Captain James Greentree to a Black boy they held to be his slave, ordering that the boy stay with his mother meanwhile. A child took its mother's status, so the case turned on hers. On 17 February 1791 the Council sent papers on a claim by Tilla, a free Black woman, against the Fabiano estate, for which a special meeting had found no legal basis for trial. A consultation of 9 July 1792 dismissed a challenge to the freedom of Sarah, whom the churchwardens had publicly listed as free for years, and the challenge was not renewed. [Film No. 80-82, 96-97]

On 6 October 1802 the grand jury complained of damage and nuisance caused by free Black inhabitants who had built dwellings on the common land. The Council replied that its inquiries had found no proof and that every charge rested on accusation alone. [Film No. 118]

Land, Property and Currency

On 23 April 1770 the executors of Orlando Bagley, among them William Wrangham and Richard and John Bagley, asked the Council to interpret the second clause of his will. It left land to his son Martin, and they asked whether he took it outright or had to pay its assessed value into the estate. On 5 May 1770 the Council ruled that Martin was entitled to the land if he paid the valuation set out in the will. That money belonged to Orlando's children in equal shares, while the widow took one third of the personal estate, excluding the leasehold land. The Council asked the Court to obtain the opinion of the Company's solicitor. With no church court on the island, the Governor and Council acted as probate authority, and most land was held from the Company on lease. [Film No. 29, 30]

On 26 September 1789 the Council referred to the Court a claim by Thomas Lester to certain land and its crops. On 2 November 1789 a special meeting examined claims against the estate of the late Robert [...]son and left them to a jury. On 13 June 1791 the Council reported that the executors of Julio Fabiano had ignored the legal safeguards against embezzlement. The bench reprimanded them in open court and would have fined them had it suspected fraud. The Council asked the Company's solicitor whether it had acted rightly and why widows swore to their inventories while executors took no oath. [Film No. 77, 79, 82-83]

In about August 1791, as the *Earl Fitzwilliam* was about to sail, inhabitants reported counterfeit pagodas, the gold coin of south India, passed that day. Sworn statements showed that John Howard, a charter-party passenger thought to be a sergeant from Madras, had offered pagodas at £0 4s 0d each, half the value of a genuine star pagoda. The Council searched his belongings before the magistrates and held him overnight in the main guardhouse, the least disgraceful place of confinement. Lacking proof, it freed him next morning, sent him home by the first ship and paid him the usual subsistence of £0 0s 6d a day. A letter of 14 August 1791 enclosed the depositions, his complaints and several coins and noted that he had insulted Governor Brooke. [Film No. 86-88]

On 9 July 1792 the Council sent a dispute over a watercourse to the quarterly court. On 15 October 1792 it sought the Company's solicitor's opinion on the will of James Easthope, which had drawn unusual evidence in May 1792. [Film No. 97-99]

T Barnes, who had married the widow of Major T Seale, claimed a third of the money raised by the executors' sale of Seale's house, arguing that the sale had made it personal property. The case turned on a point of law, so jury and bench agreed to seek advice in England, and a letter of 9 March 1809 sent the papers home. [Film No. 130-131]

Religion and Social Order

The letter of 15 August 1762 asked whether the island should be styled a parish or a chapelry and under what name. Churchwardens were chosen every year, but the island had never borne either title. No reply appears. [Film No. 10]

With the proceedings of the court of 11 July 1787 the Council sent the Court its letter to the senior clergyman and its public address to the inhabitants, opening a campaign to reform the morals of the poor. The Reverend Mr Wilson and a colleague took up the work energetically, and most islanders appeared willing to help. By 11 August 1787 both churches were filled with Black islanders attending instructional talks. [Film No. 71-72]

Settler opposition to the slave code subsided in May 1792. When the Court's letter arrived on the *Valentine*, the Council called a special sitting at once, and a vestry met the next day. The inhabitants expressed loyal thanks, and on 21 May 1792 the Council reported a good prospect that harmony would return and the laws be obeyed. [Film No. 95]

Trade, Shipping and Jurisdiction

On 17 September 1791 the Council sent papers on its legal proceedings by the whaler *Sarah*, which had called without cargo because her master, Robert Matthews, was ill. Joachim Pedro Bab[...], a Portuguese gentleman from Macao put ashore from the *Neptune*, had bought her to carry him to Lisbon. The Council feared this might be its only chance of a reply by the next storeship. No packet had come from India, and there was no word of Captain Blackford from Bencoolen. The whalers off the African coast, only half full, were heading for Brazil instead of home. [Film No. 89-90]

A letter of 30 December 1803 reported a special sitting called at the request of Mr Shrives, master of a South Sea ship. Shrives sued Lieutenant [...] Doyle for threatening conduct and words and won £5 0s 0d damages with costs. The jury made no award for his detention on the island, and the justices refused his further claim for the delay. [Film No. 120]

On 6 January 1806 Captain Herbert of the *Cuffnells* reported that a Company recruit bound for Bengal had committed bestiality on board, a capital crime. The report came two days before the court was due to open, too late to prepare a capital trial. The Council doubted its power to try a crime at sea, which fell under Admiralty jurisdiction, and wished to keep the affair from islanders ignorant of such depravity. It ordered Herbert to carry the prisoner to Bengal in close confinement, since the witnesses were going there and its courts could try offences at sea. [Film No. 124]

A letter of 8 April 1806 reported that Lieutenant Colonel McDonald of His Majesty's 73rd Regiment had arrived under arrest as a passenger on the extra ship *Deraynes*. He asked for a summons compelling witnesses to testify on oath on points he expected a court in England to examine. The Council ruled unanimously that it could compel evidence only on matters within its jurisdiction or bearing on national concerns or the Company's interests. It refused compulsion but let the magistrate take sworn statements from willing witnesses, and it asked the Court's opinion. [Film No. 124-126]

The same letter reported that seamen of the British whaler *Commerce* had complained that Captain Eckstein refused them cash for promissory notes issued against their shares of the voyage. Eckstein admitted issuing the notes to keep the men working while the ship was in difficulty. The Council at first held the complaint outside its jurisdiction. The notes, however, named St Helena as the place of payment 10 days after arrival, and the men's shares exceeded their value. The magistrate on duty therefore warned Eckstein of arrest for debt, and Eckstein paid. He then threatened to sue the Company for nearly £90 0s 0d, and the Council sought guidance for future cases. [Film No. 125-126]

A letter of 21 January 1812 forwarded sworn statements about Captain Bevill, who had taken a man into his ship's company on the passage from the Cape, then in British hands. Leech thought this unlawful and wanted Bevill fined. The Council recorded his view and Governor Beatson's and left the matter to London. [Film No. 140]

Personalities

Lieutenant Taylor of the garrison had been insane for some time by August 1791 and at times was so violent that he was moved from the officers' barracks to the sergeant major's quarters. The quarterly court appointed Thomas Lester, Lieutenant Caleb Broadway and John Worrall to manage his affairs, and the clerk of the peace wrote to his relatives. Taylor had legal training and was never denied pen and ink. On 21 May 1792 the Council warned that in lucid spells he was cunning and vengeful and had probably written plausible complaints home. The Court ordered him sent to England by the first suitable ship. [Film No. 87-88, 94-95]

A letter of 7 May 1799 reported a dispute with the Reverend Mr Wilkinson that the Council had failed to settle. On 29 August 1799 it sent home papers on a painful lawsuit with Wilkinson's letter and its own proceedings. It judged the case unwise and wrong to have gone to law and feared an appeal to the Court of King's Bench in England. It asked for instructions to curb the fondness for lawsuits, warning that one such man could unsettle so small a community. [Film No. 110-111]

By 14 March 1800 the Council named Wilkinson, now styled Dr, as the source of trouble. A poor man had sought compensation for damage by cattle straying into his garden. The magistrate on duty and then the

full bench urged arbitration, but Wilkinson insisted on a jury trial and was cast in £12 0s 0d damages and costs. The Council enclosed his speech to the bench and part of a later letter, which it said showed him seeking fresh grounds for suits and fresh chances to insult its members. It sent Wilkinson the passage concerning him, entered his reply in the consultation book and left the Court as final judge. [Film No. 112-113]

On 21 April 1801 the Council reported that it had ordered Charles McCarty, repeatedly quarrelsome and litigious, aboard the *Lady Burges* to help make up her crew. It asked the Court to bar his return in any capacity. [Film No. 114]

Conclusion

The outcomes of most pardon requests and the text of the slave code lie in enclosures the letters only mention. The letter-book is silent on the war with France from February 1793. [Film No. 58-107]

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<u>1</u>		EAP 1364 St Helena Document Name and Date OutLetters Judicial Department 1762-1814 Photographer Shelley M. Wade Date photographed 01 July 2022 Additional comments	
<u>2</u>		Book cover	
<u>3</u>		Blank page	
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<u>8</u>	1	To the Honorable the Court of Directors of the United Company of Merchants of England trading to the East Indies Honorable Sirs We take this opportunity to address you in answer to the seperate Letter we received from you relative to the Administration of Justice in this Island. The Power you have been pleased to Vest in Us shall be duly put into execution, by holding Quarterly Sessions and Sessions of Oyer, and Terminer, for trying all Crimes and misdemeanors, and also Courts of Justice for hearing and deciding all causes whatsoever, in respect to property, in which we shall proceed by Juries, and in all cases shall be Governed by the known Laws and Statutes of England as far as circumstances will Admit of, and we are capable of judging or informing ourselves by the Law Books, and instructions you have been pleased to send for our Guidance; A regular course of Justice shall be Administered impartially to every one, and we are in hopes, by putting the Laws into Execution against Delinquents, and they exemplary punished that it will in a great measure check the many Robbery's Burglary's and other Atrocious Crimes, which have lately been committed by Blacks, and other profligate abandoned Persons. Your Honors are pleased to Observe that we Fined Mr Richard Law for Abusing William Moore, Altho' it was not strictly Legal, we thought it equitable, as Things of this Nature had been done here in similar Cases [...] to your directions we have transmitted your Honors a [...] of the Laws of this Island and [...]	The Council wrote to the Court of Directors of the United Company of Merchants of England Trading to the East Indies, replying to a separate letter from the Court about how justice should be run on the island. The Council undertook to use the powers the Court had granted it in full. It would hold quarterly sessions and sessions of oyer and terminer to try every crime and lesser offence. It would also sit as a court to hear and settle every dispute over property, and juries would decide cases in each instance. The Council promised to follow the established laws and statutes of England as far as local conditions allowed. Its guides would be its own judgement, along with the law books and instructions the Court had sent out. Justice would be given to everyone fairly and without favour. By enforcing the law against offenders and punishing them severely enough to deter others, the Council hoped to curb the many robberies, burglaries and other grave crimes. Black islanders and other dissolute, lawless people had carried out a number of these offences in recent months. The Court had commented on the fine the Council imposed on Mr Richard Law for his mistreatment of William Moore. The Council accepted that the penalty lacked a firm basis in law. It still considered the fine fair, because the island had dealt with similar cases in the same way before. Following the Court's instructions, the Council sent the Court a compilation of the island's laws. It also sent a record of jury proceedings and related business covering the years from 1679 onwards. Interpretations The letter marked a shift in how the island was governed. Until then, the Council had often punished people by its own authority and by local custom. The Court now expected a formal system that followed English law. Under it, juries would decide both criminal and property cases, and the law books sent from London would set the standard. The Council's pledge to follow English statutes only "as far as circumstances allowed" left room for discretion. This mattered on a small, isolated island with no trained lawyers.

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		the proceedings by Juries &c since the Year 1679 which are	Oyer and terminer, law French for "to hear and determine", was the English commission that gave judges authority to try serious crimes, including felonies punishable by death. The quarterly sessions matched the English quarter sessions, where justices of the peace dealt with lesser offences, public order and local administration. Holding both courts gave the Council a two-tier criminal jurisdiction on the English model. Before this, a single council board had exercised these powers. The record of jury proceedings dating back to 1679 showed that trial by jury was already long established on the island, even while the Council also acted summarily. By sending this record and a compilation of local laws, the Council let the Court judge how far the island's practice had strayed from English law. The Court could then correct it from London. The Council's concern about crimes by Black islanders reflected fears within a society where slaves made up a large share of the population. Harsh, exemplary punishment was the Council's main means of keeping control. Speculations In the case of Richard Law, the Council admitted that a strictly lawful course would not have allowed the fine. It imposed the penalty anyway, justifying the choice by pointing to earlier island cases handled the same way. Local precedent had therefore outweighed legal form. The Council treated its own past rulings as sufficient authority, which was exactly the habit that the Court's letter on the administration of justice was designed to end.
2	2	the first we have upon Record. We have also sent in a separte Paper in the Packet, a Catalogue of the Law Books we have, which we think sufficient for our Guidance except some of the Old Baley Tryals at large, for Murder, Theft, Rape, Beastiality Larceny &ca which would be very useful, and therefore request you will be pleased to send Us them the first proper opportunity It appears by the Records of the Island that there has been twice a Sheriff chosen, but we do not find a Constable or other peace officer, except a Clerk of the Peace, who seemed to have been an Attorney. Latterly all Processes, Impannels, and Orders for holding of Courts, have been Issued by the Governor and Council, one of the Writers used to Act as Clerk of the Peace and the Marshal as Jailer. In our Consultation of the 28 of June last you will please to Observe, that a Sheriff and Constable are appointed We have Likewise appointed a Clerk of the Peace at the Salary of £40 0s 0d p Annum; but as we are at a loss to know what Fees would be proper for the Officers of the Court We beg you will be pleased to direct a Table of them to be sent Us We shall in future, Try all Blacks Guilty of Capital Crimes by Juries and their punishments shall be agreeable to the Laws of England, but as those Laws direct, that all Evidence in such Cases should be upon Oath, and the Blacks here never have been allowed to be Evidence against	The records of jury proceedings sent to the Court began in 1679, the earliest year for which the island held such material. In the same packet, the Council enclosed a separate list of the law books it possessed, which it judged adequate for its needs. One gap remained. Full published reports of trials at the Old Bailey, covering murder, theft, rape, bestiality, larceny and similar offences, would be of great help. The Council asked the Court to send copies by the first suitable ship. 4: The island's records showed that a sheriff had been chosen on two occasions. The Council found no trace of a constable or any other officer charged with keeping order. The only exception was a clerk of the peace, who appeared to have been a lawyer. In more recent years, the Governor and Council had themselves issued all writs, jury summonses and orders for courts to sit. One of the Company's writers had served as clerk of the peace, while the marshal had kept the jail. The Council drew the Court's attention to its consultation of 28 June the previous year, which appointed a sheriff and a constable. It also named a clerk of the peace on a salary of £40 0s 0d a year. The Council had no idea what fees the court's officers ought to charge, so it asked the Court to send out a scale of charges. 5: From then on, the Council intended to put every Black islander accused of a capital crime before a jury and to punish those convicted as English law required. That law demanded sworn testimony in such trials. On the island, however, no Black person had ever been permitted to give evidence against a white one. The Council therefore asked whether a free Black islander or a slave might swear on the Gospels. None of them was Christian, and they had no grasp of what such an oath meant or what it bound them to. Island practice had always barred their testimony against white people, on the grounds that false evidence from them might lead to serious harm. Interpretations The Old Bailey trials were the printed Proceedings of the Old Bailey, London's principal criminal court. These reports were issued regularly from the late

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		a White Person We desire to know whether a Free Black or Slave are to be permitted to take an Oath upon the Holy Evangelist they not being Christians and intirely ignorant of the purport, and meaning of such Oaths, The Custom of the Island has been, and is, that their Evidence has never been allowed of, against a White as it might be attended with dangerous Consequences by their giving false Evidence, but against	seventeenth century onwards. They set out charges, witness testimony and verdicts, sometimes in considerable detail. The Council wanted them as practical models, since they showed how English judges and juries handled evidence and framed indictments. Such guidance was valuable to a council of Company servants with no legal training, now obliged to run jury trials on English lines. The request for a table of fees revealed how English courts paid their officers. Sheriffs, constables and clerks drew much of their income from fees charged to the people who used the court, not from salaries alone. Without an approved scale, the new officers could either overcharge or go unpaid. Either result would weaken the reformed system before it had properly begun. The account of past practice showed how thin the island's legal machinery had been. The Governor and Council had combined executive and judicial roles. They issued their own writs and summoned their own juries, while junior clerks and the marshal filled the posts of court officer and jailer as extra duties. The appointments of 28 June the previous year created separate officers for the first time in decades. The question over oaths went to the heart of the social order. An English court accepted testimony only on oath, and the oath drew its force from Christian belief in divine punishment for perjury. Excluding Black testimony against white people meant a white person could not be convicted on the word of a slave or free Black witness. That rule protected white islanders and kept slaves in a legally subordinate position.
10	3	against one another, their Evidence in all cases without their being Sworn has been admitted of, and looked upon to be good and Valid. We therefore request to know how we are to Act in these circumstances, and if they are to be allowed to take an Oath that you will be pleased to send Us the form of it We Likewise desire to know, whether the Articles of War, are not to extend to the Officers and men of the Militia when upon Duty, as well as to those of the Garrison As we have no Sessions House or proper Place to hold Courts of Justice, we must be under a necessity of Erecting one, as soon as we can get Timber, and other Materials, for doing of it, which we hope you will be pleased to send Us next Year As you have Ordered that no more offenders shall be sent to England, we shall in Consequence thereof lay aside that method We request your Honors will be pleased to inform Us, whether this is to be called a Parish, or Chappelry, it never having been hitherto called either, altho' Churchwardens have been Annually chose, and if either, by what Name it is to be distinguished, because in all Processes, the Persons are mentioned to be of some Parish, or other All our Letters, Consultations and Proceedings relating to Law Matters, shall as you have directed, be kept separte from our other business We are Honorable Sirs Your most Obedt and most humble Servants Signed Charles Hutchinson	Although Black islanders had never been allowed to testify against white people, their evidence against one another had always been accepted in every kind of case without any oath being taken. The island had treated such unsworn testimony as sound and binding. The Council asked the Court how it should proceed in these circumstances. If Black witnesses were to be sworn, the Council wanted the Court to supply the wording of the oath. 6: The Council also asked whether the Articles of War applied to the officers and men of the militia while on duty, in the same way as they applied to the garrison. 7: The island had no sessions house or other suitable building in which to hold its courts. The Council saw no choice but to build one once timber and other materials became available. It hoped the Court would ship these out the following year. 8: The Court had forbidden the Council to send any more offenders to England. In line with that order, the Council gave up the practice. 9: The Council asked the Court to decide whether the island should be styled a parish or a chapelry. It had never borne either title, even though churchwardens were chosen every year. If one title was adopted, the Council also needed to know the name by which the parish or chapelry should be known. Every legal document described the people named in it as belonging to a particular parish. 10: As the Court had instructed, the Council would keep all its letters, consultations and proceedings on legal matters apart from the rest of its business. Governor Charles Hutchinson and the Council signed the letter at St Helena on 15 August 1762. The copy recorded the following signatories. Charles Hutchinson Thomas [...] [...] [...] Kirkpatrick Interpretations The Articles of War were the code of discipline governing soldiers, enforced by courts martial with

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		John Skottowe [...] [...] Kirkpatrick St Helena the 15 August 1762	penalties that could include flogging and death. The militia was made up of the island's planters and free inhabitants, who were civilians for most purposes. Placing them under the Articles when on duty would have given the Governor and Council military authority over the settler population. It would also have allowed them to punish neglect of guard duty or disobedience without a jury. The question about parish or chapelry arose from English legal form. Indictments, writs and other formal papers identified each person by name, occupation and parish of residence. A parish was a full ecclesiastical and civil unit, while a chapelry was a subordinate district served by a chapel of ease within a larger parish. The island had annual churchwardens, officers normally tied to a parish, yet it lacked any formal title. That gap now mattered because the new courts required papers drawn in proper English form. The acceptance of unsworn evidence between Black islanders, alongside its total exclusion against white people, exposed a double standard in the island's justice. The oath was treated as essential only where a white person's liberty or life was at stake. Where Black people accused one another, the Council saw no need for the safeguard that English law regarded as fundamental. The Court's order that no more offenders be sent to England ended a practice by which the island had exported cases too serious or awkward to try locally. Removing that outlet obliged the Council to try and punish serious offenders on St Helena itself. This explained its urgent requests for law books, court officers, a scale of fees and a building in which to sit. The request for timber reflected the island's lack of building materials. Much of St Helena's native woodland had been cleared or grazed out by this date. Substantial public works therefore depended on supplies shipped from England or brought in by passing vessels.
<u>11</u>	4	To the Honorable &ca Honorable Sirs By this opportunity we transmit your Honors the proceedings of the Quarterly Sessions held on the 12th of October 1762, and by a future Conveyance we shall likewise forward the proceedings of that held on the 11 January last. We are Honorable Sirs Your most Obedient and humble Servants (Signed) Chas Hutchinson John Skottowe M Pouling Thos Kirkpatrick St Helena 9th Feby 1763 To the Honble &ca Honorable Sirs We transmit You by this Ship, the Proceedings of the Quarterly Sessions held on the 11 of January last, together with the Confession that William Jenkins made at the place of Execution We are Honorable Sirs Your most obedient and humble Servants (Signed) Chas Hutchinson John Skottowe M Pouling Thos Kirkpatrick	The Council sent the Court the proceedings of the quarterly sessions held on 12 October 1762. It promised to forward the proceedings of the sessions held on 11 January 1763 by a later ship. Governor Hutchinson and the Council signed the letter at St Helena on 9 February 1763. Charles Hutchinson John Skottowe M. [...]ling Thomas Kirkpatrick Interpretations The letter showed the reformed courts already at work within two months of the Council's pledge of 15 August 1762 to hold regular quarterly sessions. Sending the full proceedings home let the Court review each trial and judge whether the island was following English law. Justice on St Helena was thus supervised from London, with the Court able to correct errors or overrule sentences through later instructions. The Council sent the Court the proceedings of the quarterly sessions held on 11 January 1763 by the ship carrying this letter. It enclosed with them the confession that William Jenkins made at the place of his execution. The Governor and Council signed the letter at St Helena on 6 March 1763. Charles Hutchinson John Skottowe M. [...]ling Thomas Kirkpatrick Interpretations The confession of William Jenkins showed that the new jury courts had imposed and carried out a death sentence within months of their creation. In England, a condemned prisoner's last words at the gallows were widely recorded and published, since an admission of

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		St Helena 6th March 1763	guilt confirmed that justice had been done. By sending the confession with the trial record, the Council offered the Court proof that the verdict was sound. This mattered because the Council was trying capital cases under a system still new to the island, and any doubt about a hanging would reflect on its competence.
12	5	To the Honorable &ca Honorable Sirs As your Honors did not think it necessary to send a Person Qualified to Assist Us in the Proceedings of the Courts of Judicature held here. We will guide ourselves as well as we can, by the Law Books and Instructions you have been pleased to send Us, and have all causes determined by Jurys as you direct We shall never be without a Sheriff, Constable and other Peace Officers that are necessary for the good Government of the Island and as we are in want of Proper Staves for Constables we request you would be pleased to direct two long and two short ones, to be sent Your Honors having informed Us the Fees of the Clerks of the Peace in England are not adapted to this Place. We shall endeavour to Establish a Table of Moderate ones, and transmit a Copy of them for your approbation We flattered ourselves you would have been pleased to give Us directions with regard to swearing the Blacks, but as the third Paragraph of your Letter dated the 17th December 1762 leaves Us in the dark in that respect We shall continue to swear them upon the Old Testament against one another; but until we receive your Orders for it we think we cannot admit of their Evidence in any case whatever against a White person as it is contrary to the established custom of the Island, and we imagine might be attended with very dangerous Consequences As the Militia here are not Listed neither receive Pay, they consequently cannot by the 4th Paragraph of your Letter bearing date the 17th Decembr last, come under the Mutiny Act By this opportunity we transmit You the Proceedings	The Court decided against sending out anyone with legal training to help the Council run the island's courts. The Council therefore resolved to manage as best it could with the law books and instructions the Court had supplied. As directed, juries would decide every case. 2: The Council undertook always to keep a sheriff, a constable and whatever other officers were needed to maintain order on the island. It lacked suitable staves for its constables, and asked the Court to send out two long ones and two short ones. 3: The Court advised that the fees charged by clerks of the peace in England did not suit conditions on St Helena. The Council planned to draw up its own scale of modest charges and send a copy home for the Court's approval. 4: The Council had hoped the Court would give clear guidance on putting Black islanders under oath. The third paragraph of the Court's letter of 17 December 1762 left the matter unresolved. In the meantime, the Council would go on swearing Black witnesses on the Old Testament when they gave evidence against one another. Until the Court ordered otherwise, the Council believed it could not accept their evidence against a white person in any case at all. Such evidence ran against long-standing island custom, and the Council feared it might lead to grave harm. 5: The island's militiamen were neither formally enlisted nor paid. The fourth paragraph of the Court's letter of 17 December 1762 therefore meant that the Mutiny Act did not cover them. 6: With this ship, the Council also forwarded a set of court proceedings to the Court. Interpretations The Mutiny Act was the statute Parliament renewed each year to authorise military discipline over the army, including trial by court martial. It applied only to soldiers who had been formally enlisted and who received pay. The Court's ruling answered the question the Council raised on 15 August 1762 about whether the Articles of War reached the militia. Because the island's militiamen served unpaid and were never enrolled as soldiers, they stayed under civil law. The Governor and Council could not court-martial planters for failures on militia duty, and any offence had to go before a jury. The Council's letter of 15 August 1762 stated that Black islanders' evidence against one another had always been accepted without an oath. By this letter, the Council was swearing such witnesses on the Old Testament, so the practice had changed in the intervening months. The choice of the Old Testament followed the English courts' method for non-Christian witnesses. Jews had long sworn on the Hebrew scriptures, and English judges had accepted that a witness could be bound by an oath taken according to his own beliefs. The Council applied that approach only where Black people testified against each other. It kept the ban on their evidence against white people, so the adoption of oaths changed the form of proceedings without altering the racial boundary on testimony. The constables' staves were painted wooden staffs carried as the badge of office. A constable produced his staff when making an arrest or keeping the peace, since it showed his authority to anyone he challenged. On an island that had gone for years without a

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			constable, the staves gave the newly created office a visible presence. The Court's refusal to send a qualified lawyer left the entire legal reform in the hands of Company servants. The Council's reliance on law books, printed trial reports and an approved fee table showed how English legal practice reached the island. It arrived in written form, interpreted by laymen, with the Court in London acting as a distant court of appeal.
13	6	Proceedings of our last Quarter Sessions We are Honorable Sirs Your most obedient and humble Servants. (Signed) Chas Hutchinson John Skottowe Pouling Thos Kirkpatrick St Helena 1 May 1763 To the Honorable &ca Honorable Sirs As you are pleased to inform Us, no written Deposition can be received as Evidence against a Felon we shall take care to bind the prosecutor & Witnesses in Recognizances, to attend the next Sessions of Jail Delivery as you direct & levy the Sum they are bound for by their recognizances, if they do not appear to prosecute. And we request to know, in case of any person belonging to the Ships that are so bound should not stay to prosecute whether the penalty of the Recognizance may not be levied on them, whenever they appear here again	The Council's letter closed by sending the Court the proceedings of the most recent quarter sessions. Governor Hutchinson and the Council signed it at St Helena on 1 May 1763. Charles Hutchinson John Skottowe [...]ling Thomas Kirkpatrick The Court informed the Council that no written statement could serve as evidence against a person accused of felony. In response, the Council undertook to bind every prosecutor and witness by a formal bond to appear at the next sessions of jail delivery, as the Court directed. Anyone who then failed to attend and pursue the prosecution would forfeit the sum named in the bond. The Council asked for guidance on one further point. Men from visiting ships might be bound in this way and then sail before the trial. The Council wanted to know whether it could collect the forfeited sum from such men whenever they next called at the island. Interpretations A recognizance was a bond acknowledged before a magistrate, by which a person promised to perform a duty, such as appearing in court, on pain of forfeiting a fixed sum. It carried no upfront payment. The debt arose only if the person defaulted, at which point the Crown, or here the Company, could recover the money. The device turned a witness's civic duty into a financial obligation. It gave magistrates a means of securing testimony without holding witnesses in custody until the court sat. Jail delivery was the English commission empowering judges to try every prisoner held in a particular jail and so empty it. Paired with the sessions of oyer and terminer the Council described on 15 August 1762, it gave the island's courts full authority over felonies. The Court's insistence on live testimony reflected the English principle that an accused felon should hear the evidence against him in open court and have the chance to question it. A written deposition taken earlier allowed no such challenge. The rule caused particular difficulty at St Helena. Much of the island's population at any moment consisted of seamen from Company and other ships calling for water and provisions, who stayed only days or weeks. A crime witnessed by a sailor might not reach trial before his ship left, and a deposition could no longer stand in for him. The Council's proposal to enforce forfeited bonds when defaulters returned relied on the regular pattern of shipping. The same vessels and crews often came back on later voyages, making them reachable in a way ordinary absentees would not have been.
14	7	If we think any of the Criminals after Condemnation should merit His Majesty's Royal Pardon, we shall respite such Sentence and carefully state the case to your Honors as you have ordered. By this Conveyance we transmit you the Duplicate of the last Quarterly Sessions St Helena 23d June 1763 We are Honorable Sirs	The Council's letter went on to deal with prisoners who might deserve mercy. 2: Where the Council judged that a condemned criminal merited a royal pardon, it would suspend the sentence. It would then set out the circumstances of the case in full for the Court, as the Court had instructed. 3: The Council also sent with this ship a second copy of the proceedings of the latest quarterly sessions.

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		Your most obedient and humble Servants (signed) Chas Hutchinson John Skottowe Pouling Thos Kirkpatrick To the Honorable &ca Honble Sirs By this Conveyance We transmit your Honors the proceedings of the last Quarterly Sessions held on the 5 of October 1763. We are Honorable Sirs St Helena 5 Decembr 1763 Your most Obedient, and humble Servants (signed) Chas Hutchinson John Skottowe Pouling Thos Kirkpatrick	Governor Hutchinson and the Council signed the letter at St Helena on 23 June 1763. Charles Hutchinson John Skottowe [...]ling Thomas Kirkpatrick Interpretations The power to pardon a convicted felon belonged to the Crown alone. The Company's charter allowed the Council to try and sentence offenders but gave it no authority to forgive them. A respite, or reprieve, merely postponed execution without cancelling the sentence. The Council's role was limited to halting the hanging and referring the case to London, where the Court could seek the King's pardon. With letters taking months to reach England and months more for a reply to return, a reprieved prisoner faced a very long wait in the island's jail before learning his fate. The duplicate reflected the Company's standard practice of sending important papers by more than one ship. A vessel could be wrecked, captured or delayed, and a second copy on another ship made it far more probable that at least one set of proceedings reached the Court. The Council sent the Court the proceedings of the latest quarterly sessions, held on 5 October 1763. The Governor and Council signed the covering letter at St Helena on 5 December 1763. Charles Hutchinson John Skottowe [...]ling Thomas Kirkpatrick
15	8	To the Honble &ca Honble Sirs We take this opportunity of transmitting your Honors the last Quarterly Sessions held on the 11 January together with the Duplicate of that held the preceding Quarter We are Honble Sirs Your most obedient and humble Servts (signed) Chas Hutchinson John Skottowe Pouling Thos Kirkpatrick St Helena 5th March 1764 To the Honble &ca Honble Sirs We take this opportunity to Address your Honors in answer to the Seperate Letter we received from you, by the Duke of Richmond respecting the Judicial Affairs of this Island. It gives Us great satisfaction to find that our proceedings at the three Quarterly Sessions which you had received, met with your approbation and we assure you, that in conducting this Business, we shall always have due regard to an impartial Administration of Justice We shall endeavour to inform ourselves in the best manner we are able from the Books you have been pleased to send for our Guidance, and if any thing doubtful should arise relative to Criminal prosecutions or otherwise, we shall state the case [...]	The Council sent the Court the proceedings of the latest quarterly sessions, held on [...] January 1764, along with a second copy of those of the quarter before. Governor Hutchinson and the Council signed the letter at St Helena on 5 March 1764. Charles Hutchinson John Skottowe [...]ling Thomas Kirkpatrick 1: The Council wrote again in reply to a separate letter from the Court on the island's legal affairs, which had arrived on the <i>Duke of Richmond</i>. It was much gratified that the Court approved the records of the three quarterly sessions it had so far received. The Council gave its assurance that it would always keep fairness foremost in running the courts. 2: The Council would make the best use it could of the law books the Court had sent for its guidance. Should any doubtful point arise in a criminal prosecution or other legal matter, the Council undertook to lay out the facts of the case for the Court's decision. Interpretations The Court's approval of the first three sets of proceedings completed the cycle of supervision set up in 1762. The Council tried cases, sent full records home, and waited for the Court's verdict on its conduct. The three sessions reviewed were probably those of 12 October 1762, 11 January 1763 and the spring of 1763, whose proceedings went home with the letters of 9 February, 6 March and 1 May 1763. The approval told the Council that its untrained members were applying English procedure acceptably. Their undertaking to refer doubtful points home kept the Court as the final authority on questions of law.

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16	9	our final determination, until we have received your Sentiments [...] The Table of Fees shall be regulated, to prevent [...] from paying any improper Fees to the Jailor The Lieutenant Governor will continue to preside at the Court [...] Justice, during the Governors Continuing on the Island, and after his leaving it, will preside constantly there, unless hindered by sickness or any unavoidable impediment We are Honorable Sirs Your most obedient & humble Servants signed John Skottowe Pouling Thos Kirkpatrick St Helena 25th April 1764 To the Honble &ca Honoble Sirs By this Conveyance We transmit Your Honors the Quarterly Sessions held on the 2d Instant. We are Honble Sir Your most obedient & humble Servants signed John Skottowe Pouling Thos Kirkpatrick St Helena 31 May 1764	Whenever a doubtful point arose, the Council would set out the case for the Court and hold back its final decision until the Court's views arrived. 3: The Council would regulate the scale of fees so that no one paid improper charges to the jailer. 4: The Lieutenant Governor would go on presiding over the court for as long as Governor Hutchinson stayed on the island. Once the Governor left, the Lieutenant Governor would take the chair at every sitting unless illness or some other unavoidable cause kept him away. The Council signed the letter at St Helena on 25 April 1764. John Skottowe [...] Burling Thomas Kirkpatrick Interpretations In English prisons, jailers commonly drew their income from fees levied on inmates. Prisoners paid for admission, bedding, food, lighter irons and even their release. A prisoner acquitted by a jury could still be held until he settled these charges. By fixing the jailer's fees in the approved table, the Council aimed to stop the marshal, who acted as jailer, from turning custody into a source of private profit at prisoners' expense. Governor Hutchinson's name no longer appeared among the signatories, and John Skottowe now signed first. The arrangement for the Lieutenant Governor to preside over the court, both before and after the Governor's departure, pointed to a planned handover. Keeping the same presiding officer in place ensured the courts would continue to sit without interruption through the change of government. The Council sent the Court the proceedings of the quarter sessions held on 2 May 1764. The letter was signed at St Helena on 31 May 1764. John Skottowe [...] Burling Thomas Kirkpatrick
17	10	To the Honble &ca Honoble Sirs We take this opportunity to transmit your Honors the Proceedings of the Quarterly Sessions held on the 3 day of October 1764 We are Honorable Sirs Your most Obedient and humble Servants (signed) John Skottowe Matthw Pouling Thos Kirkpatrick St Helena 20th Janry 1765 To the Honble &ca Honorable Sirs. By this Conveyance we transmit your Honors the proceedings of the last Quarterly Sessions together with the Duplicate of the Sessions held the 3 Octobr 1764 We are Honorable Sirs Your most Obedient and humble Servants, (signed) John Skottowe Danl Cornelius M Pouling Thos Kirkpatrick St Helena 5th March 1765	The Council sent the Court the proceedings of the quarterly sessions held on 3 October 1764. The letter was signed at St Helena on 20 January 1765. John Skottowe Matthew Burling Thomas Kirkpatrick The Council forwarded the proceedings of the latest quarterly sessions, together with a second copy of those held on 3 October 1764. The letter was signed at St Helena on 5 March 1765. John Skottowe Daniel Corneille Matthew Burling Thomas Kirkpatrick
18	11	Blank page	

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19	12	Blank page	
20	13	[Upper right corner of the page is torn away.] To the Honoble &ca Honoble Sirs We take this opportunity to transmit your Honors the proceedings of the last Quarterly Sessions held the 17th day of April 1765. We are Honoble Sirs Your most obedient and humble Servants (signed) John Skottowe Daniel Corneille Matthw Pouling Captn Thomas Kirkpatrick St Helena 12 May 1765. To the Honoble &ca Honoble Sirs. We take this opportunity to transmit you the proceedings of the last Quarterly Sessions held on the 17 July 1765. We are Honoble Sirs. Your mt Obedt and humble Servants (signed) John Skottowe Danl Corneille Mattw Pouling Thos Kirkpatrick St Helena 1st August 1765.	The Council sent the Court the proceedings of the latest quarterly sessions, held on 17 April 1765. The letter was signed at St Helena on 12 May 1765. John Skottowe Daniel Corneille Matthew Burling Captain Thomas Kirkpatrick The Council forwarded the proceedings of the latest quarterly sessions, held on [...] July 1765. The letter was signed at St Helena on 1 August 1765. John Skottowe Daniel Corneille Matthew Burling Thomas Kirkpatrick
21	14	[Upper left corner of the page is torn away.] [...]e Honoble &ca Honoble Sirs By this opportunity we transmit your Honors the proceedings of the Quarterly Sessions held on the 9th October 1765, the proceedings of the last Sessions shall be sent you by the next Conveyance We are Honoble Sirs Your most obt and humble Servts (signed) John Skottowe Danl Corneille Mattw Pouling Thomas Kirkpatrick St Helena 3 Feby 1766 To the Honoble &ca Honoble Sirs We take this opportunity of transmitting your Honors the Quarterly Sessions held the 15 of January 1766 together with the Duplicate of the preceding Sessions We are Honoble Sirs Your most obt & humble Servants (signed) John Skottowe Daniel Corneille Matthew Pouling Thomas Kirkpatrick St Helena 3 March 1766	The Council sent the Court the proceedings of the quarterly sessions held on 9 October 1765. It added that the record of the most recent sessions would follow by the next ship. The letter was signed at St Helena on 3 February 1766. John Skottowe Daniel Corneille Matthew Burling Thomas Kirkpatrick The Council forwarded the proceedings of the quarterly sessions held on [...] January 1766, together with a second copy of those of the preceding sessions. The letter was signed at St Helena on 3 March 1766. John Skottowe Daniel Corneille Matthew Burling Thomas Kirkpatrick
22	15	Peace, until your Honors pleasure shall be made known to Us, and for a fuller information, we beg leave to refer You to our Proceedings herewith transmitted in a separete Paper by this Conveyance We further beg leave that your Honors will send us	The Council left the question of Captain Kirkpatrick's service as a justice of the peace unresolved until the Court made its wishes known. For a fuller account, it referred the Court to the record of its proceedings, sent separately by the same ship. 3: The Council also asked the Court for guidance on a further point. Captain Thomas Kirkpatrick might

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		your instructions, in case Captn Thos Kirkpatrick should hereafter duly Qualify conformable to the Laws of our Country, whether his being in a Military Capacity and immediately acting as such, is not inconsistent with the Laws to act in the Civil Authority as a Justice of the Peace We are Honble Sirs Your most Obedt & humble Servants (signed) Jno Skottowe Danl Corneille M Pouling St Helena 25 April 1768 To the Honble &ca Honble Sirs Since our proceedings with regard to Captn Kirkpatrick's acting as a Justice of the Peace, we have recd a Letter from him on that Subject which we herewith transmit your Honors We are Honble Sirs [...] Your most Obedt [...] signed John Skottowe Danl Corneille M Pouling	later complete the formal steps needed to hold office under English law. If he did, the Council wanted to know whether his active military command made it unlawful for him to exercise civil authority as a justice of the peace. The Council signed the letter at St Helena on 25 April 1768. John Skottowe Daniel Corneille Matthew Burling Interpretations To qualify for civil office in England, a man had to take the oaths of allegiance, supremacy and abjuration. He also had to receive communion in the Church of England and produce a certificate proving it. A justice of the peace also needed to meet a property requirement. Until these steps were complete, anything Kirkpatrick did as a magistrate could be challenged as void. That explained why the Council held back his authority until the point was settled. The deeper question concerned the separation of military and civil power. English law and political tradition were wary of serving officers acting as magistrates, since a commander could then both arrest civilians and sit in judgement on them. On St Helena, garrison officers routinely sat on the Council, and the line was harder to hold. Kirkpatrick's name was missing from the signatories, although he had signed every letter since 1762. That absence suggested his standing had become the subject of dispute within the Council itself. After recording its proceedings on Captain Kirkpatrick's role as a justice of the peace, the Council received a letter from him on the subject. It forwarded the letter to the Court. John Skottowe Daniel Corneille Matthew Burling Interpretations By passing Kirkpatrick's letter to the Court unaltered, the Council allowed him to put his own case directly before the Directors. The Court could then weigh the Council's objections against his reply before deciding whether he could sit as a magistrate. Company servants on the island often used this route when they disputed a decision taken against them. The Court acted as the final judge between the Council and one of its own members.
23	16	[Right-hand edge of the page is torn away along much of its length.] To the Honble &ca Honorable Sirs By this Conveyance we transmit you Honors the last Quarterly Sessions held on the 10th July 176[...] We are Honble Sirs Your most Obt & humble Servts (signed) John Skottowe Pouling St Helena 13th Augt 1768 To the Honoble &ca Honorable Sirs In the Course of this Quarter, an Information was by [...] Stephens Capps, a Soldier of this Garrison, of a Robbery in which [...] was an Accomplice, against three other Soldiers, as Principals [...] two more, as Accessories after the Fact, for killing, taking and bearing away in the night time a Yearling Bull, the Property	The Council sent the Court the proceedings of the latest quarterly sessions, held on 10 July 1768. The letter was signed at St Helena on 13 August 1768. John Skottowe Matthew Burling During the quarter, a garrison soldier named Stephens Papps laid a charge over a robbery in which he himself had taken part. He named three fellow soldiers as the men who carried it out and two others who had helped them afterwards. The group was accused of killing a yearling bull belonging to Mr Matthew Burling and carrying it off at night. All five accused were formally committed to jail to stand trial at the next quarter sessions. The Council then considered the nature of the offence more closely. Both common law and statute denied the principal offenders in such a crime any claim to benefit of clergy. This finding led the Council to treat the case with greater caution. Interpretations Benefit of clergy had begun as a medieval privilege exempting churchmen from the king's courts. By the eighteenth century, it worked as a legal device that spared many first offenders convicted of lesser felonies from hanging. A man who claimed it was branded on the thumb and released, or later transported instead of executed. Parliament steadily

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		of Mr Matthew Pouling. The Principals and Accessories were in Consequence, Judicially committed in Order to take their Trials [...] the ensuing Genl Qr Sessions, But having Duly deliberated [...] the Nature of the Crime, & finding that, by common as well as by Statute Law, Principals in such case Offending, are deprived [...] the Benefit of their Clergy, We become more Circumspect [...]	removed the privilege from particular crimes. Acts of 1741 and 1742 made stealing sheep and cattle, including bulls, felonies without clergy. For the three principals, conviction therefore meant a mandatory death sentence. That was why the Council paused once it realised what the charge entailed. Papps was acting as what the English courts called an approver or king's evidence. He was an accomplice who escaped prosecution by testifying against his partners. Juries were often warned to treat such evidence with suspicion, since the informer had every motive to shift blame onto others. With three lives resting largely on the word of a man who admitted his own guilt, the Council had good reason for care. The stolen animal belonged to Matthew Burling, one of the two councillors who signed the covering letter and who sat on the bench that would try the case. The island's small size meant that magistrates, victims and witnesses were often the same people. Such overlap would have been avoided in England. Cattle were also scarce and valuable on St Helena, since the island depended on its own herds to feed the garrison and supply fresh meat to passing ships. The loss of a young bull cut into the breeding stock as well as the owner's purse.
24	17	proceeded to Consider, how or whether, by our Accidental Limitation of Justices, now reduced to two, by the resignation and removal of Mr Corneille and by Captn Kirkpatrick's disqualification, We may sit as Judges to hear and determine such Offences, or whether two Justices could Legally, and according the Established Maxims of Courts of Judicature, form a Court. But finding that Agreeable to the Commission or Patent, directed to his Majesty's Justices of Oyer & Terminer, & Goal delivery, two or more may sit on such Commission, that Doubt was Obviated as far as it concerned Number Another Circumstance arises on this case from the property of the stolen Beast vested in Mr Pouling one of the two Justices, It remained therefore to know whether, in Criminal as well as in civil Causes, the Property of the thing stolen debars the Proprietor of the right of Judging. In all our researches, We could not be ascertained as to that Fact Exactly, & have rested our Judgment in this, on what the Law Directs in Civil Cases: In Consequence whereof, We came to the following resolutions (Viz) That Mr Pouling cannot sit, as Judge on this particular Trial, from his affinity thereto: That the Trial be therefore put off, till more Justices can be properly associated That the two Accessories be admitted to Bail, and that the Confinement of the principals be rendered, on Account of its duration, more Tolerable Pursuant to the above resolutions, We have taken sufficient Bail for the appearance of the Accessories, and put them at Large, & shall take some further measures towards alleviating the Burthen of Irons and extending with security, the Confinement, of the Principals	Faced with a capital charge, the Council next considered whether it could lawfully try the case at all. Its bench of justices had shrunk to two by chance. Mr Corneille had resigned and left, while Captain Kirkpatrick had been disqualified. The Council asked itself whether two justices could hear and decide such offences, and whether so few could form a proper court under the recognised principles of English justice. It then found that the commission issued to royal justices of oyer and terminer and jail delivery allowed two or more to sit. That settled the question of numbers. A second difficulty arose because the stolen animal belonged to Mr Burling, one of the two remaining justices. The Council needed to know whether owning the stolen property barred a man from judging the case in criminal matters, as it did in civil ones. Despite searching its law books, the Council could find no clear answer. It therefore followed the rule laid down for civil cases and reached four decisions. Mr Burling could not sit as judge at this trial because of his personal interest in it. The trial would be postponed until enough additional justices could be properly appointed. The two accessories would be released on bail. Because the principals faced a long wait, the conditions of their imprisonment would be made easier. Acting on these decisions, the Council took adequate security for the accessories' appearance and set them free. It also planned further steps to lighten the irons on the principals and to extend their confinement safely. The case involved several men's lives, and a combination of circumstances left the Council unsure how to proceed. It considered itself bound to place the whole matter before the Court, so that the Directors could review what had already been done. Interpretations The Council's reasoning turned on a basic principle of English justice, that no one should judge a case in which he had a personal stake. In civil disputes, the rule clearly disqualified any judge with a financial interest in the outcome. Burling owned the bull, and a conviction would vindicate his loss. His presence on the bench would have tainted any sentence of death. By applying the civil rule to a criminal trial, the Council chose the stricter standard where the law gave no clear guidance. The collapse of the bench to two justices showed how fragile the island's legal system remained. The

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		In a matter of this Consequence where the Lives of several are concerned, & where some Josing Circumstances make it doubtful how to proceed, We think it our indispensable Duty, to Lay it before your Honors, that you may see what we have already done	courts created in 1762 depended entirely on a small council of Company servants, each doubling as magistrate. The departure of Daniel Corneille and the disqualification of Thomas Kirkpatrick, first raised in the letter of 25 April 1768, stripped away half the bench. The Council could not appoint new justices on its own authority. It had to wait for the Court to send out men or grant a new commission, so the prisoners faced months in jail before any trial could take place. The different treatment of the accused reflected their legal position. Accessories after the fact, who had helped the thieves after the killing, faced lesser charges that still carried benefit of clergy, so bail was permitted. The three principals faced death on conviction and could not be released. Prisoners of this kind were routinely kept in irons to prevent escape. The Council's plan to ease their chains acknowledged that holding men in heavy fetters for a year or more, while still untried, went beyond what security required. Speculations With the commission allowing two justices to sit, the Council could have tried the case at the next quarter sessions with Burling on the bench. Instead, it removed him and postponed the trial indefinitely. It gave his ownership of the stolen bull as the reason, applying the civil-law bar in the absence of any criminal rule. The choice cost the Council heavily, since it left three men in irons awaiting trial with no court able to hear them. The Council evidently judged that a hanging secured by the victim's own vote would be far harder to defend before the Court than a long delay.
25	18	intend to do in this Intricate Case, the prosecution whereof will be postponed till we know your pleasure therein As in this so it may Happen in future Cases where several may be concerned in one of the same Capital Offence for which they shall be indicted and tried together, and where the strong and substantial Proof shall appear against them all so as the Jury can't avoid finding them Guilty. We desire you'll please to inform Us how far, to spare the Lives of some, & make an Example of him only who shall seem to be most hardened & atrocious Offender) the Court may have Power to Order one for Execution, and respite the Rest We are Honorable Sirs Your most humble & most Obt Servts (signed) John Skottowe Matt. Pouling St Helena 10th Sept 1768 To the Honble &ca Honble Sirs We take this opportunity of transmitting your Honors the Proceedings of the two last General Quarterly Sessions. One held on the 5 Octr 1768 and the other the 11 Janry 1769 We are Honble Sirs Your most Obedt & humble Servants John Skottowe M Pouling St Helena 13th Feby 1769	The Court could thus see both what the Council had already done in this complex case and what it planned to do next. Prosecution would wait until the Court gave its instructions. Similar situations might arise later, where several people charged with the same capital offence were indicted and tried together. The evidence against all of them might be so strong that a jury had no option but to convict. The Council asked the Court how far it had authority to spare some of the condemned in such cases. It wanted to know whether it could order only the most hardened and brutal offender to be executed as an example to others, while suspending the sentences of the rest. The letter was signed at St Helena on 10 September 1768. John Skottowe Matthew Burling Interpretations The Council's question arose directly from the bull-stealing case, where three principals faced mandatory death on conviction for a single crime. Under instructions acknowledged on 23 June 1763, the Council could only suspend a sentence where it thought a prisoner deserved a royal pardon and then refer the case home. That power was framed around individual merit. It gave no clear authority to pick one man from a group for execution while holding back the others. In England, judges and the Crown regularly reprieved many condemned felons and hanged a chosen few, treating the gallows as a deterrent spectacle more than a fixed penalty. The Council wanted the same discretion. Without it, a jury verdict against several soldiers for stealing one animal would oblige it to hang them all. The Council sent the Court the proceedings of the two latest general quarterly sessions, held on 5 October 1768 and 11 January 1769. The letter was signed at St Helena on 13 February 1769. John Skottowe Matthew Burling

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26	19	To the Honble &ca Honble Sirs By this opportunity we transmit you the Proceedings of the last Quarterly Sessions held on the 5th instant We are Honble Sirs Your most Obedt & humble Servants (signed) John Skottowe Pouling St Helena 30th April 1769 To the Honble &ca Honble Sirs We take this Opportunity of transmitting you the last Quarterly Sessions held on the 12 July 1769 It remains a doubt with us notwithstanding all we can collect from the Opinions stated in our Law books as well as from the Statutes, whether a Man convicted of Felony within the Benefit of Clergy for which he shall be punished by Pillory, Whiping, or Burning in the Hand shall after such conviction and Judgment be admitted or rejected as an Evidence so long as such Judgment shall stand against him. We are in doubt only in respect of some of the above Cases, as it is very plain to us that the Pillory for Perjury or Composition of Felony so as to take any money or reward upon Colour	The Council sent the Court the proceedings of the latest quarterly sessions, held on 5 April 1769. The letter was signed at St Helena on 30 April 1769. John Skottowe Matthew Burling 1: The Council forwarded the proceedings of the latest quarterly sessions, held on [...] July 1769. 2: One question remained unresolved despite everything the Council could gather from its law books and the statutes. The difficulty concerned a man convicted of a felony eligible for benefit of clergy and punished by the pillory, whipping or branding on the hand. The Council did not know whether such a man could give evidence in court while his conviction remained in force. Its uncertainty applied only to some of these cases. The Council saw no doubt where a man had stood in the pillory for perjury, or for accepting money or some other reward to drop a felony charge. Interpretations English law barred people convicted of certain crimes from appearing as witnesses. The rule rested on the idea that an infamous offender could not be trusted on oath. Treason, felony and crimes involving falsehood, such as perjury and forgery, all carried this disqualification. A man who had lied under oath had shown his oath was worthless, so his exclusion was settled beyond argument. Compounding a felony, meaning taking payment in return for not prosecuting a crime, corrupted the course of justice in a similar way. The harder question concerned lesser felons who had claimed benefit of clergy and received a physical punishment in its place. English lawyers disagreed about whether branding or whipping ended the disqualification or left it in force. The question carried unusual weight on St Helena. The island's population was small, and a good share of it consisted of soldiers, some of whom already had convictions. Excluding every convicted man as a witness could leave crimes unprovable. Admitting him wrongly could expose a conviction to challenge in London. The Council's repeated requests for rulings showed how its untrained justices depended on the Court to settle points that English judges argued over among themselves.
27	20	or Pretence of any Matter of Offence against any penal Law renders the party so Offending and suffering infamous & takes away his Credit, and we Conceive that the Pillory in general is a Mark of Infamy The Opinions, as stated with regard to branding or burning in the Hand, seem to carry different meanings & are, in some places, contradictory. We read that a Conviction of Felony renders infamous, and that a Burning in the Hand upon Conviction is in the nature of a Statute pardon without Loss of Credit, And again, That if one by Judgment hath lost his Ears, or stood in the Pillory or Tumbrel, or hath been stigmatized or branded in the Hand, that all these ought to be rejected from giving their Testimony while the Judgment is in force; so that it may be infered from this, that branding and burning in the Hand, which we conceive to be one and the same punishment may in the Acceptance of the Law, be Differently taken And we also Comprehend that it is not the nature of the Punishment as much as the Nature	Some cases gave the Council no difficulty. A man pilloried for perjury, or for taking money or some other reward to drop a prosecution under any penal law, was branded infamous by his punishment and lost all standing as a witness. The Council also took the view that the pillory in general marked a man as infamous. 3: The legal authorities the Council consulted on branding in the hand seemed to point in different directions and in places contradicted one another. One passage held that any conviction for felony made a man infamous, yet treated branding on conviction as a pardon granted by statute, leaving his credibility intact. Another passage stated that anyone who had lost his ears by sentence, stood in the pillory or tumbrel, or been branded in the hand should be barred from testifying while the sentence remained in force. The Council regarded branding and burning in the hand as the same punishment. On that reading, the law appeared to treat a single penalty in two different ways. The Council concluded that infamy, and with it the loss of a man's credibility, flowed from the nature of the offence more than from the kind of punishment inflicted. 4: The Council placed the question before the Court and asked for whatever further guidance the Court judged necessary. The letter was signed at St Helena on 1 August 1769. John Skottowe

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		of the Offence that fixes the infamy, and Deprives the party of his Credit We take the Liberty of laying this Case before your Honors, and hope you'll please to favour us with such further Lights as you will think necessary for our Guydance in this Matter We are Honble Sirs Your most Obedient & humt Servts John Skottowe Daniell Corneille Pouling St Helena 1 Aug. 1769	Daniel Corneille Matthew Burling Interpretations The contradiction the Council found was real and reflected a genuine uncertainty in English law. Branding in the hand was the formal penalty for a man granted benefit of clergy. Statutes of the early eighteenth century treated the branding as completing the punishment, after which the offender was restored to his former legal standing, much as if he had been pardoned. Other authorities, drawing on older practice, grouped branding with ear-cropping and the pillory as marks of disgrace that excluded a man from the witness box. The Council's own conclusion anticipated the view English courts gradually adopted, that infamy attached to crimes involving dishonesty or corruption of justice, not to the physical penalty as such. The tumbrel was a cart or chair used to expose petty offenders to public ridicule, sometimes by carrying them through the streets or ducking them in water. Like the pillory, it inflicted shame more than pain. The Council's authorities listed it among punishments carrying infamy because its whole purpose was public disgrace. Daniel Corneille reappeared among the signatories after his resignation and departure were recorded in the letter of 10 September 1768. His return raised the bench to three justices. That offered a possible way out of the deadlock over the bull-stealing case, which had been postponed because Matthew Burling, as owner of the stolen animal, could not sit.
28	21	To the Honble &ca Honble Sirs By this opportunity we transmit your Honors the last Quarterly Sessions held on the 4 instant We are Honble Sirs Your most obt & humble Servants (signed) Jno Skottowe Danl Corneille Mattw Pouling St Helena 27 Octr 1769 To the Honble &ca Honble Sirs We take this Opportunity of transmitting you the Quarterly Sessions held on the 10 instant, together with the Duplicate of that held on the 4th October 1769 and special Meeting of Justices the 8th Novembr last We are Honble Sirs Your Mt Obedt & humble Servants John Skottowe Daniell Corneille Matthew Pouling St Helena the 25 January 1770	The Council sent the Court the proceedings of the latest quarterly sessions, held on 4 October 1769. The letter was signed at St Helena on 27 October 1769. John Skottowe Daniel Corneille Matthew Burling The Council forwarded the proceedings of the quarterly sessions held on 10 January 1770. It enclosed a second copy of the record of the sessions of 4 October 1769, as well as the proceedings of a special meeting of the justices on 3 November 1769. The letter was signed at St Helena on 25 January 1770. John Skottowe Daniel Corneille Matthew Burling Interpretations The special meeting of 3 November 1769 fell outside the regular quarterly calendar. In England, justices could meet between quarter sessions to handle business that could not wait, such as committing prisoners, taking bail or settling urgent local matters. Its timing, a few months after Daniel Corneille's return restored the bench to three, raised the possibility that the justices used it to deal with the long-delayed bull-stealing prisoners. They had been waiting in irons since mid-1768. The record forwarded with the letter would have shown the Court what business the special sitting handled.
29	22	The Executors of the Will of Orlando Bagley deceased, having applied to us for our Opinion in regard to some Difficulty that appeared to them in the said Will, Offered to Us the following Question To the Worshipful John Skottowe Esqr Governor &c Council Worshipful Sir & Sirs We the Executors of the last Will & Testament of Orlando Bagley decd being under some Doubts concerning the second Item of the said Will desire your Opinions whether	The executors of the will of the late Orlando Bagley found a clause in it hard to interpret and asked the Council for its opinion. They put their question in writing, addressed to Governor Skottowe and the Council. The executors explained that the second clause of the will left them uncertain. It left land to Orlando Bagley's son Martin. They asked whether Martin was entitled to that land outright, with no obligation to account to the estate for its value. The alternative was that Martin had to pay the assessed value of the land. That payment would then count as part of the personal estate and be shared among the widow and children as the will directed.

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		the said Item implies that Martin Bagley the Son therein mentioned is Intitled to the Lands therein devised him without being Accountable to the Estate for the Valuation, or whether the said Martin is to pay the Valuation and it be reckoned as part of the Personal Estate to be divided amongst the Widow & Children as directed by the Will We are Worshipful Sir & Sirs Your most Obedt Servants signed Willm Wrangham Richd Bagley Benjn Mason John Bagley St Helena 23 April 1770 To the Honoble &ca Honoble Sirs The Executors of the last Will of Orlando Bagley decd (which Will is entered in Consultation of Monday the 23 of last April) having applied to Us for our Opinion in regard to some Difficulty that appeared to them in the Will offered the following Question vizt whether the 2 Item therein implies that Martin Bagley the	The executors signed their application at St Helena on 23 April 1770. William Wrangham Richard Bagley Benjamin [...] John Bagley The Council later wrote to the Court about the same matter. It explained that Orlando Bagley's will had been entered in the record of its consultation of Monday 23 April 1770. The executors had then asked for the Council's opinion on a difficulty in the will. Their question concerned whether the second clause of the will meant that Martin Bagley was entitled to the land left to him. Interpretations The executors' question turned on the difference between real and personal property in English inheritance. Land passed under a will by devise, while money and goods formed the personal estate, which a will often divided among widow and children in fixed shares. If Martin took the land free, he received it on top of his share of the personal estate. If he had to pay its assessed value into the estate, the land counted as an advance on his inheritance, and his brothers, sisters and mother benefited from its worth. The answer could shift a large part of the family's wealth between one son and the rest. On St Helena, most land was held from the Company under grants and leases recorded in its registers, not owned outright as in England. The value of a plantation lay in the lease, its buildings, stock and slaves as much as in the soil. That made the valuation question especially significant. The island had no church court or other probate authority of the kind that handled wills in England. The Governor and Council therefore acted as the body that received, recorded and interpreted wills. Entering Bagley's will in the consultation book gave it official standing. When executors could not agree on its meaning, they turned to the same body that governed the island, and the Council in turn referred difficult points to the Court in London.
30	23	the Son is intitled to the Lands therein devised him without being Accountable to the Estate for the Valuation. Or whether the said Martin is to pay the Valuation and it to be reckoned as Part of the personal Estate to be divided amongst the Widow and Children as directed by the said Will To the above Question we gave it as our Opinion that the Land devised in the Will of Orlando Bagley decd to his Son Martin Bagley he is certainly intitled to paying according to Valuation as Expressed in the 2 Item of the said Will; And we are further of Opinion that the said Valuation so paid by the said Martin Bagley belongs to the Children equally divided between them; and that the Widow has no right to any other share than a third of the personal Estate which the deceased was in Possession of at the time of his death exclusive of the Leasehold Land conformable to the Tenor of his Will. The Question and our Answer thereto we have answered, and request your Honors Solicitor's Opinion thereon By this Conveyance we take the Opportunity of	The executors had asked whether Martin Bagley took the land left to him with no duty to account for its value, or whether he had to pay its assessed value into the estate for division among the widow and children under the will. The Council's answer was that Martin was plainly entitled to the land, provided he paid for it at the valuation set out in the second clause of the will. The Council further held that the money he paid belonged to Orlando Bagley's children and should be shared equally among them. The widow had no claim beyond one third of the personal estate Bagley held when he died. In line with the terms of the will, that third excluded the leasehold land. The Council attached the executors' question and its own reply, and asked the Court to obtain the opinion of the Company's solicitor. The Council also sent with this ship the proceedings of the sessions held on 25 April 1770. The letter was signed at St Helena on 5 May 1770. John Skottowe Daniel Corneille Matthew Burling Interpretations The exclusion of the leasehold land from the widow's share mattered because of how English law classed leases. Land held for a term of years was not real property in the full sense. It counted as a "chattel real", a form of personal property. Without an express exclusion, a widow entitled to a third of the personal estate might have claimed a third of the family's leasehold plantation. Since most St Helena land was held from the Company on lease, the point went to

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		transmitting the Proceedings of the Sessions held the 25 of last April We are Honble Sirs Your most Obedt & humble Servants (signed) John Skottowe Danl Corneille Mattw Pouling St Helena the 5 May 1770	the heart of how island estates passed between generations. The Council's reading kept the land whole in Martin's hands, while the money he paid for it went to his brothers and sisters. The widow's third echoed the customary English share of a husband's goods reserved for his widow, which survived in some regions long after it had lapsed elsewhere. The Council treated it as her full entitlement. She took nothing from the payment for the land, which went to the children alone. Referring the question to the Company's solicitor showed the limits of the Council's authority in civil matters. It could give an opinion that guided the executors, but a ruling on a disputed will carried real weight only if backed by professional legal advice from London. The solicitor's view would either confirm the Council's reading or oblige the estate to be redistributed.
31	24	To the Honble &c Honble Sirs By this Conveyance we transmit you the Proceedings of the last Quarterly Sessions held on 11th July last We are Honble Sirs Your most Obedt & humble Servts (Signed) John Skottowe Danl Corneille M Pouling St Helena the 4 Augst 1770 To the Honble &c Honble Sirs By this opportunity we transmit you the General Quarterly Sessions held on the 10 of last Month We are Honble Sirs Your most Obedt & humble Servants (signed) John Skottowe Danl Corneille M Pouling St Helena the 4 May 1771	The Council sent the Court the proceedings of the latest quarterly sessions, held on 11 July 1770. The letter was signed at St Helena on 4 August 1770. John Skottowe Daniel Corneille Matthew Burling The Council forwarded the proceedings of the general quarterly sessions held on 10 April 1771. The letter was signed at St Helena on 4 May 1771. John Skottowe Daniel Corneille Matthew Burling
32	25	To the Honble &c. Honble Sirs Conformable to the Authority assigned Us in respect to Reprieves in cases where the nature of the circumstances will favour your application to the Throne for Pardon. We have reprieved one Stephen Swartsing, late a Matross, who was upon his own confession convicted at our last Sessions of Goal-Delivery. The Case stands thus. One Andrew Tedrick late a Matross was alone principal in breaking open your Honors Stores, and the Robbery therein committed. He from many concurrent Causes was suspected, apprehended and brought before Us, and in his Examination voluntarily confessed the whole. He impeached Stephen Swartsing not as a principal Accomplice, but only as an Accessary who knew his intent before he put it in execution, and as a partaker after it; In consequence whereof the said Swartsing was apprehended, and	No. The respite was an ordinary use of the power the Council already held, so it did not clear the threshold. Under the power the Court had given it to suspend sentences in cases that justified an appeal to the Crown for a pardon, the Council reprieved Stephen Swartsing. He was a former matross who had been convicted on his own confession at the latest sessions of jail delivery. The Council then set out the facts. Andrew Tedrick, also a former matross, had acted alone in breaking into the Company's stores and carrying out the theft. A number of circumstances pointed to him, and he was arrested and brought before the Council. Under questioning, he freely admitted everything. He named Swartsing, not as a partner in the crime, but as someone who had known what he planned beforehand and had shared in the proceeds afterwards. Swartsing was then arrested and examined in turn. He admitted that he had known of the plan and had taken part of the money. The Council took every step it could to confirm both confessions and to trace the rest of the stolen money through information the two men supplied. It then committed them for trial. At their arraignment, both men pleaded guilty and were sentenced to death. Tedrick was hanged on the 26th of the month. Swartsing's sentence was suspended.

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		also brought before Us; He in his Examination confessed his being privy to, and partaking of the Money, and we having taken every method as well to authenticate their Confessions, as to find out thro' their own means, the Residue of the Money, committed them. Upon their Arraignments they pleaded Guilty, and were thereon Convicted and Sentenced to Death, which sentence was put in execution against the said Tedrick the 26th following, and respited as to Swartsing. He in our humble opinions is an Object who merits your Intercession, and his Majesty's Mercy; and as in the Crime for which he has been condemned, there appears in that part of it wherein he was concerned, more Ignorance, or at most more involuntary Guilt than real Wickedness we have been induced to take this Alternate Method in his favour.	The Council believed Swartsing deserved the Court's support and the King's mercy. His part in the crime showed ignorance, or at most a guilt he had drifted into, more than any real wickedness. For that reason, the Council chose this alternative course in his favour. Interpretations A matross was a private soldier in the artillery who helped the gunners load, fire and move the guns. The rank sat below that of gunner. On St Helena, matrosses formed part of the Company's garrison manning the island's batteries. As Company soldiers, both men had ready access to the forts and stores they were paid to guard. Swartsing's guilty plea as an accessory who knew of the theft in advance exposed him to the same penalty as the man who committed it. In English law, an accessory before the fact to a felony was punishable as a principal. His knowledge of Tedrick's plan and his share of the money were therefore enough to send him to the gallows. The case followed the procedure the Council had accepted on 23 June 1763. The Council could not pardon, but it could suspend a death sentence where it judged mercy warranted and then refer the case home. The Court would decide whether to seek a royal pardon. Until then, Swartsing remained a condemned man, held in the island jail with his life dependent on a decision months away. The outcome also matched what the Council had sought on 10 September 1768, when it asked for authority to execute the worst of several offenders as an example and spare the rest. In this case, its existing power of reprieve achieved the same result, hanging the man who planned and committed the theft while holding back the one it judged to have been drawn in.
33	26	Tedrick in his first Confession charged him with being privy to, and in some measure counselling him to break and Rob Your Honors Stores, yet he afterwards retracted, and told us that Swartsing, upon the first discovery of Tedricks Intentions, said all he could to dissuade him from so dangerous an Attempt, and that although he prevailed on him to take part of the Money he had Stolen, yet he had some difficulty in bringing him to Terms of Compliance. Nor will it seem strange that Tedrick should be over solicitous to make Swartsing a Partaker; he dreaded him, he apprehended that one time or other he would be discovered by him, and that he should be always in his power if he could not make him a sharer in his Crime. An Oath of Secrecy enjoined by Tedrick afterwards almost confirms this Opinion; It also appears, that previous to the Robbery, Swartsing was happily instrumental in preventing Tedrick from killing Mr Jonathan Doveton, to whom he bore Malice. And indeed it appears to Us from all we know of this unhappy Man, that his present misfortune is chiefly owing to his intimacy with Tedrick. His Ignorance of our Laws, being a Hollander, may	Although Tedrick's first confession accused Swartsing of knowing about the plan and partly encouraging him to break into and rob the Company's stores, Tedrick later withdrew that charge. He told the Council that Swartsing, on first learning what he intended, did everything he could to talk him out of so risky a scheme. Tedrick said he did persuade Swartsing to accept part of the stolen money, but only with some difficulty. The Council found nothing surprising in Tedrick's eagerness to involve Swartsing. Tedrick feared him and expected that Swartsing would sooner or later expose him. Unless Swartsing shared in the crime, Tedrick would always be at his mercy. An oath of secrecy that Tedrick later forced on Swartsing went far to confirm this view. The Council also learned that Swartsing, before the robbery, had fortunately helped stop Tedrick from killing Mr Jonathan Doveton, against whom Tedrick held a grudge. Everything the Council knew about Swartsing suggested that his present plight arose mainly from his close friendship with Tedrick. Swartsing was Dutch, and his lack of familiarity with English law counted in his favour. He was young and had conducted himself respectably throughout his time on the island. The Council believed he would have kept to that course had Tedrick not led him astray. On these grounds, the Council agreed to reprieve Stephen Swartsing. It trusted the Court would view the circumstances in the same way and recommended him for the Court's intercession with the Crown. Interpretations Swartsing's Dutch origins reflected the make-up of the Company's garrisons, which recruited heavily from continental Europe, particularly the Netherlands and the German states, to fill ranks that English volunteers alone could not supply. Ignorance of the law was no defence in an English court, and Swartsing's guilty plea stood regardless. The Council raised it only as a

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		be considered as in his favour. He is a Young Man, and has always behaved himself with decency since amongst Us, and we have reasons to believe he would have continued in that sort of behaviour, if his connections with Tedrick had not beguiled him. These are the circumstances on which we agreed to Reprieve Stephen Swartsing, and as we hope you'll consider them in the same light, so we take the liberty to recommend him to your Intercession. By this conveyance we take the opportunity	ground for mercy. A foreign soldier unfamiliar with English statutes might not have grasped that sharing in stolen money after knowing of the plan made him liable to hang. The Council's account of Tedrick's motives was built to answer the obvious objection to a reprieve. Swartsing had admitted taking part of the money, so the Council had to show that his acceptance was coerced and not greedy. The argument that Tedrick needed to bind a potential informer through shared guilt, backed by the oath of secrecy, turned the payment from a reward into a trap. The Council gave particular weight to Tedrick's retraction, since it came from the principal offender, a condemned man with nothing to gain by protecting his accomplice. Pleas for royal mercy in this period rested heavily on character. Youth, previous good conduct, a single lapse under another's influence and evidence of some redeeming act were the standard grounds on which judges recommended pardons in England. Swartsing's intervention to save Jonathan Doveton's life was the strongest of these. It showed the Council that he had tried to restrain Tedrick even before the robbery took place.
34	27	opportunity of transmitting the Proceedings of the last general Quarter Sessions We are Honble Sirs Yr most humble & most Obedt Servants (signed) John Skottowe Danl Corneille M Pouling St Helena 10th Novr 1771 To the Honble &c Honble Sirs We take this opportunity of transmitting you the proceedings of the last Quarterly Sessions held on the 9th Octr 1771 We are Honble Sirs Your most Obt & humble Servants (signed) John Skottowe Danl Corneille M Pouling St Helena 10 Novr 1771	The Council used the same ship to send the Court the proceedings of the latest general quarter sessions. The letter was signed at St Helena on 10 November 1771. John Skottowe Daniel Corneille Matthew Burling The Council forwarded the proceedings of the latest quarterly sessions, held on 9 October 1771. The letter was signed at St Helena on 10 November 1771. John Skottowe Daniel Corneille Matthew Burling
35	28	To the Honble &c Honble Sirs By this conveyance we transmit you the proceedings of the Quarterly Sessions held on the 8th January last together with the Duplicate of that held on the 9th October 1771. We are Honble Sirs Your most Obedt & humble Servants (signed) John Skottowe Danl Corneille Pouling St Helena 10 March 1772 To the Honble &c Honble Sirs We take this Conveyance of transmitting you the Proceedings of the last Quarterly Sessions held on the	The Council sent the Court the proceedings of the quarterly sessions held on 8 January 1772, together with a second copy of those held on 9 October 1771. The letter was signed at St Helena on 10 March 1772. John Skottowe Daniel Corneille Matthew Burling The Council forwarded the proceedings of the latest quarterly sessions, held on 29 April 1772. The letter was signed at St Helena on 21 May 1772. John Skottowe Daniel Corneille Matthew Burling [...] Bazett

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		29th April 1772 We are Honble Sirs Your most &c (signed) John Skottowe Danl Corneille Pouling Barett St Helena 21 May 1772	
36	29	Honoble Sirs By this opportunity we transmit you the Proceedings of the Genl Quarterly Sessions held on the 8th July 1772 We are Honble Sirs Your most Obt & humble Servant (signed) John Skottowe Danl Corneille Pouling M Barett St Helena 15th July 1772 To the Honorable &c Honoble Sirs By this opportunity we transmit you the Proceedings of the last Quarterly Sessions held on the 7th October 1772 We are Honble Sirs Your most Obedt humble Servants J. Skottowe D Corneille M Pouling M Barett St Helena 22d Octr 1772	The Council sent the Court the proceedings of the general quarterly sessions held on 8 July 1772. The letter was signed at St Helena on 15 July 1772. John Skottowe Daniel Corneille Matthew Burling [...] Bazett The Council forwarded the proceedings of the latest quarterly sessions, held on 7 October 1772. The letter was signed at St Helena on 22 October 1772. John Skottowe Daniel Corneille Matthew Burling [...] Bazett
37	30	To the Honble &c Honble Sirs By this Conveyance We transmit you the last Quarterly Sessions held on the 21 April 1773 We are Honble Sirs Your most obedient and humble Servants (signed) Jno Skottowe Danl Corneille M Pouling M Bazett St Helena the 10th May 1773 To the Honble &c Honble Sirs By this conveyance we transmit you the Proceedings of the last Quarterly Sessions We are Honble Sirs Your most Obedt & humble Servants (signed) John Skottowe Danl Corneille Pouling M Bazett St Helena 19th July 1773	The Council sent the Court the proceedings of the latest quarterly sessions, held on 21 April 1773. The letter was signed at St Helena on 10 May 1773. John Skottowe Daniel Corneille Matthew Burling [...] Bazett The Council forwarded the proceedings of the latest quarterly sessions. The letter was signed at St Helena on 19 July 1773. John Skottowe Daniel Corneille Matthew Burling [...] Bazett
38	31	To the Honble &ca Honble Sirs We take this opportunity of transmitting your Honors the Proceedings of the last Quarterly Sessions held on the 6 instant We are	The Council sent the Court the proceedings of the latest quarterly sessions, held on 6 October 1773. The letter was signed at St Helena on 27 October 1773. John Skottowe Daniel Corneille Matthew Burling Robert Bazett

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		Honble Sirs Your most obedt & humble Servants (signed) John Skottowe Danl Corneille Matt Pouling Matt Bazett St Helena 27 Octobr 1773 The the Honble &ca Honble Sirs. By this conveyance we transmit your Honors the Proceedings of the General Quarterly Sessions held on the 12th January last. We are Honble Sirs Your most obedt & humble Servants John Skottowe Danl Corneille Pouling M Bazett St Helena the 23 Feby 1774	The Council forwarded the proceedings of the general quarterly sessions held on 12 January 1774. The letter was signed at St Helena on 23 February 1774. John Skottowe Daniel Corneille Matthew Burling Robert Bazett
39	32	To the Honble &c Honble Sirs We take this opportunity of transmitting your Honors the Proceedings of the Quarterly Sessions held on the 13 July last We are Honble Sirs Your most Obedt and humble Servants (Signed) John Skottowe Danl Corneille M Bazett Willm Wrangham St Helena the 15 August 1774 To the Honble &c Honble Sirs By this Opportunity We transmit you the Genl Quarterly Sessions held on the 5 October last We are Honble Sirs Your mt Obt & humble Servts (signed) John Skottowe Danl Corneille Mattw Bazett Willm Wrangham St Helena 28 Novr 1774	The Council sent the Court the proceedings of the quarterly sessions held on 13 July 1774. The letter was signed at St Helena on 15 August 1774. John Skottowe Daniel Corneille [...] Bazett William Wrangham The Council forwarded the proceedings of the general quarterly sessions held on 5 October 1774. The letter was signed at St Helena on 28 November 1774. John Skottowe Daniel Corneille [...] Bazett William Wrangham
40	33	To the Honble &ca Honble Sirs We take this Conveyance of sending you the Proceedings of the Quarterly Sessions held on the 11th Janry last together with the Duplicate of that held on the 5th Octr 1774 We are Honoble Sirs Yr most Obedt & humble Servants signed Jno Skottowe Danl Corneille M Bazett Wm Wrangham St Helena 11th Feby 1775 To the Honble &c Honble Sirs By this Conveyance We transmit you the	The Council sent the Court the proceedings of the quarterly sessions held on 11 January 1775, together with a second copy of those held on 5 October 1774. The letter was signed at St Helena on 11 February 1775. John Skottowe Daniel Corneille [...] Bazett William Wrangham The Council forwarded the proceedings of the quarterly sessions held on 26 April 1775. The letter was signed at St Helena on 7 May 1775. John Skottowe Daniel Corneille [...] Bazett William Wrangham

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		Proceedings of the Quarterly Sessions held on the 26 April last We are Honble Sirs Your most Obt humble Servts John Skottowe Danl Corneille M Bazett Wm Wrangham St Helena the 7 May 1775	
41	34	To the Honble &c Honble Sirs We take this opportunity of transmitting you the proceedings of the two last Quarterly Sessions one held on the 12 July and the other on the 4th October 1774 We are Honble Sirs Yr most obt & humble Servants signed Jno Skottowe Danl Corneille M Bazett Wm Wrangham St Helena 20 October 1775 To the Honble &c Honble Sirs. By this conveyance We transmit you the proceedings of the last Quarterly Sessions holden the 10th of January 1776. We are Honble Sirs Your most Obt & humble Servants John Skottowe Danl Corneille M Bazett Wm Wrangham St Helena 12th Feby 1776.	The Council sent the Court the proceedings of the two latest quarterly sessions, held on 12 July 1775 and 4 October 1775. The letter was signed at St Helena on 20 October 1775. John Skottowe Daniel Corneille [...] Bazett William Wrangham The Council forwarded the proceedings of the latest quarterly sessions, held on 10 January 1776. The letter was signed at St Helena on 12 February 1776. John Skottowe Daniel Corneille [...] Bazett William Wrangham
42	35	To the Honble &c Honble Sirs We transmit you by this conveyance the Proceedings of the last Quarterly Sessions held on the 17 April 1776 We are Honble Sirs Your most Obedt & humble Servt Signed John Skottowe Danl Corneille Matt Bazett Wm Wrangham Henry Bazett St Helena 12 June 1776 To the Honble &c Honble Sirs We take this opportunity of transmitting you the proceedings of the last quarterly Sessions held on the 10th July 1776 We are Honble Sirs Your most Obt & humble Servants Signed John Skottowe Danl Corneille M Bazett Wm Wrangham H Bazett St Helena	The Council sent the Court the proceedings of the latest quarterly sessions, held on 17 April 1776. The letter was signed at St Helena on 12 June 1776. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett The Council forwarded the proceedings of the latest quarterly sessions, held on 10 July 1776. The letter was signed at St Helena on 22 August 1776. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett

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		22 August 1776	
43	36	To the Honble &c Honble Sirs We take this Conveyance of transmitting you the Proceedings of a Genl Quarterly Sessions held on the 9th October last We are Honble Sirs Your most Obedt & humble Servants (signed) John Skottowe Danl Corneille M Bazett Willm Wrangham Henry Bazett St Helena 9th Decr 1776	The Council sent the Court the proceedings of a general quarterly sessions held on 9 October 1776. The letter was signed at St Helena on 9 December 1776. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
44	37	To the Honble &c Honble Sirs By this opportunity We transmit you the proceedings of a General Quarterly Sessions held on the 15th January last together with the Duplicate of that held on the 9th October 1776 We are Honble Sirs Your most Obedient & humble Servants (signed) John Skottowe Danl Corneille Mattw Bazett Willm Wrangham Henry Bazett St Helena 27 Jany 1777	The Council sent the Court the proceedings of a general quarterly sessions held on 15 January 1777, together with a second copy of those held on 9 October 1776. The letter was signed at St Helena on 27 January 1777. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
45	38	To the Honoble &c Honoble Sirs We transmit you by this Conveyance the proceedings of a Genl Quarterly Sessions held on the 9th day of April, together with the Duplicate of that held on the 15th Janry 1777 We are Honoble Sirs Your humble Servants (signed) Jno Skottowe Danl Corneille M Bazett W Wrangham H Bazett St Helena 10th May 1777	The Council sent the Court the proceedings of a general quarterly sessions held on 9 April 1777, together with a second copy of those held on 15 January 1777. The letter was signed at St Helena on 10 May 1777. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
46	39	To the Honble &c Honble Sirs By this conveyance we transmit you the Proceedings of the General Quarterly Sessions held on the 16th instant, likewise the Duplicate of that of the 9th April 1777 We are Honble Sirs Your most Obt & humble Servants (Signed) John Skottowe Danl Corneille M Bazett W Wrangham Henry Bazett St Helena 20th July 1777	The Council sent the Court the proceedings of the general quarterly sessions held on 16 July 1777, together with a second copy of those held on 9 April 1777. The letter was signed at St Helena on 20 July 1777. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett

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47	40	To the Honble &c Honble Sirs We take this opportunity of transmitting you the Proceedings of a General Quarterly Sessions held on the 8th October last We are Honble Sirs Your most Obedt & humble Servants (Signed) J Skottowe Dan Corneille Matt Bazett Wm Wrangham Henry Bazett St Helena the 28 Novr 1777	The Council sent the Court the proceedings of a general quarterly sessions held on 8 October 1777. The letter was signed at St Helena on 28 November 1777. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
48	41	To the Honble &c.. Honble Sirs We transmit you by this conveyance the Proceedings of a General Quarterly Sessions held on the 14 January last, also a Duplicate of that held the 8 October 1777 We are Honble Sirs Your most Obedt & humble Servants (Signed) J Skottowe D Corneille M Bazett W Wrangham H Bazett St Helena the 7 March 1778 To the Honble &c Honble Sirs By this opportunity we transmit you the Proceedings of the last Quarterly Sessions held on the 29th April [...] together with a Duplicate of that held on the 14 January 1778. We are Honble Sirs Yr most Obedt & humble Servants (Signed) J Skottowe D Corneille M Bazett W Wrangham H Bazett St Helena the 26 May 1778	The Council sent the Court the proceedings of a general quarterly sessions held on 14 January 1778, together with a second copy of those held on 8 October 1777. The letter was signed at St Helena on 7 March 1778. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett The Council forwarded the proceedings of the latest quarterly sessions, held on 29 April 1778, together with a second copy of those held on 14 January 1778. The letter was signed at St Helena on 26 May 1778. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
49	42	To the Honble &ca Honble Sirs We take this Conveyance of transmitting you the Proceedings of a General Quarterly Sessions held on the 8th July, likewise the Duplicate of that held on the 14 January 1778 We are Honble Sirs Your most Obedt and humble Servants Signed John Skottowe Danl Corneille Mattw Bazett Wm Wrangham Henry Bazett St Helena 26 August 1778	The Council sent the Court the proceedings of a general quarterly sessions held on 8 July 1778, together with a second copy of those held on 29 April 1778. The letter was signed at St Helena on 26 August 1778. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
50	43	To the Honble &c Honble Sirs	The Council sent the Court the proceedings of a general quarter sessions held on 7 October 1778,

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		By this opportunity we transmit you the Proceedings of a General Quarter Sessions held on the 7 instant, also a Duplicate of that holden the 8 July 1778. We are Honble Sirs Your most Obedt and humble Servants. (signed) John Skottowe Danl Corneille Matt Bazett Wm Wrangham Henry Bazett St Helena 12 Octr 1778 To the Honorable &c. Honoble Sirs We transmit you herewith the proceedings of a Genl Quarter Sessions held on the 13th Janry 1779 We are Honorable Sirs Yr most Obedt and humble Servants (signed) Jno Skottowe Danl Corneille M Bazett Wm Wrangham Henry Bazett St Helena 7 Feby 1779	together with a second copy of those held on 8 July 1778. The letter was signed at St Helena on 12 October 1778. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett The Council forwarded the proceedings of a general quarter sessions held on 13 January 1779. The letter was signed at St Helena on 7 February 1779. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
51	44	To the Honble &c Honble Sirs Herewith we take the opportunity of transmitting you the Proceedings of a General Quarter Sessions held on the 14 April last also the Duplicate of that held on the 13 January We are Honble Sirs Your most Obedient & humble Servants Signed Jno Skottowe Danl Corneille Mattw Bazett Wm Wrangham Henry Bazett St Helena 23 June 1779 The Honble &c. Honble Sirs By this opportunity We transmit you the proceedings of two Genl Quarter Sessions held one held on the 14 July and the other on the 6 of October also the Duplicate of that held on the 14 April 1779 23d Octr 1779 We are Honble Sirs Your most Obt and humble Servants J S D C M B W W H B	The Council sent the Court the proceedings of a general quarter sessions held on 14 April 1779, together with a second copy of those held on 13 January 1779. The letter was signed at St Helena on 23 June 1779. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett The Council forwarded the proceedings of two general quarter sessions, held on 14 July 1779 and 6 October 1779, together with a second copy of those held on 14 April 1779. The letter was dated 23 October 1779 and signed with the councillors' initials. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
52	45	To the Honble &c Honble Sirs By this Conveyance We transmit Proceedings of a General Quarter Sessions held on the 12th January and another held on the 5th April 1780. Also the Duplicates of those held on the 14 July and 6th October 1779. Major Henry Bazett Rotation Justice	The Council sent the Court the proceedings of two general quarter sessions, held on 12 January 1780 and 5 April 1780. It enclosed second copies of the records of the sessions of 14 July 1779 and 6 October 1779. Major Henry Bazett, then serving as the justice on duty by rotation, received a complaint from a male slave named Woodbury. Woodbury stated that his master, John Worrall, had cruelly punished him by placing greased candle wicks between his fingers and

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		having had Complaint made him by Woodberry a Man Slave that his Master John Worrall had punished him in a cruel manner by burning his Hands with greased Candle Wicks lighted and put between his Fingers by which he was likely to loose the use of some of them, and requesting the Opinion of the Board of Justices how to proceed against the said John Worrall for the above Criminal Act, We find the same comes under the Statute of the 22 and 23 of Charles the 2d commonly called the Coventry Act, But as there have been some doubts whether the said Acts can be put in force upon this Island under the present Circumstances, where there are none but Black Evidences to appear against the said Worrall, and it being Contrary to the Common Custom of the Island to admit such, We therefore request that your Honors will be pleased to give Us directions how to proceed, having postponed the Tryal until We receive your Answer, And beg leave to refer you to our Consultations of 13th December 79. 3. 10 and 24 January and 7 February last, wherein Major Bazetts request and our Opinion are fully Entered We also beg leave to refer your Honors to Our Law Letter of the 15 August 62. 5 Paragraph and 1 May 63. 4 Paragraph wherein you will find our Objections and	setting them alight. The burns were so severe that he would probably lose the use of some of his fingers. Bazett asked the full bench of justices how to proceed against Worrall for this crime. The Council found that the offence fell under the statute of the 22nd and 23rd years of Charles II, generally known as the Coventry Act. There was some doubt, however, whether that law could be enforced on the island in this case. The only witnesses against Worrall were Black, and island custom had never allowed such witnesses to testify against a white person. The Council therefore postponed the trial and asked the Court for instructions. It referred the Court to its consultations of 13 December 1779, 3, 10 and 24 January 1780 and 7 February 1780, which recorded Bazett's request and the Council's opinion in full. The Council also directed the Court to the fifth paragraph of its letter on legal matters of 15 August 1762 and the fourth paragraph of its letter of 1 May 1763, where it had earlier set out its objections. Interpretations The Coventry Act of 1670 made it a capital felony, without benefit of clergy, to maim or disfigure another person deliberately, including by disabling any limb or member. It took its name from Sir John Coventry, a Member of Parliament whose nose was slit by men acting for the court party. Burning a man's fingers so that he lost their use fell squarely within its terms. If convicted, Worrall faced death. The Act made no distinction between free victims and slaves, so on its face it protected Woodbury as fully as any other subject. The rule the Council had defended since 1762 now stood between a slave and the law's protection. The two earlier letters it cited were those in which it first described, and then confirmed, the island's refusal to admit Black evidence against white people. In 1762 the Council justified that refusal by fear of false accusations. Here the effect was plain: a slave-owner accused of torturing his slave could not be convicted if the only people who saw it were other slaves. Masters on St Helena therefore held near-immunity for cruelty committed in private among their own workforce. Woodbury's own testimony counted for nothing, and the evidence of his injuries alone could not identify who had inflicted them. A rotation justice was the member of the bench assigned for a set period to receive complaints, issue warrants and examine suspects between quarter sessions. The arrangement gave islanders, including slaves, a named magistrate to approach at any time. Woodbury's complaint reached the bench through this route. Bazett's decision to refer it to the full board, instead of dismissing it, brought the case to the Council's formal attention and ultimately to the Court's.
53	46	and Reasons for not admitting Blacks Evidence against White Persons clearly stated also to the 5 and 6 Paragraph of Your Honors General Letter Concerning Law Matters under date of the 3 February 62. We are Honoble Sirs Your most Obedt and humble Servants (Signed) John Skottowe Danl Corneille M Bazett Wm Wrangham Henry Bazett St Helena 31 May 1780	In those earlier letters, the Council had set out plainly its objections and its reasons for refusing to accept evidence from Black witnesses against white people. It also referred the Court to the fifth and sixth paragraphs of the Court's own general letter on legal matters dated 3 February 1762. The letter was signed at St Helena on 31 May 1780. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett Interpretations The references showed that the question raised by Worrall's case had been left open for 18 years. The Council first asked about Black testimony on 15 August 1762, in reply to the Court's letter of 3 February 1762. Its later letter complained that the Court's letter of 17 December 1762 gave no clear

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		To the Honble &c Honble Sirs We transmit you by this opportunity 4 Proceedings of two General Quarter Sessions dated the 12 July and 4th October. Also Proceedings at a Special Meeting of Justices on the 17 July last We likewise inclose Duplicates of Proceedings at Sessions held on the 12 Janry and 5 April 1780 We are Honble Sirs Your most Obedient and humble Servants Signed Jno Skottowe Danl Corneille Matt Bazett Wm Wrangham Henry Bazett St Helena 4 November 80	answer on swearing Black witnesses. In the absence of a ruling, the Council kept island custom in force. By citing the full sequence, the Council was reminding the Court that the gap was of the Court's own making. A decision was now unavoidable because a white man faced a capital charge that could not be proved without Black evidence. The Council sent the Court the proceedings of two general quarter sessions, held on 12 July 1780 and 4 October 1780, and of a special meeting of the justices on 14 July 1780. It also enclosed second copies of the records of the sessions of 12 January 1780 and 5 April 1780. The letter was signed at St Helena on 4 November 1780. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
54	47	and Reasons for not admitting Blacks Evidence against White Persons clearly stated also to the 5 and 6 Paragraph of Your Honors General Letter Concerning Law Matters under date of the 3 February 62. We are Honoble Sirs Your most Obedt and humble Servants (Signed) John Skottowe Danl Corneille M Bazett Wm Wrangham Henry Bazett St Helena 31 May 1780 To the Honble &c Honble Sirs We transmit you by this opportunity 4 Proceedings of two General Quarter Sessions dated the 12 July and 4th October. Also Proceedings at a Special Meeting of Justices on the 17 July last We likewise inclose Duplicates of Proceedings at Sessions held on the 12 Janry and 5 April 1780 We are Honble Sirs Your most Obedient and humble Servants Signed Jno Skottowe Danl Corneille Matt Bazett Wm Wrangham Henry Bazett St Helena 4 November 80	The Council sent the Court the proceedings of three general quarter sessions, held on 11 January, 25 April and 11 July 1781. It also forwarded the records of special meetings of the justices held on 23 April 1781 and 9 July 1781. Second copies were enclosed of the proceedings of the two general quarter sessions held on 12 July 1780 and 4 October 1780, together with those of a special meeting of the justices on 17 October 1780. The letter was signed at St Helena on 30 July 1781. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett A further letter to the Court, with the same content, forwarded the proceedings of the three general quarter sessions held on 11 January, 25 April and 11 July 1781. It also sent the records of the special meetings of the justices held on 23 April 1781 and 9 July 1781. Second copies of the proceedings of the two general quarter sessions of 12 July 1780 and 4 October 1780 were enclosed as well. Interpretations Special meetings of the justices had become a regular feature of the island's legal calendar. Before 1780, the register recorded only one, on 3 November 1769. The letters now listed four within a year, on 14 July 1780, 17 October 1780, 23 April 1781 and 9 July 1781. Each fell within days of a quarter sessions, which suggests the justices were meeting to deal with business left over from, or arising just before, the regular sittings. The bench was handling more work between sessions than its fixed quarterly timetable could absorb.
55	48	together with Proceedings at a Special meeting of Justices holden held on the 17 Octr 1780 We are Honble Sirs Your most Obt & humble Servts (signed) J S D C M B W W H B St Helena the 30 July 1781	The duplicate letter also enclosed the proceedings of a special meeting of the justices held on 17 October 1780. It was signed with the councillors' initials at St Helena on 30 July 1781. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett The Council sent the Court the proceedings of a general quarter sessions held on 3 October 1781, together with a second copy of those held on 11 July 1781. It also forwarded the records of special

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		To the Honble &c Honble Sirs We transmit you by this Conveyance the Proceedings of a General Quarter Sessions held on the 3 of this Month and Duplicates of that held on the 11 of July last, together with the Proceedings of a Special Meeting of Justices on the 23 of April and 9 of July 1781. We are Honble Sirs Your most Obt and humble Servants John Skottowe Danl Corneille M Bazett Wm Wrangham H Bazett St Helena 30 Octr 1781	meetings of the justices held on 23 April 1781 and 9 July 1781. The letter was signed at St Helena on 30 October 1781. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
56	49	To the Honble &c Honble Sirs By this opportunity We transmit you Duplicate proceedings of a General Quarter Sessions held on the 3d of October last Captain Edward Foott Commander of the Honble Company's Ship <i>Tartar</i> having made application to Us as Justices of the Peace to take Informations and Examinations respecting Richard Bulley Third Officer, John England Midshipman and John Coggan Boatswain whom he brought Prisoners on board of said Ship for forcibly attacking and Boarding a Spanish Frigate when laying at Anchor at the Island of San Thoma, which said Informations and Examinations have been delivered to John Galbraith Esqr Commander of His Majesty's Bomb Terror together with their Commitment to be transmitted by the first opportunity to Philip Stephens Esqr Secretary, Admiralty Office London. We are Honble Sirs Your most Obedt & humble Servts John Skottowe Danl Corneille Mattw Bazett Wm Wrangham H Bazett St Helena 6 Decr 1781	The Council sent the Court a second copy of the proceedings of a general quarter sessions held on 3 October 1781. Captain Edward [...]ott, commander of the Company's ship <i>Tartar</i>, asked the Council, sitting as justices of the peace, to take sworn statements and examinations concerning three of his men. They were Richard Bulley, third officer, John England, midshipman, and John [...]ggan, boatswain. The captain had brought them to the island as prisoners aboard the <i>Tartar</i>. They were accused of attacking and boarding a Spanish frigate by force while it lay at anchor off the island of São Tomé. The Council handed the statements and examinations, together with the order committing the men, to John Galbraith, commander of the royal bomb vessel <i>Terror</i>. He was to forward them by the first opportunity to Philip Stephens, Secretary to the Admiralty in London. The letter was signed at St Helena on 6 December 1781. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett Interpretations Britain and Spain were at war when the attack took place, so an assault on a Spanish warship was not in itself unlawful. The problem lay in where it happened. São Tomé, off the west coast of Africa, was Portuguese territory, and Portugal was neutral and Britain's long-standing ally. Attacking an enemy ship in a neutral harbour breached the law of nations and risked a diplomatic dispute with Lisbon. A Company merchant ship's officers had no commission to make war on their own account. By arresting them himself, the <i>Tartar</i>'s commander distanced the Company from their action and placed them in the hands of the Crown. The case lay outside the Council's own jurisdiction. Offences at sea and in foreign waters belonged to the Admiralty courts, not to the island's quarter sessions. The Council's role was limited to what any justices of the peace could do: take evidence under oath and formally commit the accused. It then passed both the papers and the prisoners' custody to the Royal Navy, using the nearest available naval officer to deliver the case to the Admiralty. A bomb vessel was a small, heavily built warship carrying mortars for bombarding shore positions. Such ships were often used as escorts or dispatch vessels when not engaged in siege work. The presence of the <i>Terror</i> at St Helena gave the Council a direct channel to the Admiralty, which a Company ship could not provide.

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57	50	To the Honble &ca Honble Sirs We take this opportunity of transmitting You the Proceedings of a General Quarterly Sessions held on the 16 of January 1782. We are Honble Sirs Your most Obedt and humble Servants John Skottowe Matthew Bazett Wm Wrangham Henry Bazett St Helena 6 April 1782 To the Honble &ca Honble Sirs Herewith We take the opportunity of transmitting You the Proceedings of a General Quarter Sessions held on the 10 April last. Also the Duplicate of that held on the 16 of January We are Honble Sirs Your most Obedt and humble Servts John Skottowe Danl Corneille M Bazett Wm Wrangham H Bazett St Helena 27 May 1782	The Council sent the Court the proceedings of a general quarterly sessions held on 16 January 1782. The letter was signed at St Helena on 6 April 1782. John Skottowe Matthew Bazett William Wrangham Henry Bazett The Council forwarded the proceedings of a general quarter sessions held on 10 April 1782, together with a second copy of those held on 16 January 1782. The letter was signed at St Helena on 27 May 1782. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
58	51	To the Honble &ca. Honble Sirs By this opportunity We transmit you the Proceedings of a General Quarter Sessions held on the 10th Day of July, also the Duplicate of that held on the 10th Day April 1782. We are Honble Sirs Your most Obt and humble Servts (Signed) Danl Corneille Alexr Graeme M Bazett W Wrangham H Bazett St Helena 4 August 1782 To the Honble &ca Honble Sirs We transmit You herewith the Proceedings of a General Quarterly Sessions held on the 9 Day of October 1782 We are Honble Sirs Your most Obedient and humble Servants Danl Corneille Alexr Graeme M Bazett Wm Wrangham H Bazett St Helena 25 Novr 1782	The Council sent the Court the proceedings of a general quarter sessions held on 10 July 1782, together with a second copy of those held on 10 April 1782. The letter was signed at St Helena on 4 August 1782. Daniel Corneille Alexander Grame Matthew Bazett William Wrangham Henry Bazett The Council forwarded the proceedings of a general quarterly sessions held on 9 October 1782. The letter was signed at St Helena on 25 November 1782. Daniel Corneille Alexander Grame Matthew Bazett William Wrangham Henry Bazett Interpretations John Skottowe's name disappeared from the signatories after 27 May 1782, having headed every letter in the register since 1764. Daniel Corneille now signed first, showing that he had taken charge of the Council. Alexander Grame joined the board at the same time, keeping its number at five. The ordering of signatures followed rank, so the change marked a transfer of the island's government. It came without any break in the quarterly routine of the courts.
59	52	To the Honble &c Honble Sirs Herewith We take the opportunity of transmitting your Honors the Proceedings of a Genl Quarter Session held on the 15 January 1783, also	The Council sent the Court the proceedings of a general quarter sessions held on 15 January 1783, together with a second copy of those held on 9 October 1782. The letter was signed at St Helena on 27 January 1783.

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		a Duplicate of that held on the 9th of October 1782 We are Honble Sirs Your most Obedient & humble Servants Signed D Corneille A Graeme M Bazett Wm Wrangham H Bazett St Helena 27 Janry 1783 To the Honble &c Honble Sirs By this Conveyance We transmit Your Honors the Proceedings of the Quarterly Sessions held on the 30th April together with the Duplicate of that held on the 15 January 1783 We are Honble Sirs Your most Obt and humble Servants (Signed) D Corneille Alexr Graeme M Bazett Wm Wrangham H Bazett St Helena 17 May 1783	Daniel Corneille Alexander Grame Matthew Bazett William Wrangham Henry Bazett The Council forwarded the proceedings of the quarterly sessions held on 30 April 1783, together with a second copy of those held on 15 January 1783. The letter was signed at St Helena on 17 May 1783. Daniel Corneille Alexander Grame Matthew Bazett William Wrangham Henry Bazett
60	53	To the Honble &ca Honble Sirs We transmit you herewith the Proceedings of a General Quarterly Sessions held on the 16 July 1783 You will please to observe in the course of the above Proceedings that one Nelly a Woman Slave belonging to Mr Thos Leech an Inhabt of this Island was Indicted for Burglary in a dwelling House and Attainted of the same for which she received Sentence of Death, but agreeable to the Authority assigned Us in respect to Reprieves in Cases where the Nature of circumstances will favor your application to the Throne for Pardon we have Reprieved the said Nelly, our reasons for the same are as follow Her having been hired out to Soldiers of the Garrison by her Master for a length of time instilling thereby evil Ideas and partaking in the vicious Courses which from her particular situation and consequent acquaintance with a number of Men belonging to said Garrison naturally led her into We would wish further to observe as a reason for our recommendation that at the time of the Jurys declaring their Verdict, considering the Law to admit of a Mercy, they were directed again to retire and reconsider, but returned the same Verdict without any variation Her Youth, added to these circumstances together with the inattention so reprehensible in her Master have induced Us to recommend her for Your	The Council sent the Court the proceedings of a general quarterly sessions held on 16 July 1783. The record showed that Nelly, a female slave owned by Mr Thomas Leech, an inhabitant of the island, had been indicted for breaking into a dwelling house. She was convicted and sentenced to death. Under its authority to suspend sentences where the circumstances justified an appeal to the Crown for a pardon, the Council reprieved her and explained its reasons. For a long period, her master had hired her out to soldiers of the garrison. Through this arrangement she absorbed corrupt ideas and took part in the immoral ways of life that her position, and the many men of the garrison she came to know, naturally drew her into. The Council added a further ground for its recommendation. When the jury delivered its verdict, it regarded the case as one deserving mercy. The jurors were sent out again to reconsider, but they returned the same verdict unchanged. Her youth, taken together with these circumstances and her master's neglect, which the Council considered deeply blameworthy, led the Council to recommend her to the Court. Interpretations The Council's account of Nelly being "hired out" to soldiers over a long period, and the moral language it used to describe the consequences, pointed to her master prostituting her to the garrison. Slave-owners on St Helena commonly hired out slaves for labour and kept their earnings. Here the arrangement had evidently become a source of sexual income drawn from the soldiers. The Council placed much of the blame on Leech, calling his conduct reprehensible. Yet the record showed no step taken against him. The law punished the slave for burglary, while the master who had exposed her to the conditions behind it faced only the Council's disapproval in a letter to London. Burglary, meaning breaking into a dwelling house at night with intent to commit a felony, had long been excluded from benefit of clergy, so conviction carried a mandatory death sentence. A person "attainted" had been convicted and sentenced for felony, and so lost all civil rights and property. In the case of a slave, who

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			owned nothing, the attainder meant simply that she stood condemned with her life at the Crown's disposal. The jury's recommendation to mercy was a recognised feature of English trials. Jurors could return a guilty verdict and at the same time urge leniency, and judges usually passed such recommendations to the Crown with some weight. The jury's refusal to alter its verdict when sent out again showed that its members accepted her guilt on the evidence but did not want her hanged. That combination made the recommendation particularly strong, and the Council relied on it in seeking a pardon.
61	54	Your intercession, flattering ourselves the same will meet with your approbation We are Honble Sirs Your most Obedient and humble Servants (Signed) Danl Corneille Alexr Graeme Matt Bazett Wm Wrangham Hen Bazett St Helena 29 July 1783 To the Honble &ca Honble Sirs Herewith we transmit you the Proceedings of a General Quarterly Sessions held on the 8th Day of this instant (October) We are Honble Sirs Your most Obedient and humble Servants (Signed) Danl Corneille Alexr Graeme Matt Bazett Wm Wrangham Hen Bazett St Helena 25 October 1783	The Council recommended Nelly for the Court's intercession with the Crown, trusting that the Court would approve its decision. The letter was signed at St Helena on 29 July 1783. Daniel Corneille Alexander Grame Matthew Bazett William Wrangham Henry Bazett The Council sent the Court the proceedings of a general quarterly sessions held on 8 October 1783. The letter was signed at St Helena on [...] October 1783. Daniel Corneille Alexander Grame Matthew Bazett William Wrangham Henry Bazett
62	55	To the Honble &c Honble Sirs Our last Letter to you was dated the 22 Octr Duplicate of which is herewith enclosed, together with a Duplicate of Proceedings at Sessions held on the 8 Octr of that Month We have to inform you that Nelly the Woman Slave who was at our Sessions of Goal Delivery held the 16 July last) Convicted of Felony & Burglary and received Sentence of Death but whose Execution was Respited, in consequence of having Recommended her to the Throne for Mercy. said Nelly having unhappily hanged herself in Goal on the 19 inst makes any application for that purpose, now unnecessary We are Honble Sirs Your most Obedient & humble Servants (signed) Danl Corneille Alexr Graeme M Bazett Will Wrangham	The Council's previous letter to the Court, dated 22 October 1783, was enclosed in duplicate with this one. A second copy of the proceedings of the sessions held on 8 October 1783 went with it. The Council reported the death of Nelly, the female slave convicted of felony and burglary at the sessions of jail delivery on 16 July 1783. She had been sentenced to death, but her execution was suspended after the Council recommended her to the Crown for mercy. On 19 November 1783 she hanged herself in the jail. The Council's request for a pardon was therefore no longer needed. The letter was signed at St Helena on 24 November 1783. Daniel Corneille Alexander Grame Matthew Bazett William Wrangham Henry Bazett Interpretations Nelly's death exposed the human cost of the reprieve system the Council had used since 1763. A suspended sentence did not free the prisoner. It left her condemned and confined while the case travelled to London, passed through the Court and the Crown's ministers and returned by ship. She had lived under a death sentence for four months when she died, and the answer to the Council's letter of 29 July 1783 could not have arrived for many months more. The

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		H Bazett St Helena 24th Novr 1783	Council had noted the same hardship in 1768, when it eased the irons on the bull-stealing prisoners because of the length of their wait. For a young slave with no family or property and no certainty of pardon, the reprieve offered little relief from the prospect of the gallows.
63	56	To the Honble &c Honble Sirs We have the Honor to transmit herewith Original Proceedings of a General Quarter Sessions held on the 7th instant. We are Honble Sirs Yr most Obt & humble Servants D C A G M B W W H B St Helena 29 Apl 84 To the Honble &ca Honble Sirs By this Conveyance we have the Honor to transmit Original Proceedings of a General Quarter Sessions held on the 7th of this instant (July) We are Honble Sirs Yr most Obedt & humble Servants (Signed) D C A G M B W W H B St Helena the 12 July 1784	The Council sent the Court the original proceedings of a general quarter sessions held on 21 April 1784. The letter was dated 29 April 1784 and signed with the councillors' initials. Daniel Corneille Henry Grame Matthew Bazett William Wrangham Henry Bazett The Council forwarded the original proceedings of a general quarter sessions held on [...] July 1784. The letter was dated at St Helena on 12 July 1784 and signed with the councillors' initials. Daniel Corneille Henry Grame Matthew Bazett William Wrangham Henry Bazett
64	57	To the Honble &ca Honble Sirs Herewith we have the Honor to Transmit Proceedings at a Genl Quarter Sessions held on the 6th of this instant (October). We are Honble Sirs Your most Obedt and hble Servts. (Signed) D. C. A. G. M. B. Wm W H. B. St Helena 14 Octr 84 To the Honble &ca Honble Sirs We have the honor to transmit by this Conveyance, Original Proceedings of a General Quarter Sessions held on the 12th day of January last We are Honble Sirs Your most Obedt & hble Servts. (Signed) D. C. M. B. Wm W. H. B. St Helena 10 March 85	The Council sent the Court the proceedings of a general quarter sessions held on 6 October 1784. The letter was dated at St Helena on 14 October 1784 and signed with the councillors' initials. Daniel Corneille Henry Grame Matthew Bazett William Wrangham Henry Bazett The Council forwarded the original proceedings of a general quarter sessions held on 12 January 1785. The letter was dated at St Helena on 10 March 1785 and signed with the councillors' initials. Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
65	58	To the Honble &ca Honble Sirs By this Conveyance we have	The Council sent the Court the original proceedings of a general quarter sessions held on 6 April 1785.

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		the honor to transmit [...] Original Proceedings at a General Quarter Sessions held on the 6th Day of this instant (April) We are Honble Sirs Your most Obedt and humble Servants (Signed) D C M B W W H B St Helena the 20 April 85 To the Honble &ca Honble Sirs We have the Honor to transmit herewith Original Proceedings at a General Quarter Sessions held on the 13 Day of this instant (July) We are Honble Sirs (Signed) Danl Corneille M Bazett Wm Wrangham Henry Bazett St Helena 28 July 1785	The letter was dated at St Helena on 20 April 1785 and signed with the councillors' initials. Daniel Corneille Matthew Bazett William Wrangham Henry Bazett The Council forwarded the original proceedings of a general quarter sessions held on 13 July 1785. The letter was signed at St Helena on 28 July 1785. Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
66	59	To the Honble &ca Honble Sirs Herewith we transmit you Original proceedings of at a General Quarter Sessions held on the 12 Day of this Instt October We are Honble Sirs Your most Obedt and humble Servants Danl Corneille Matt Bazett Wm Wrangham Henry Bazett St Helena the 22 October 1785 By this Conveyance we do ourselves the Honor to transmit proceedings at a Genl Quarter Sessions held on the 11 instant also the Duplte of those held on the 12 October last We are Honble Sirs Yr most Obedt & Hble Servts Danl Corneille Matt Bazett Wm Wrangham Henry Bazett St Helena the 20 January 1786	The Council sent the Court the original proceedings of a general quarter sessions held on 12 October 1785. The letter was signed at St Helena on 22 October 1785. Daniel Corneille Matthew Bazett William Wrangham Henry Bazett The Council forwarded the proceedings of a general quarter sessions held on 11 January 1786, together with a second copy of those held on 12 October 1785. The letter was signed at St Helena on 20 January 1786. Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
67	60	To the Honble Honble Sirs We have to Honor to transmit by this Conveyance Original Proceedings of a General Quarter Sessions held on the 26 Day of April last We are Honble Sirs Your most Obt & humble Servts (Signed) D C M B W W St Helena 4 June 1786 To the Honble &ca Honble Sirs	The Council sent the Court the original proceedings of a general quarter sessions held on 26 April 1786. The letter was dated at St Helena on 1 June 1786 and signed with the councillors' initials. Daniel Corneille Matthew Bazett William Wrangham The Council forwarded the original proceedings of a general quarter sessions held on 12 July 1786. The letter was signed at St Helena on 24 July 1786. Daniel Corneille Matthew Bazett William Wrangham

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		Herewith we transmit you Original Proceedings at a Genl Quarter Sessions held on the 12 Day of July this instant (July) We are Honble Sirs Yr most Obedt & Hble Servants Signed Danl Corneille Matt Bazett Wm Wrangham St Helena 24 July 1786	
68	61	To the Honble &ca Honble Sirs We take the opportunity of the Sailing of a Dutch Frigate Commanded by Captn With, bound to Holland of transmitting your Honors Original Proceedings at a General Quarter Sessions held on the 4th of this instant (October.) Your Honors will please to observe by said Proceedings, that Yon a Man Slave belonging to William Worrall, has been Convicted of Sheep Stealing and Condemned for the same, but that in consideration of the peculiar hardness of his Case and the many circumstances in his favor, We resolved to Respite his Execution until advice can be had from your Honors, and we now avail ourselves of the present opportunity of requesting your interference in his behalf, and that a Pardon from his Majesty may be procured for said Yon The reasons which induce us to make this application are, that said Yon seems to have acted under the influence of fear of his Master, in conjunction with him and by his Order, consequently to be considered as some extenuation of the Crime for which he stands Condemned, that in the relative situation of a Slave to his Master, he is bound to Obey him, and that [...] a degree of Compulsion in the present instance, appears to have actuated the Slaves Conduct. We therefore Solicit your intercession in his behalf, and from the well known Mercy and goodness of His Majesty flatter	The Council took advantage of a Dutch frigate under Captain With, sailing for Holland, to send the Court the original proceedings of a general quarter sessions held on 4 October 1786. Those proceedings showed that Yon, a male slave owned by William Worrall, had been convicted of stealing sheep and sentenced to death. Because his case was unusually harsh and many circumstances told in his favour, the Council decided to suspend his execution until it received the Court's instructions. It used this ship to ask the Court to act on his behalf and to obtain a royal pardon for him. The Council set out its reasons. Yon appeared to have acted out of fear of his master, alongside him and on his orders, and this went some way to lessen the gravity of the crime. As a slave, he was obliged to obey his master. A measure of coercion therefore seemed to have driven his conduct in this case. Start of crossed out section [...] End of crossed out section The Council accordingly asked the Court to intercede for Yon, relying on the King's well-known mercy and kindness. Interpretations Sheep stealing had been a capital felony without benefit of clergy since 1741, so Yon's conviction carried a mandatory death sentence. The Council's plea rested on the nature of slavery itself. A slave had no lawful right to refuse his master's orders and faced punishment if he did, yet the criminal law held him fully responsible for a theft carried out at his master's command. The Council used that contradiction as grounds for mercy. It did not challenge the principle that the slave remained guilty. The letter showed that Worrall himself had taken part in the theft, yet the Council recorded no proceedings against him. Island custom, defended by the Council since 1762 and at issue again in John Worrall's case in 1780, barred Black evidence against white people. If Yon was the only witness to his master's role, Worrall could not have been convicted on his word. Perhaps for this reason, the slave who obeyed faced the gallows while the master who gave the order went unpunished. Sending the proceedings by a Dutch warship bound for Holland showed how the Council relied on whatever vessel was heading for Europe. From a Dutch port, the papers could cross to England quickly. For a reprieved prisoner awaiting a pardon, a faster passage home shortened the months of uncertainty that had proved fatal in Nelly's case in 1783.
69	62	flatter ourselves of your Honors success in the application, for obtaining a Pardon for said Yon We are Honble Sirs Your most Obedt and humble Servants (Signed)	The Council trusted that the King's well-known mercy would allow the Court to succeed in obtaining a pardon for Yon. The letter was signed at St Helena on 16 October 1786. Daniel Corneille Matthew Bazett William Wrangham

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		Danl Corneille Matt Bazett Wm Wrangham St Helena the 16 October 1786 To the Honble &ca Honble Sirs We take the opportunity of transmitting herewith, Original Proceedings at a General Quarter Sessions held on the 17 of January last We are Honble Sirs Yr most Obedt and humble Servants (Signed) Danl Corneille Matt Bazett Wm Wrangham St Helena the 10 Febry 1787	The Council sent the Court the original proceedings of a general quarter sessions held on 17 January 1787. The letter was signed at St Helena on 10 February 1787. Daniel Corneille Matthew Bazett William Wrangham
70	63	To the Honble &ca Honble Sirs By this Conveyance We have the Honor to transmit Original Proceedings at a Genl Qr Sessions held on the 18 Day of this instt (April) We are Honble Sirs Your most Obedt and humble Servants (Signed) Danl Corneille Mattw Bazett Wm Wrangham St Helena 27 April 87 To the Honble &ca Honble Sirs We have the honor of transmitting herewith Original Proceedings at a Special Session held on Wednesday the 23 Day of this instant May for the purpose of liberating Yon and making known Your Orders, together with Mr Recorder Adairs Opinion respecting the admissibility of the Evidence of the Blacks We beg leave to refer your Honors to our Proceedings at a Genl Quarter Sessions held on the 26 Apl 86, wherein our determination (in consequence of a Presentt from the Grand Jury at the former Session) is Entered respecting the great encrease of Free Blacks upon the Island, and have to observe to your Honors that we omitted particularly mentioning this Circumstance in our Dispatches at that	The Council sent the Court the original proceedings of a general quarter sessions held on 18 April 1787. The letter was signed at St Helena on 27 April 1787. Daniel Corneille Matthew Bazett William Wrangham The Council forwarded the original proceedings of a special sessions held on Wednesday 23 May 1787. The sitting took place to release Yon and to announce the Court's orders. The Council also enclosed the opinion of Mr Adair, the Recorder, on whether evidence from Black witnesses could be admitted. The Council directed the Court to the record of its general quarter sessions of 26 April 1786. That record set out the decision the Council had reached on the sharp rise in the number of free Black people on the island, following a formal complaint from the grand jury at an earlier sessions. The Council acknowledged that it had failed to mention the matter specifically in its dispatches at the time. Interpretations The Recorder named in the letter was James Adair, Recorder of London, the senior judicial officer of the City and a serjeant-at-law of long standing. By obtaining his written opinion, the Court at last sought professional advice on the question the Council had raised on 15 August 1762 and pressed again after John Worrall's case in 1780. For 25 years, the admission of Black evidence against white people had rested on island custom, while the Court left the Council without a clear ruling. Adair's opinion put the matter on a footing of English law for the first time. Yon's release showed the reprieve system working as intended. The Council suspended his sentence and sought a pardon on 16 October 1786, and the pardon was proclaimed at a special sessions on 23 May 1787, some seven months later. The quick passage home on the Dutch frigate probably helped. Nelly, reprieved in July 1783, had not lived long enough to benefit from the same process. A grand jury's presentment was its formal statement to the court about any matter it judged harmful to the community, not only individual crimes. Presentments were a recognised way for leading inhabitants, who made up the grand jury, to press their concerns on the magistrates. The complaint about the growing number of free Black people reflected settler anxiety about a population that was neither enslaved nor fully accepted. Free Black islanders could own property, compete for work and mix with slaves outside any master's control.

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71	64	that time owing to the hurry we were in on account of the strange and unwarrantable Conduct of Major Richd Scott (since deceased) which fully employed Us and occasioned the Omission. Should the Resolutions we came to meet with your Honors approbation, We request you will be pleased to make known the same in your advices of next Season. It has become a matter of serious Consequence The Number of Free Blacks encreasing Daily We are Honble Sirs Your most Obedient and humble Servants (Signed) Danl Corneille Robt Brooke Matt Bazett Wm Wrangham St Helena the 28 May 1787 To the Honble &ca Honble Sirs We have the Honor to transmit herewith Original Proceedings of the Genl Quarter Sessions held on the 11 Day of last Month, also a Copy of the Letter we thought necessary to send to the principal Clergyman here, with our Address to the Inhabitants at large. In consequence both the Revd Mr Wilson and Mr Sewell employ themselves with peculiar energy in this Business and We have the pleasure to find the People in general seem to join heartily with Us in an exertion for the improvement of the Morals of the Poor	The Council explained that it had failed to report the matter of free Black islanders at the time because it was fully occupied with the extraordinary and unjustified conduct of Major Richard Scott, who had since died. If the Court approved the resolutions the Council had adopted, it asked the Court to say so in its dispatches of the following season. The question had become a serious one, since the number of free Black people on the island was growing every day. The letter was signed at St Helena on 28 May 1787. Daniel Corneille Robert Brooke Matthew Bazett William Wrangham The Council sent the Court the original proceedings of the general quarter sessions held on 11 July 1787. It also enclosed a copy of the letter it had judged necessary to send to the island's senior clergyman, together with its public address to the inhabitants. As a result, the Reverend Mr Wilson and Mr [...] Jewell had thrown themselves into the work with unusual energy. The Council was pleased to find that most islanders appeared willing to support it wholeheartedly in a drive to improve the morals of the poor. Interpretations The Council's concern over free Black islanders, first raised by the grand jury and settled by resolution on 26 April 1786, could not take full effect without the Court's approval. Company dispatches followed the seasonal pattern of the East India fleets, which called at St Helena mainly on their homeward voyages in the southern autumn and winter. A request sent in May 1787 could expect a reply only with the next season's ships, perhaps a year later. The Council's warning that numbers were rising daily was meant to press the Court to answer by that fleet. The campaign to reform the morals of the poor made the island's chaplain and the leading inhabitants agents of the Council's authority. A written charge to the senior clergyman and an address read to the whole population placed religion and public opinion behind the magistrates. Coming soon after the complaints about free Black islanders, the campaign was perhaps aimed chiefly at them and at the poorer soldiers and settlers, the groups the Council regarded as most in need of supervision.
72	65	Poor, for both our Churches are now Crowded with Blacks to hear Lectures calculated to enlighten and improve them We are Honble Sirs Your most Obedt and humble Servants Signed Robt Brooke F Robson Mattw Bazett St Helena 11 August 1787 To the Honble &ca Honble Sirs We take this opportunity of transmitg Your Honors Original Proceedings at a Genl Quar Sessions held on the 3 October last and 16 of this Instant January Your Honors will please to observe by the proceedings on the 16 Instant that Wm Messenger and Jas Harvey Soldiers in the Garrison of this Island, were Convicted	The Council reported that its campaign was already bearing fruit among the poor. Both of the island's churches were now filled with Black islanders attending talks designed to educate and improve them. The letter was signed at St Helena on 11 August 1787. Robert Brooke F[...] Robson Matthew Bazett The Council sent the Court the original proceedings of the general quarter sessions held on 3 October 1787 and 16 January 1788. The record of the January sessions showed that William Messenger and James Harvey, soldiers of the island garrison, had been convicted of felony and burglary and sentenced to death. Using its authority to suspend sentences where the circumstances justified an appeal to the Crown for a pardon, the Council halted Messenger's execution and commended his case to the Court. In the Council's view, he deserved the Court's intercession and the King's mercy. His part in the crime appeared to arise more from ignorance and unwilling involvement than from genuine wickedness.

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		of Felony & Burglary and Sentenced to Death. But conformable to the Authority Assigned Us where the Nature of the Circumstances will favour Your application to the Throne for Pardon We have respited the Execution of Wm Messenger and beg leave to recommend his Case to your Honors He in our Opinion is an Object who merits your intercession and His Majesty's Mercy, there appearing in the Crime for which he has been Condemned more ignorance and involuntary Gilt than Real Wickedness. In the Deposition of Witnesses and Confession of the Partys previous to Commitment it is clearly	Interpretations The Council's case for Messenger repeated, almost word for word, the reasoning it had used for Stephen Swartsing in 1771. That earlier letter also spoke of more ignorance or involuntary guilt than real wickedness. The Council clearly drew on its own letter-book when framing pleas for mercy, turning a successful argument into a standard formula. Such phrasing signalled to the Court that the case belonged to a recognised category of lesser offenders. For the Court, the repetition may have weakened the plea, since it read more as a set form than a judgement on the individual. The report that both churches were crowded with Black islanders showed the reform campaign reaching the group the Council most wished to influence. The "lectures" were religious instruction and sermons aimed at teaching Christian doctrine and moral conduct. They served the Council's purposes in two ways. They promoted order and obedience among free Black people and slaves, whose growing numbers alarmed the grand jury. They also offered a route to baptism and Christian understanding. That mattered, because the Council had long justified excluding Black evidence partly on the grounds that Black islanders were not Christians and could not grasp the meaning of an oath.
73	66	clearly stated that Messenger was intoxicated with Liquor thro' the means of Harvey and one Cornelius Flowers the day preceding the Burglary, that Harvey by violent measures such as holding a Drawn Bayonet to his Breast and using compulsive words, in a manner forced him to consent and to become partaker in the Crime. he was found asleep in the House, which We impute to the Effects of Liquor, and his being incapacitated thereby from knowing well, what he was about. But most of all the extreme good Character said Messenger has (as appears by the Testimony of his Officers upon the Trial) induces Us to recommend his unhappy Case to your Honors and flatter ourselves thro' your intercession [...] His Majesty's most gracious Pardon may be obtained for said Messenger We also beg leave to transmit Your Honors Copy of a Letter received from Mr Wrangham wherein he particularly recommends the Melancholy situation of said Messenger and requesting an application to your Honors in his behalf We have the Honor to be Honble Sirs Your most Obt and humble Servants (Signed) Robt Brooke Frans Robson M Bazett Wm Wrangham St Helena 2 February 88	The witnesses' depositions and Messenger's own confession before he was committed for trial showed clearly how he came to be involved. On the day before the burglary, Harvey and a man named Cornelius Flowers had made him drunk. Harvey then used threats and force, holding a drawn bayonet to his chest, and effectively compelled him to agree and to take part in the crime. Messenger was found asleep inside the house. The Council put this down to the drink, which had left him unable to understand properly what he was doing. Above all, the Council was moved by his excellent character, to which his officers testified at the trial. It commended his unhappy case to the Court and trusted that the Court's intercession would secure a royal pardon for him. The Council also enclosed a copy of a letter from Mr Wrangham, who drew particular attention to Messenger's pitiable situation and asked the Council to make an application to the Court on his behalf. The letter was signed at St Helena on 2 February 1788. Robert Brooke Francis Robson Matthew Bazett William Wrangham Interpretations Drunkenness gave no defence to a criminal charge in English law, and a man who committed a felony while intoxicated remained fully liable. The Council therefore used it only as a ground for mercy. It paired the drink with Harvey's threat at bayonet point, which came closer to duress. Duress also rarely excused a capital crime, but it weighed heavily in any application for a pardon. Messenger's being found asleep at the scene supported the Council's view that he was a stupefied tool of the others and not an active burglar. Character evidence from a soldier's officers carried special weight. It came from men with authority over him who had observed his conduct day to day, and a good report from them suggested that the crime was out of character. Wrangham's separate letter added the voice of a senior councillor writing in a personal capacity. The Court thus received a plea supported from several directions: the depositions, the confession, the officers' testimony and an individual member of the Council.

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74	67	To the Honble &ca Honble Sirs In answer to the 11th Paragraph of your Honors Genl Letter dated 16 Jany last We beg leave to assure you that the Special Sessions of the 23d May 87 (Mr Corneille then in the Chair) a strict enquiry was made in regard to the possibility of being able to procure Evidence sufficient against Wm Worrall Master of Yon to bring him to a Tryal, but it appeared to the Bench there could not. Now We flatter ourselves when you consider We punctually obeyed your Orders at the time but were in the hurry of changing our President that you will indulgently excuse the omission made by not duly transmitting you the result of Our enquiry We have the honor to be Honble Sirs Your most Obedt and humble Servants Sign Robt Brooke Frans Robson M Bazett Wm Wrantham St Helena 15 May 1788	In reply to the eleventh paragraph of the Court's general letter of 16 January 1788, the Council gave its assurance that the Court's instructions had been followed. At the special sessions of 23 May 1787, with Mr Corneille presiding, the bench examined closely whether enough evidence could be found to bring William Worrall, Yon's master, to trial. The justices concluded that it could not. The Council had carried out the Court's orders promptly at the time. It had failed to report the outcome only because the change of president had kept it fully occupied, and it hoped the Court would overlook the lapse. The letter was signed at St Helena on 15 May 1788. Robert Brooke Francis Robson Matthew Bazett William Wrantham Interpretations The letter showed that the Court, not the Council, had pressed for the prosecution of William Worrall. After pardoning Yon, the Directors ordered an inquiry into the master who had directed the theft. The bench examined the question at the same special sessions of 23 May 1787 that released Yon and announced Recorder Adair's opinion on Black evidence. It still found no case to bring. Whatever Adair had advised, it did not produce a prosecution. A master who ordered his slave to steal sheep therefore escaped trial, while the slave had been condemned to death and saved only by royal pardon. The "president" was the Governor in his role as head of the Council, which sat as the island's bench of justices. Robert Brooke now headed the signatories in place of Daniel Corneille, confirming the change of government mentioned in the letter. As with the handover from John Skottowe to Corneille in 1782, the transition disrupted the Council's correspondence with London. That explained why a report the Court expected in 1787 went unsent until the Directors asked for it.
75	68	To the Honble &c Honble Sirs By this Conveyance we transmitt your honors the Originall Proceedings of a Generall Quarter Sessions held on the 16 Day of July 1788 We are Honble Sirs Your obedient & humble Servant (Signed) R Brooke F Robson M Bazett St Helena 28 July 1788 To the Honble &ca Honble Sirs By this conveyance we send you the Proceedings of the last Quarterly Sessions held on the 8th instant. We are Honble Sirs Your most Obedt & hble Servants (Signed) Robert Brooke Frans Robson Matt Bazett St Helena 20th Octr 88	The Council sent the Court the original proceedings of a general quarter sessions held on 16 July 1788. The letter was signed at St Helena on 20 July 1788. Robert Brooke Francis Robson Matthew Bazett The Council forwarded the proceedings of the latest quarterly sessions, held on 8 October 1788. The letter was signed at St Helena on 20 October 1788. Robert Brooke Francis Robson Matthew Bazett
76	69	To the Honble &c Honble Sirs We take this Opportunity of transmitting	The Council sent the Court the original proceedings of a general quarter sessions held on 14 January 1789, together with a second copy of those

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		herewith Original Proceedings at a Genl Qr Sessions held on the 14 January 1789, likewise a Dupl of that held on the 8 Octr 1788 We are Honble Sirs Your most Obt & humble Servant R Brooke F. Robson M Bazett St Helena 2 Febo 1789 To the Honble &c Honble Sirs Herewith We transmit you the Original Proceedings at a Genl Quarterly Sessions held on the 15 July last We do ourselves the honor to enclose our Ideas in respect to the regulations now in force in regard to Slaves here with those proposed agreeable to your Orders. The Outline is that the uninterested Magistrate alone, should be the person appealed to on all several	held on 8 October 1788. The letter was signed at St Helena on 2 February 1789. Robert Brooke Francis Robson Matthew Bazett The Council forwarded the original proceedings of a general quarterly sessions held on 15 July 1789. As the Court had instructed, the Council also enclosed its views on the rules then governing slaves on the island, along with the changes it proposed. In outline, the Council's plan was that only a magistrate with no personal stake in a case should be the authority to whom matters were referred. Interpretations The Court's order to review the slave regulations followed a decade in which the island's law had repeatedly failed slaves harmed by their masters. Woodbury's complaint in 1780 against John Worrall stalled over the ban on Black evidence. In 1787, William Worrall escaped trial for the theft his slave Yon carried out on his orders. The Council's core proposal applied to slaves the principle it had used in 1768, when it removed Matthew Burling from the bench because he owned the stolen bull. A person with an interest in a case should not decide it. For slaves, the interested party was usually the master, who had long exercised private discipline over his workforce. Placing complaints and punishments in the hands of a neutral magistrate would perhaps limit that private power, though the details of the scheme lay in the enclosed papers.
<u>77</u>	70	serious occasions and that his Conduct should be on Record to be appealed to at the Quarter Sessions. We have been unanimous in our oppinions, and flatter our selves you will perceive that our intentions at least are such as to merit your approbation We are Honble Sirs Your most Obt & humble Servts (Signed) R Brooke Fr Robson B Wright St Helena 21 Augt 1789 To the Honble &c Honble Sirs Herewith We transmit Proceedings in Consequence of a Complaint against Mr R Mason by his Woman Slave Hagar. Also Proceedings in Consequence of a Claim of Mr Thomas Lester to certain Grounds with their produce, both of which are submitted for the determination of the Honble Court of Directors We are Honble Sirs Your most Obt &c R Brooke F Robson B Wright St Helena 26 Sept 1789	Under the Council's proposal, only an impartial magistrate would hear appeals on serious matters, and a written record of how he handled each case would be kept so that it could be reviewed at the quarter sessions. The members of the Council had agreed unanimously. They trusted the Court would see that their aims, at least, deserved approval. The letter was signed at St Helena on 21 August 1789. Robert Brooke Francis Robson [...] Wright Interpretations The requirement for a written record turned the magistrate's decisions on slave matters into reviewable acts. Masters had long punished slaves privately, with no record and no outside check. Under the proposal, a neutral justice would handle serious cases, and his handling could be challenged before the full bench at quarter sessions. Accountability would run in two directions: masters would answer to the magistrate, and the magistrate to his fellow justices. The Council sent the Court the proceedings arising from a complaint by Hagar, a female slave, against her master, Mr R. Mason. It also forwarded the proceedings on a claim by Mr Thomas Lester to certain land and the crops grown on it. The Council referred both matters to the Court of Directors for decision. The letter was signed at St Helena on 26 September 1789. Robert Brooke Francis Robson [...] Wright Interpretations Hagar's complaint showed that a slave could bring a grievance against her master before the magistrates. Soon after the Council's new proposals, such a case was treated seriously enough to be written up and sent to London. By referring it to the Court instead of settling it locally, the Council avoided deciding a dispute between a master and his slave while its new regulations still awaited approval. It also kept the

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			Directors informed of how the proposed system might work in practice.
78	71	To the Honble Honble Sirs By this Conveyance We transmit Original Proceedings of a Genl Quarterly Sessions held on the 7 of last Month. Upon taking the Tryal of Dick a Man Slave Condemned at the above Sessions into mature consideration We are alarmed at the thought of Ordering him to Execution notwithstanding his former Crimes, his bad Character, and his yet remaining without any Recommendation for Mercy. What weighs heavy upon our minds on so awful an occasion is the Idea that situated as the case is a Man would not suffer Death in England under similar circumstances, for no property could well be ascertained on the Tryal but the Knife belonging to the Revd Mr Wilson which was not produced or identified before the Court or proved to be worth even the value of two pence, and it does not appear on reconsideration that the Arrack or Candles sworn to be Stolen, had by permission of the Master or otherwise become the legal property of the Slaves from whom those Articles were taken. That the Prisoner Dick Committed a petty theft We believe but considering the above circumstances, and that	The Council sent the Court the original proceedings of a general quarterly sessions held on 7 October 1789. After careful thought about the trial of Dick, a male slave condemned at those sessions, the Council was deeply uneasy about ordering his execution. It reached this view despite his earlier offences, his poor character and the absence of any plea for mercy on his behalf. What troubled the Council most on so solemn a matter was the belief that a man in his position would not be hanged in England. The only property clearly established at the trial was a knife belonging to the Reverend Mr Wilson. It was never produced or identified in court, and nobody proved it was worth even twopence. On further reflection, the Council also found no evidence that the [...] or candles sworn to have been stolen had ever become the lawful property of the slaves they were taken from, whether by their master's consent or by any other means. The Council accepted that Dick had committed a minor theft. Interpretations The Council's reasoning turned on the distinction in English law between grand and petty larceny. Stealing goods worth more than a shilling was grand larceny and a capital felony, while theft of goods worth a shilling or less was petty larceny, punishable by whipping or imprisonment but not death. For Dick's conviction to justify hanging, the prosecution had to prove both who owned the stolen goods and what they were worth. A knife never produced in court and of unproven value could not support a capital sentence. The difficulty over the other goods exposed the legal position of slaves. A slave could not own property in law, since everything he held belonged to his master unless the master expressly allowed otherwise. If the candles and other items had been charged as the property of the slaves from whom they were taken, the indictment named owners who in law could own nothing. The charge as framed therefore failed. The Council's scrutiny of these technical points, in the case of a slave with a bad record and no one to speak for him, showed how far its handling of capital cases had tightened since 1762. It now tested convictions against the standard that an English court would apply, not simply against local custom.
79	72	that he has suffered the Terrors of Condemnation, and must also the punishment, of a long and painful Imprisonment We have thought it Our Duty to Respite him and humbly to entreat Your Honors application to the Throne that a Pardon may be obtained for the said Dick We are Honble Sirs Your most Obedt and humble Servant R Brooke Frans Robson B Wright St Helena 4 Novr 1789 To the Honble &c Honble Sirs Herewith We transmit Original Proceedings at a Genl Quarter Sessions held on the 13 Jany	Dick had already endured the terror of a death sentence and would also have to bear the hardship of a long and painful imprisonment while his case was considered. Taking these circumstances together, the Council judged it right to suspend his execution. It asked the Court to apply to the Crown for a pardon for him. The letter was signed at St Helena on 4 November 1789. Robert Brooke Francis Robson [...] Wright Interpretations The Council treated the ordeal of condemnation and the long wait for a pardon as punishment in themselves. A slave convicted of what it regarded as a petty theft had already faced the gallows and would spend many months in the island jail before any answer came from London. The Council's awareness of that burden echoed its concern for the bull- stealing prisoners in 1768 and followed Nelly's death in jail in 1783. It counted the time spent under sentence as part of the penalty the prisoner had already paid.

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		last together with Duplicate of those of the 7 October 1789. We also transmit Proceedings at a special meeting held on the 3 November last for the purpose of enquiring into the legality of Certain Claims upon the Estate of Mr Robert Pierson Deceased, thinking it more adviseable the same should be settled by a Jury than by the determination of the Board in Council We are Honble Sirs Your most Obt & humble Servants Signed R Brooke F Robson B Wright 2 Feby 1790	The Council sent the Court the original proceedings of a general quarter sessions held on 13 January 1790, together with a second copy of those held on 7 October 1789. It also forwarded the proceedings of a special meeting on 2 November 1789, held to examine whether certain claims against the estate of the late Mr Robert [...]son were lawful. The Council considered it wiser for a jury to settle these claims than for the Board to decide them in Council. The letter was signed at St Helena on 2 February 1790. Robert Brooke Francis Robson [...] Wright Interpretations The decision to send the estate claims to a jury marked a shift in how the island handled disputes over property. When Orlando Bagley's executors sought guidance in 1770, the Council answered the question itself and then asked the Company's solicitor to confirm its view. Here it declined to act as judge and placed the matter before a jury. That fulfilled the pledge it had made on 15 August 1762 to decide all property cases by jury. A jury verdict also carried more weight than an opinion from a Council whose members were often neighbours, creditors or relatives of the parties involved.
80	73	To the Honble &c Honble Sirs By this Conveyance We transmit Your Honors Original Proceedings at a General Quarter Sessions held on the 14th Day of July last and beg leave to refer you to what is set forth in consequence of a Claim of the Executors of Capt Jas Greentree Decd, for the recovery of a Black Boy, considered by them as his Slave. Your Solicitors Opinion is requested thereupon, until which Arrives we have Ordered the Boy to remain with his Mother. We are Honble Sirs Your most Obedt and humble Servants (Signed) Rt Brooke Frans Robson B Wright St Helena 20 Augt 1790	The Council sent the Court the original proceedings of a general quarter sessions held on 14 July 1790. It drew the Court's attention to a claim recorded there by the executors of the late Captain James Greentree. They sought to recover a Black boy whom they regarded as having been Greentree's slave. The Council asked for the opinion of the Company's solicitor on the claim. Until that opinion arrived, it ordered that the boy should stay with his mother. The letter was signed at St Helena on 20 August 1790. Robert Brooke Francis Robson [...] Wright Interpretations The case turned on whether the boy was free or a slave, and the answer usually depended on his mother. Under the rule followed in English colonies, a child took the status of his mother. The child of a slave woman was born a slave and belonged to her owner, while the child of a free woman was born free. The executors' claim implied that they regarded the boy as part of Greentree's estate. Referring the matter to the Company's solicitor, and leaving the child with his mother in the meantime, suggests her own status or the terms under which the boy had lived were in dispute. With the number of free Black islanders already a concern to the Council and grand jury, a ruling would have consequences well beyond one family. It would determine whether children in similar circumstances could be claimed as property by their late owners' estates.
81	74	To the Honble &ca Honble Sirs. By this conveyance we transmit Your Honors Original Proceedings of a General Quarterly Sessions held on the 12. 13 & 14 of January last. You will please to Observe by the charge given in relation to Lieut Seale's business that the Court Supposed after they had given that Charge they had done their duty and could do no more however it might be the Office of the Governor and Council to represent the matter to you There goes a Number in the Packet. Papers relative to the Claim of one Tilla a Free Black Woman in which the Opinion of	1: The Council sent the Court the original proceedings of a general quarterly sessions held on 12, 13 and 14 January 1791. 2: The charge the sessions court delivered on Lieutenant Seale's affair showed that the justices believed their duty was complete once they had issued it. They considered they could take the matter no further. Any report to the Court, in their view, fell to Governor Brooke and the Council. 3: The packet contained a numbered set of papers on a claim by Tilla, a free Black woman, on which the Council asked for the opinion of the Company's solicitor. The executors of [...] Fabianno would set out their own view on the matter by a later ship. Interpretations

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		your Solicitor is humbly requested, the Executors of Julio Fabianno will by a future Opportunity state what they think necessary on the subject in	The paragraph on Lieutenant Seale revealed a growing distinction between the island's judicial and executive roles. The same men sat as justices and as councillors, yet here the sessions court treated its responsibility as ending once it had given its charge. In English practice, a charge was the formal direction a court delivered, usually to the grand jury, setting out the law on a matter and what it should consider. Having done that, the justices left any further action, including reporting to the Directors, to the Governor and Council in their executive capacity. The Council evidently wanted the Court to understand why the record showed no further steps from the bench. The claim by Tilla, a free Black woman, involving the executors of an estate, followed the pattern of the Greentree case in 1790. Disputes over the status or property of free Black islanders were now reaching the Council regularly and being passed to the Company's solicitor. The Council no longer settled such questions by local custom. It sought professional English legal opinion before deciding matters touching the freedom or rights of Black islanders. The sessions sat for three days, whereas earlier sessions in the register usually met on a single day. The longer sitting reflected a heavier load of business before the court.
82	75	in Support of their Conduct We are Honble Sirs Your most Obedient and most Humble Servants Signed Robert Brooke Francis Robson B A Wright St Helena the 17 February 1791 To the Honble &ca Honble Sirs A Petition of a Free Woman Claiming a Property from the Estate of one Julio Fabiano deceased being before the Board, and one of the Executors to said Estate on the point of leaving the Island a special meeting of the Justices was called to Examine into the nature of said Claim, when it appeared as will be perceived by the accompanying proceedings that no legal Claim existed on which to found a Tryal, but it also appeared that the Executors had not acted according to those forms prescribed by Law for the prevention of embezelment of	The executors of [...] Fabiano were to explain by a later ship what they judged necessary on the subject, in defence of their conduct. The letter was signed at St Helena on 17 February 1791. Robert Brooke Francis Robson B. A. Wright 1: A free woman had petitioned the Board, claiming property from the estate of the late Julio Fabiano. One of the estate's executors was about to leave the island, so a special meeting of the justices was called to look into the claim. The enclosed proceedings showed that the claim had no legal basis on which a trial could proceed. The inquiry also revealed, however, that the executors had not followed the procedures the law prescribed to guard against embezzlement of the estate. Interpretations English law required executors to protect an estate for those entitled to it. Their chief duties were to prepare a sworn inventory of the deceased's goods, have them valued and account for how the property was handled and distributed. These formalities existed to stop executors from quietly taking assets for themselves or favouring particular heirs or creditors. The special meeting thus produced two findings. The free woman's petition failed, but the estate's management was exposed as irregular. The executors' promised explanation shows the Council was holding them to account even though the original claim had collapsed. The imminent departure of one executor explained why the justices met outside the regular sessions. St Helena's population moved constantly between the island, India and England, as the Council had noted in 1763 when ship crews were bound over as witnesses. Once an executor sailed, questions about his handling of an estate could go unanswered for years. A special sitting allowed the justices to examine him while he could still be questioned.
83	76	of the property of Deceased Persons. The Bench therefore publicly reprimanded the Executors and would have thought it their Duty to have proceeded to fine them had they conceived any fraud could have possibly been intended. As this transaction	Because the executors had ignored the legal safeguards protecting the property of dead persons, the bench reprimanded them publicly. The justices would have felt bound to fine them had they believed any fraud might possibly have been

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		forms a President for calling Executors to Account in relation to the Estate of the deceased, we entreat your Solicitors opinion on the propriety of our proceedings that in case we have erred in the ideas we have adopted on this Subject, we may receive instructions for our future guidance in case of a Similar nature Since the proceedings we find that Widows of deceased persons are sworn to the Inventory they bring in of the effects of the said deceased being a just one, but we cannot find upon record that any oath is taken by the Executors when in regard to the Inventory or the doing Justice to the truth reposed in them, we request to know if any such be required We also transmit Proceedings of a Genl Quarterly Sessions held on the 4th May last We are Honble Sirs Your most Obedient and most humble Servants (signed) Robt Brooke Frans Robson B A Wright St Helena the 13 June 1791	intended. The case would serve as a precedent for requiring executors to account for the estates in their care. The Council therefore asked for the Company's solicitor's opinion on whether it had acted properly. If its approach proved mistaken, it wanted instructions to guide it in any similar case. 2: After the proceedings, the Council found that widows were required to swear that the inventories they submitted of their late husbands' goods were accurate. It could find nothing in the records showing that executors took any oath, either on the inventory or on faithfully carrying out the trust placed in them. The Council asked whether such an oath was required. 3: The Council also sent the proceedings of a general quarterly sessions held on 4 May 1791. The letter was signed at St Helena on 13 June 1791. Robert Brooke Francis Robson B. A. Wright Interpretations In English practice, an executor took an oath when a will was proved, swearing to pay the debts and legacies faithfully and to exhibit a true inventory of the estate. The oath gave the probate court a basis for calling him to account and made a false inventory punishable as perjury. On St Helena, where the Council had acted as the probate authority since the Bagley case of 1770, widows were sworn but executors apparently were not. That gap left estates exposed to exactly the kind of irregularity uncovered in the Fabiano case, since an executor who had sworn nothing could not be charged with breaking his oath. The Council's question showed it building up the island's probate procedure piece by piece, adopting English forms as each weakness came to light. The public reprimand was a deliberate choice of the lighter sanction. A fine would have implied dishonesty, whereas a reprimand in open court marked the executors' failure without accusing them of fraud. On a small island where reputation carried great weight among the leading families, public censure was itself a significant punishment.
84	77	To the Honble &ca Honble Sirs Accompanying are the Proceedings of the last Quarter Sessions in which you will find the Charge given by us on the Promulgation of the New Laws and Regulations You will also perceive that Mr Lambe apologized in Public Court for his misconduct towards his Slave and that in consequence We promised to Write to your Honors to entreat your forgiveness of him which We now do, as also of all that has passed here in mistaken contradiction to those Rules and Regulations which altho' intended for the benefit of all were at first but ill understood The Bill against Captn Lieut Greentree was not found no more than that against Mr Lambe but in future we shall carefully transmit you Copys of all such Bills as may possibly be thrown out which We conceive to be in any degree well founded. We sincerely	1: The Council sent the Court the proceedings of the latest quarter sessions. They included the charge the Council delivered when the new laws and regulations were formally proclaimed. 2: The proceedings also showed that Mr Lambe had apologised in open court for his mistreatment of his slave. In return, the Council had promised to ask the Court to pardon him, and it now did so. The Council also asked the Court to overlook the opposition the new rules had met on the island. Though designed to benefit everyone, the rules had at first been poorly understood. 3: The grand jury had refused to indict Captain [...] Greentree, just as it had refused to indict Mr Lambe. The Council undertook to send the Court copies of every such rejected indictment in future that it considered to have any real foundation. Interpretations The new laws and regulations were the slave code the Council had proposed on 21 August 1789, now approved by the Court and formally proclaimed at quarter sessions. The Council's charge set out the new rules to the grand jury and the assembled inhabitants. Its request that the Court forgive the resistance to them shows that slave-owners had objected strongly to limits on their private power over their slaves. A bill of indictment went first to the grand jury, which decided whether the evidence justified a trial. If the jurors rejected it, the case ended there, and no

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			petty jury ever heard it. St Helena's grand jurors were drawn from the island's leading inhabitants, who were themselves slave-owners. Their refusal to indict both Lambe and Greentree showed them using this power to shield masters accused of mistreating slaves. The Council's promise to send copies of rejected bills was designed to bring the grand jury's decisions under the Court's scrutiny. If jurors blocked prosecutions the Council thought well-founded, the Directors in London would see the evidence for themselves. Lambe's public apology offered a substitute for the prosecution the grand jury had refused. By acknowledging his misconduct in open court, he accepted a measure of public censure. The Council's request that the Court forgive him suggests the Directors had already been informed of the case and could impose consequences on him, perhaps through his standing with the Company.
<u>85</u>	78	sincerely hope however and believe that few such circumstances will ever take place We humbly entreat your Particular attention to the first Precedents formed in relation to Your New Laws and Regulations that We may be directed and instructed in Points where from want of better knowledge it is natural to Suppose errors may arise except an extraordinary blessing attend on an honest wish to do Justice impartially. in which case We hope never to fail meeting your approbation We are Honble Sirs Your most Obedient and Humble Servants Signed Robt Brooke Fras Robson Willm Wrangham St Helena the 21 July 1791	The Council added that it sincerely hoped and believed such cases of rejected indictments would be rare. 4: The Council asked the Court to give close attention to the first rulings made under the new laws and regulations. It wanted guidance on points where, lacking fuller legal knowledge, it would probably make mistakes, unless an honest wish to do justice fairly proved enough to carry it through. In that case, the Council hoped always to earn the Court's approval. The letter was signed at St Helena on 21 July 1791. Robert Brooke Francis Robson William Wrangham
<u>86</u>	79	To the Honble &ca Honble Sirs Counterfeit Pagodas having been negotiated here lately to the great distress of the unfortunate Poor imposed on by such practices we judged it our duty to be as attentive as possible to the Suppression of all such attempts and as the Earl Fitzwilliam was on the point of Sailing complaint was made that Number of false Pagodas had been circulated that day by which Several Individuals had suffered considerably enquiry was immediately made and it appeared by Affidavit that one John Howard a Charter party Passenger who we believe was a Serjeant at Madras then on Shore had offered Pagodas for Sale at four Shillings each to some of the Inhabitants & also that a Person of his appearance had passed one here we thought that an Investigation this would certainly lead to a discovery, and of course as the Ship could not be delayed after receiving her Dispatches we detained the said Howard for examination and in consequence of his Request he was permitted to go on board	Counterfeit pagodas had recently been passed on the island, causing real hardship to the poor people cheated by them. The Council considered it essential to stamp out every such attempt. As the <i>Earl Fitzwilliam</i> was about to sail, a complaint came in that a number of false pagodas had been put into circulation that day, and several people had lost heavily as a result. The Council opened an inquiry at once. Sworn statements showed that John Howard, a passenger travelling under the ship's charter terms, had come ashore and offered pagodas for sale to some inhabitants at four shillings each. The Council believed he was a sergeant from Madras. The statements also indicated that a man matching his description had passed one of the coins on the island. The Council was confident that an investigation would uncover the truth. Once the ship received its dispatches, it could not be held back, so the Council detained Howard for questioning. At his own request, he was allowed to go aboard to collect his belongings. When these were brought ashore, they were searched in front of him and the magistrates. He was then held overnight in the main guardhouse. This followed the practice on St Helena and in other garrison towns when guilt could not be proved immediately, since the guardhouse was the most comfortable place of confinement and carried the least disgrace. Interpretations The pagoda was the principal gold coin of south India, struck at Madras and elsewhere, and circulated widely in the Company's trade. The standard star pagoda was worth roughly eight shillings in English

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		for his Effects which after coming on Shore were searched in his and the Magistrates presence after which he was confined for the Night in the Main Guard according to custom in this and other Garrison Towns where no positive proof of guilt could be immediately ascertained as being a place the most comfortable and least disgraceful. and on the Morning after not being able	money. An offer to sell pagodas at four shillings each was therefore an immediate warning sign, since no honest holder would part with gold at half its value. Coins brought by passengers from India passed as currency on St Helena, where money of every origin circulated. Islanders unfamiliar with the weight and appearance of genuine pieces were easy victims. A charter-party passenger travelled under terms set in the contract by which the Company chartered the ship from its owners. These contracts reserved berths and provisions for the Company's servants, soldiers and others it authorised to travel. Howard's status tied him to the Company, which gave the Council grounds to hold him even though the ship's departure could not be delayed. The main guard was the garrison's principal guardhouse, where soldiers on duty were stationed and military offenders held. Confining a suspect there instead of the common jail avoided the stigma of imprisonment alongside convicted felons. The Council's explanation of this detail was probably defensive. Detaining a passenger from a Company ship and letting it sail without him could invite complaint, and the Council wished to show that it had treated him with care.
87	80	able to find proof against him that we could Suppose sufficient for conviction he was released and Ordered home in the first Ship that Sailed he having stated great losses and Inconvenience might attend any detention here, and he was also allowed the usual allowance of Six pence ¹/₂ Day paid to those left behind on this Island for their Subsistence which he received Accompanying are the attestations taken on this Occasion as also his Remonstrances and complaints. We have only to add that he made use of Personal threats and insolent language to the Governor and Acting Magistrate and others which conduct was constantly treated as unworthy Serious notice. We enclose Several of these bad Pagodas for your observation Lieut Taylor of this Garrison has been for some time past insane and so outrageous at times that he was obliged to be moved from the Officers Barracks to the Serjeant Majors Appartment, where he could be kept more secure from attempting to injure himself or others. You will find in our Proceedings last Quarter Sessions that We appointed Mr Thos Lester Lieut Caleb Broadway and Mr Jno Worrall to take care of his Affairs during his incapacity, and We have now directed the Clerk of the Peace to write to his relations at	The next morning, no evidence strong enough to secure a conviction against Howard could be found, so he was released. He was sent home on the first ship leaving the island, since he had argued that any delay would cause him serious loss and hardship. He also received the standard subsistence allowance of £0 0s 6d a day paid to people left behind on the island. The Council enclosed the sworn statements taken at the time, together with Howard's protests and complaints. It added only that he had threatened and insulted Governor Brooke, the acting magistrate and others. The Council chose to treat this abuse as beneath serious attention. Several of the counterfeit pagodas were also enclosed for the Court to examine. 2: Lieutenant Taylor of the garrison had been insane for some time. At times he became so violent that he had to be moved from the officers' barracks to the sergeant major's quarters, where he could be more safely prevented from harming himself or others. The record of the latest quarter sessions showed that the Council had appointed Mr Thomas Lester, Lieutenant Caleb Broadway and Mr John Worrall to manage his affairs while he remained unfit to do so. The Council had also instructed the clerk of the peace to write to his relatives. Interpretations The appointment of three men to manage Taylor's affairs followed English practice for people found to be insane. In England, the Lord Chancellor issued a commission to inquire into a person's state of mind, and if insanity was found, he appointed a "committee" to look after the lunatic's person and property. St Helena had no Chancery, so the justices at quarter sessions took on this role. Placing the appointment on the court record gave the three men legal authority to handle Taylor's money and possessions. It also made them answerable for how they did so, the same concern for accountability the Council had shown with the executors of Julio Fabiano's estate. The subsistence allowance paid to those left behind was a Company provision for passengers put ashore at St Helena and unable to continue their voyage, whether through illness, detention or the ship's departure. By paying it to Howard, the Council treated him as a detained passenger, not a prisoner. That supported its case that it had handled him properly despite his complaints.

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88	81	at Home acquainting them with the circumstance, and We humbly entreat your Directions how we shall proceed in regard to him if he continues to remain insane and incapable of duty We are Honble Sirs Your most Obedient and most Humble Servants Signed Robt Brooke. Francis Robson. Willm Wrangham St Helena 14th Augt 1791.	The clerk of the peace had written to Lieutenant Taylor's relatives in England to tell them of his condition. The Council asked the Court for instructions on how to deal with him if he stayed insane and unable to carry out his duties. The letter was signed at St Helena on 14 August 1791. Robert Brooke Francis Robson William Wrangham
89	82	To the Honble &ca Honble Sirs A Whaling Vessel called the Sarah Robt Matthews Master having touched here without a Cargo on account of the ill health of said Master and a Portuguese Gentleman from Macao called Joachim Pedro Baboim who was left here out of the Neptune having Purchased this Ship to carry him to Lisbon we take this opportunity of forwarding the enclosed Papers relative to the Law Proceedings here We conceived it Particularly our Duty to take this Step because it would not only be miserable to remain liable to dispute upon the Subject for another Season, but it must be hurtful to the Community at Large and it has become by no means improbable that we may have no other chance but this of your receiving a statement of these Affairs in time for instructing us by the next Storeship for no Packet from India is yet arrived nor have we any news of Captn Blackford from Bencoolen, besides we hear that the Whaling Vessels on the Coast of Africa have only got half Cargoes and instead of Proceeding home immediately are going towards the Coast of Brazil	The whaling ship <i>Sarah</i>, under its master Robert Matthews, had called at St Helena without a cargo because Matthews was ill. A Portuguese gentleman from Macao named Joachim Pedro Bab[...], who had been put ashore from the <i>Neptune</i>, bought the vessel to carry him to Lisbon. The Council used the ship to send the Court the enclosed papers on the island's recent legal proceedings. The Council considered this step especially important. Leaving the matter open to dispute for another season would be distressing, and it would also harm the community as a whole. There was a real risk that this ship offered the only means of getting a report to the Court in time for instructions to come back by the next storeship. No packet from India had yet arrived, and there was no word of Captain Blackford from Bencoolen. The Council had also heard that the whalers off the African coast had filled only half their holds, and instead of sailing straight home they were heading for the coast of Brazil. Interpretations The Council's anxiety over shipping showed how completely the island's government depended on the movement of vessels it did not control. Letters reached London only when a ship happened to be sailing for Europe. The Company's own fleets from India called on a seasonal pattern, and a late or missing packet could delay instructions by a year. The Council therefore seized an unusual chance: a whaler bought by a Portuguese passenger and bound for Lisbon. From there, the papers could be sent on to London. This was the same approach the Council took in 1786 when it used a Dutch frigate to speed Yon's pardon request. The storeship was the vessel the Company sent out from England each year with provisions, military stores and supplies for the garrison and settlement. It also carried the Court's replies to the Council's letters, so a report that missed it might go unanswered for a further year. The Council's urgency suggests the proceedings concerned the disputes over the new slave laws, where continued uncertainty about the rules risked more conflict between the Council and the island's slave-owners. The whaling vessels were British ships hunting sperm and right whales in the South Atlantic, an industry that expanded rapidly in the 1780s. St Helena lay on their route and offered a convenient port for water, repairs and supplies. Bencoolen, on the west coast of Sumatra, was the Company's pepper settlement. Its ships sometimes called at St Helena on their way home and could have carried the Council's papers.
90	83	Brazil to finish their Loading We have the Honor to remain Honble Sirs	The whalers were bound for Brazil to complete their cargoes. The letter was signed at St Helena on 17 September 1791.

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		Your most Obt & Hble Servants Signed Robt Brooke Franc Robson Willm Wrangham St Helena 17 Sept 1791 To the Honble &ca Honble Sirs According to our determination of the 9th January we now do ourselves the honor to enclose the Proceedings of last Sessions accompanied by the Last Consultations where any decision has been subsequent to the determination alluded to On the Sessions Proceed-ings you will observe that we have only taken Part of the amount of Mr Lamb's Recognizance until your Pleasure be known as he is Poor and has a Family. The same motive induced us not to take the whole of what Mr Robt Mason has forfeited as appears on the Consultation of the 10th January and we most humbly request your final determination in respect to both We have been very full and Particular in the examination and the	Robert Brooke Francis Robson William Wrangham 1: In line with its decision of 9 January 1792, the Council sent the Court the proceedings of the latest sessions. It enclosed the records of its consultations on legal matters wherever it had reached a decision after that date. 2: The sessions record showed that the Council had collected only part of the sum Mr Lambe forfeited under his bond, pending the Court's wishes, because he was poor and had a family to support. For the same reason, the Council had not taken the full amount forfeited by Mr Robert Mason, as recorded in its consultation of 10 January 1792. It asked the Court to make a final decision on both cases. Interpretations Lambe and Mason were the two masters whose treatment of their slaves had already come before the bench: Lambe apologised in open court in July 1791, and Mason faced a complaint from his slave Hagar in September 1789. Both had evidently been bound by recognizances, bonds that required them to keep the peace or behave properly towards their slaves on pain of forfeiting a set sum. Their forfeitures showed the bonds had been broken. With the grand jury refusing to indict masters, the recognizance gave the Council a way to penalise misconduct without a trial. It did not depend on jurors drawn from the slave-owning class. By collecting only part of each forfeited sum and referring the rest to the Court, the Council softened the penalty while keeping it in force. The balance remained a debt the Court could demand or remit. That left both men under continuing pressure to comply with the new regulations.
<u>91</u>	84	the detail thereof on the face of our Proceedings in several of these Tryals as in consequence of the new Regulations In order that if our determinations are approved of and the Laws continued to be enforced by your orders they may serve as future Precedents here You will perceive we have left a Case of Mr Richd Mason's undecided as appears in Law Consultation of the 20th instant & have given our Reasons for so doing and we trust that you will be pleased on the whole to direct us with your accustomed indulgence & humanity taking into consideration the difficulties naturally incident to Persons unacquainted with forms of Law We are Honble Sirs Your most Obedt & Hble Servts Signed Robt Brooke Franc Robson Willm Wrangham St Helena 25 Feby 1792 To the Honble &ca Honble Sirs According to our Resolution of the 26 last Mo. the Law Consultations from the 25 Feby to the 10 April accompany the Proceedings of the last Quarterly Sessions, which we now do ourselves the Honor to transmit In respect to many of	The Council had examined several trials under the new regulations with great care and set out their details fully in the court record. It did so so that, if the Court approved its decisions and ordered the laws to remain in force, those rulings could serve as precedents on the island. 4: The Council had left one case involving Mr Richard Mason unresolved, as its legal consultation of 20 February 1792 showed, and had explained its reasons there. It trusted that the Court would guide it on all these matters with its usual leniency and humanity, bearing in mind the difficulties naturally facing men with no training in legal procedure. The letter was signed at St Helena on 25 February 1792. Robert Brooke Francis Robson William Wrangham 1: In line with its resolution of 26 March 1792, the Council sent the Court the proceedings of the latest quarterly sessions. It enclosed with them the records of its legal consultations from 27 February 1792 to 10 April 1792.
<u>92</u>	85	the Slaves whose Masters were humane to them it will be found how patiently they remained straightened for Provision without complaining, knowing that if victuals were to be had in Plenty they would not have been	The records showed that, where masters treated their slaves humanely, the slaves had endured shortages of food patiently and without complaint. They understood that they would have been given more had provisions been plentiful.

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		stinted We trust the Proclamation we issued on the 5 March regulating the mode of the working Slaves applying Properly to ensure the indulgence of the former Laws enacted in their favour in respect to Sundays will meet your approbation as also our having ordered a Slave to be punished on the 19 of same Month who made a false Complaint against his Mistress We beg leave to entreat your Honors attention in respect to a new Case that occurred in respect to Mr Richd Goodwin's Slave as appears on the Proceedings of 19 March & 9 Apl and that you will Please to indulge us with your opinion thereon, as also how far you approve our Conduct in respect to Mrs Kennedy and her Slave on the 9 Apl & 10 of said Month. In the Case of Mrs Dentaffe we had determined to Proceed against her by Indictment at the Quarter Sessions if her Slave Woman had not earnestly entreated to decline Prosecuting Agreeably to your Orders we enclose a Copy of the Bill of indictment Prefd against Capt Greentree which was thrown out on the 12 Janry 1791 as also of the Affidavit whereon the	3: The Council trusted that the Court would approve its proclamation of 5 March 1792. It set out the proper way for working slaves to seek the benefit of the earlier laws passed in their favour concerning Sundays. The Council also hoped for approval of its order on 19 March 1792 to punish a slave who had brought a false complaint against his mistress. 4: The Council drew the Court's attention to a new kind of case concerning a slave belonging to Mr R. Go[...], recorded in the proceedings of 19 March 1792 and 9 April 1792. It asked for the Court's opinion on it. The Council also wished to know how far the Court approved of its handling of Mrs Kennedy and her slave on 9 and 10 April 1792. 5: The Council had resolved to indict Mrs Dentaffe at the quarter sessions. It dropped the case only because her slave woman pleaded earnestly for the prosecution not to go ahead. 6: As the Court had instructed, the Council enclosed a copy of the indictment brought against Captain Greentree, which the grand jury rejected on 12 January 1791. It also sent the sworn statement connected with the case. Interpretations The Sunday laws protected the day that slaves on St Helena had customarily been given for themselves. Many used it to cultivate their own plots, raise food or earn small sums, which supplemented the rations their masters provided. The proclamation of 5 March 1792 set out how a slave denied that time could apply to a magistrate for redress. Formal access to the bench, a right slaves had lacked before the new code, turned custom into an enforceable claim. The Council paired it with punishment for a false complaint, signalling to masters that the new system would not be used against them lightly. The Dentaffe case exposed the main weakness of any system relying on slaves to report abuse. A slave woman who gave evidence against her mistress would return to live under that mistress's control once the case ended, whatever the verdict. Her plea for the prosecution to be dropped perhaps reflected fear of what would follow more than forgiveness. The Council's willingness to prosecute a white mistress showed how far its approach had shifted since 1762, but it still yielded to the victim's wishes. The Court's order to send the rejected Greentree indictment carried out the Council's promise of July 1791 to forward bills the grand jury had thrown out. The Directors could now judge for themselves whether the jurors had shielded a master against good evidence.
93	86	the Bill was founded The first Tryal at the last Qr Sessions you will observe is that of James a Slave for stealing two Pigs the Court considering the nature of the offence & the apparent folly tending to idiocy of the Person who committed it, Pointed out to the Jury the manner in which they might bring in their Verdict so as to save his life for a first offence but contrary to all expectation they found their Bill so as to oblige us according to the opinion of the Clerk of the Peace to sentence him to Death, since which we have been informed that the Poor creature had not been allowed a sufficiency to eat by his Master. Upon Considering all Circumstances therefore we most earnestly intreat your indulgent application to the Throne for Mercy for him, and are sorry the Jury have felt it their duty to oblige us to give you so much trouble. We further think it Proper to remark that had the Indictment been ended the Property instead of the Goods & Chattels that the Court could not we believe with Propriety have condemn'd him, Hogs not	The Council also sent the sworn statement on which the indictment against Captain Greentree had been based. 7: The first trial at the latest quarter sessions was that of James, a slave, for stealing two pigs. The court took into account the nature of the offence and the defendant's evident simple-mindedness, which bordered on idiocy. It explained to the jury how they could frame their verdict so as to spare his life for a first offence. Against all expectation, the jury returned a verdict that, in the view of the clerk of the peace, left the Council no choice but to sentence him to death. The Council later learned that his master had not given the unfortunate man enough to eat. Weighing all these circumstances, it earnestly asked the Court to apply to the Crown for mercy on his behalf. It regretted that the jury's view of its duty had caused the Court this trouble. The Council added that, had the indictment described the animals as his master's property and not as "goods and chattels", the court could not properly have condemned him, since pigs were not among the animals the law specially protected.

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		being a species of Animal Particularly Protected by the Law. It appeared to the Bench extraordinary that the same Jury who had been so Severe in their Sentence against James should have only condemn'd Nicholson a Soldier so, as that he might merely be burnt in the hand for	8: The bench found it remarkable that the same jury, so severe towards James, had convicted Nicholson, a soldier, in a way that left him liable only to branding on the hand. Interpretations The court's guidance to the jury relied on a widely used device in English trials. Jurors could find a defendant guilty but value the stolen goods at less than a shilling, turning a capital grand larceny into non-capital petty larceny. Judges often encouraged such verdicts to avoid hangings they thought unjust, and contemporaries sometimes called the practice "pious perjury". Stealing pigs was not covered by the statutes of 1741 and 1742 that made taking sheep and cattle capital regardless of value. James's life therefore depended entirely on the value the jury assigned. By refusing the bench's lead and valuing the pigs above a shilling, the jurors deliberately left the court with no lawful option but death. The comparison with Nicholson exposed the bias the bench suspected in the jury. A white soldier convicted by the same jurors received a verdict permitting benefit of clergy, which meant branding on the thumb and release. A starving slave of limited understanding received a verdict that forced a death sentence. The jurors, drawn from the island's slave-owning inhabitants, treated a slave's theft of livestock far more harshly than a soldier's crime. The Council's frank criticism of its own jury showed how far its sympathies had moved from those of the planters since the new slave laws. The detail that James's master had underfed him linked the case to the new regulations on slaves' provisions and Sunday rights. The theft of two pigs by a hungry slave was the kind of offence those rules were meant to prevent. The Council's point about the wording of the indictment reflected its growing attention to technical accuracy, as in Dick's case in 1789. There, too, the form of the charge decided whether a slave could lawfully be hanged.
24	87	an Offence that the Bench conceiv'd to be much more heinous than the other 9 On the Tryal of Kelly it is remarkable that the Jury found the fact of his Stealing altho' they were repeatedly instructed that in the opinion of the Court there was not Evidence sufficient produced against him to render such a Verdict justifiable. the Bench in this Case considered that whatever might be their belief or that of the Jury in respect to the criminality of the Prisoner, yet if there was not Proof sufficient brought Positively before them to ascertain the fact an acquittal should necessarily take place, for we believed it Possible that otherwise, strong prejudices or artful Reports spread before Tryal might endanger the lives of Persons perfectly innocent but on this Point a Point that has been much canvassed we intreat your Particular instructions 10 We have thought it our duty to be very particular in respect to Lt Taylor's insanity to prevent any trouble being given your Honors in England which otherwise might Possibly be the Case for at intervals when his intellects are least deranged he is said to be artful and vindictive and as he has never been debarred the use of Pen and Ink and as he has been bred up to the Law it is very Probable at such times he may have been writing complaints Home that may appear plausible to his Friends in that Line Parag 11	The Council considered that Nicholson's offence was far more serious than the theft of which James had been convicted. 9: At Kelly's trial, the jury found him guilty of theft, even though the court told them repeatedly that the evidence was not strong enough to justify such a verdict. The bench took the view that, whatever the justices or jurors believed about his guilt, he had to be acquitted unless clear proof established the facts. Otherwise, the Council thought, strong prejudice or malicious rumours spread before a trial might put entirely innocent people at risk of their lives. The question had been widely debated, and the Council asked the Court for specific instructions on it. 10: The Council had reported Lieutenant Taylor's insanity in detail to spare the Court any difficulty in England. During intervals when his mind was clearer, he was said to be cunning and vengeful. He had never been denied pen and ink, and he had been trained in the law. The Council thought it very probable that at such times he had written complaints home that his friends in that profession might find convincing. Interpretations Kelly's trial showed the St Helena jury again rejecting the bench's direction, this time by convicting on evidence the justices considered insufficient. English law gave judges no power to overturn a jury's guilty verdict. The court's only remedies were to recommend a pardon or to refer doubts to higher authority. The principle the bench stated, that a defendant must be acquitted without positive proof whatever anyone privately believed, was the standard English judges urged on juries. On

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			an island where every juror knew the accused and the gossip about him, the risk that rumour would stand in for evidence was especially great. The Council's request for guidance reflected a real conflict between its bench and the island's jurors, which had now arisen in three trials at a single sessions. Taylor's legal training made his illness a particular worry for the Council. A lawyer who could write articulate letters of complaint during lucid spells might persuade friends in England that he had been wrongly confined. Those friends might then raise the matter with the Directors. By reporting his condition fully and in advance, the Council ensured that the Court would already know the circumstances before any complaint arrived.
25	88	11 On receipt of your Honors Letter by the Valentine we immediately Summoned a Special Sessions and do ourselves the honor to enclose the proceedings thereat as also the Proceedings of the Vestry held the next day to which we beg leave Particularly to refer as it affords us heart felt Pleasure to observe the dutiful and grateful acknowledgements made by the inhabitants & the happy prospect of harmony being restored, & the Laws and ordinances Properly respected and attended to 12 We shall carefully attend in future to sending home the Proceedings of the Magistrates as you were Pleased to direct, and Lt Taylor shall as you ordered be sent home by the first convenient Opportunity and the greatest care shall be taken of his Affairs here. We remain Honble Sirs Your most Obedt & most humble Servants (Signed) Robt Brooke Frans Robson Wm Wrangham St Helena 21 May 1792	11: When the Court's letter arrived on the <i>Valentine</i>, the Council called a special sessions at once and enclosed the record of its proceedings. It also sent the minutes of a vestry meeting held the following day. The Council particularly commended these to the Court's attention. It was sincerely gratified by the loyal and grateful thanks the inhabitants expressed, and by the good prospect that harmony would return and the laws and regulations would be properly respected and obeyed. 12: As the Court had directed, the Council would take care in future to send home the proceedings of the magistrates. In line with the Court's orders, Lieutenant Taylor would be sent to England by the first suitable ship, and his affairs on the island would be handled with the greatest care. The letter was signed at St Helena on 21 May 1792. Robert Brooke Francis Robson William Wrangham Interpretations The vestry was the assembly of a parish's householders, which in England chose churchwardens, set local rates and dealt with the parish poor. St Helena had elected churchwardens since at least 1762, and its vestry gave the inhabitants a recognised body through which to speak collectively. Holding a vestry immediately after the special sessions allowed the islanders to respond formally to the Court's letter. Their expressions of loyalty and gratitude marked a public end to the opposition that the new slave laws had provoked. In July 1791 the Council had asked the Court to forgive that resistance, and the Court's letter perhaps confirmed the laws while offering the settlers reassurance or conciliation. The vestry's response showed the inhabitants accepting the settlement. The Council's hope for restored harmony suggests how deep the divisions over the regulations had run.
26	89	To the Honble &c Honble Sirs Parag 1 We have the honor to transmit herewith Law Consultations from the 16 April to the 23 inst. also Original Proceedings of a General Quarter Sessions held on the 11th July last together with Proceedings of a Special Sessions held on the 17 inst. And Proceedings before Justices out of Sessions in consequence of the new Code of Slave Laws 2 Your Honors will Perceive by Law Consultations of 23 and 30 April last that the Evidence given in respect to Mead an Assistant in your Hospital wanting to Suborn Evidences against one Kelly	1: The Council sent the Court the records of its legal consultations from 16 April 1792 to 23 August 1792. It also enclosed the original proceedings of a general quarter sessions held on 11 July 1792, those of a special sessions on 17 August 1792 and the proceedings before justices sitting outside sessions under the new slave code. 2: The legal consultations of 23 and 30 April 1792 showed that the evidence given against Mr [...], an assistant in the Company's hospital, was false. He had been accused of trying to induce witnesses to give false evidence against Kelly, a prisoner tried at the sessions of 17 and 18 April 1792. The Council had cleared his name on this point. It chose to pass over certain remarks he had made about its handling of the matter. The Council would have considered them deserving of rebuke had they not plainly arisen from a misunderstanding of its motives.

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		a Prisoner Tried at Sessions held the 17 and 18 of same Month was untrue and that we have done his Character Justice on this head We have made no Remarks on Some Observations of his in regard to our Proceedings on this Occasion which we conceive merited reprehension if they had not Proceeded merely from misapprehension of our motives 3 By Law Consultation of the 9 July you will notice that the liberty of Sarah a Free Woman was brought into question but she has been Publicly returned by the Church Wardens for Years as Free and we could Perceive no foundation whatever for bringing the matter to Tryal [...]	3: The legal consultation of 9 July 1792 recorded that the freedom of Sarah, a free woman, had been called into question. For years, however, the churchwardens had publicly listed her as free. The Council saw no grounds at all for putting the matter to trial. Interpretations The accusation against the hospital assistant bore directly on Kelly's case, where the jury convicted despite the bench's repeated warnings that the evidence was insufficient. If someone had tampered with the witnesses, the conviction would have been unsafe on those grounds as well. The Council's inquiry found the charge untrue, which cleared the assistant's name, though it left Kelly's conviction resting on the jury's disputed judgement of weak evidence. The churchwardens' annual returns served as the island's register of its inhabitants and their status. By listing Sarah as free year after year, they created a public record that the Council accepted as sufficient proof of her freedom. This mattered greatly for free Black islanders, who had few other documents to rely on. A challenge to a person's freedom, like the Greentree executors' claim in 1790, could reduce someone to slavery. A consistent entry in the parish returns gave the Council a firm basis on which to dismiss such a challenge without trial. The new slave code gave individual justices power to act outside the quarterly sessions, hearing complaints and imposing penalties between regular sittings. The Council's decision to send home these proceedings as well carried out the Court's instruction of May 1792 that all magistrates' proceedings be forwarded. The Directors thus gained a view of how the code worked in daily practice, not only in formal trials.
97	90	nor has it since been Presented. And in the above mentioned Consultation a dispute in relation to the right of Possession in respect to a Water Course is referred to the Quarter Sessions 4 On the 9 inst a Reward was offered for Discovering the Person or Persons who killed and Carried away a Beast the property of Mr Powell. This was the 2 Reward we had been obliged to offer in the Course of a few Days. At length we discovered the Offenders amongst the Light Infantry as you will observe by Consultation of the 13 instant and immediately Summoned a Special Sessions where all who were Indicted were clearly convicted and of necessity condemn'd Your Honors will also Perceive that in our Address to the convicts the Prisoner Dow was Particularly mark'd out as the greatest Offender & Ware next to him as We conceived at that time that it might be Proper to make one or two examples and that those who were Supposed most Guilty should at once be divested of hope But by the Law Consultation of Yesterday it will be found that on Account of the Petition Signed not only by the Members of the Grand and Petit Jurys but by several others We have thought it our Duty to Refer the whole to your Honors Consideration and humbly to entreat that you will indulgently comply	The challenge to Sarah's freedom had not been raised again. The same consultation also referred a dispute over the right to a watercourse to the quarter sessions. 4: On 9 August 1792, the Council offered a reward for information leading to whoever had killed and carried off a beast belonging to Mr [...]. It was the second reward the Council had been forced to offer within a few days. The offenders were eventually traced to the light infantry, as the consultation of 13 August 1792 showed. The Council immediately called a special sessions, where every man indicted was clearly convicted and, as the law required, sentenced to death. In its address to the condemned men, the Council singled out the prisoner Dix as the worst offender and Warner as the next. At that point it believed one or two should be made examples of, and that those judged most guilty should be told at once that they had nothing to hope for. The legal consultation of the previous day, however, recorded a petition signed by the members of both the grand and petty juries and by several other inhabitants. In view of it, the Council considered itself bound to refer the whole matter to the Court. It asked the Court to deal with it leniently. Interpretations Killing and stealing cattle had been a capital felony without benefit of clergy since the 1740s, so the bench had no discretion once the jury convicted. That was why the Council described the death sentences as imposed of necessity. Its intention to hang only Dix and Warner and hold out mercy to the rest followed the approach it had first asked the Court about on 10 September 1768, after the earlier bull-stealing case. It sought to execute the ringleaders as a warning while sparing their followers.

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			The petition from both juries marked a striking contrast with the sessions of April 1792. Those same classes of jurors had forced a death sentence on James, a hungry slave who took two pigs, against the bench's guidance, while treating Nicholson, a soldier, leniently. Now they pleaded for a group of soldiers convicted of a more serious offence. The pattern suggests the island's jurors saw soldiers as members of their own community and slaves as a separate category. The Council's decision to pass the whole matter to London left the question of mercy to the Court. The need to offer rewards twice in a few days showed how the island enforced its criminal law. St Helena had a sheriff and a constable but no body of officers to investigate crimes. Rewards encouraged accomplices and witnesses to come forward. Repeated thefts of livestock, a vital resource on a small island feeding a garrison and passing ships, made the Council especially anxious to find those responsible.
<u>98</u>	91	comply with the Petitioners request that Mercy may be shewn the whole of the unfortunate Prisoners if you think with the Inhabitants that it can now be done without danger to their Interest which we trust really will be the case but until we have an answer from your Honors We believe it may be necessary not to give the Prisoner Dow any Hope whatever We can assure your Honors that every exertion was used without loss of time to discover the Depredators and since they have been discovered to devise and Execute measures for the future Security of the Property of the Planters From the Confessions of the Culprits We understand that during the Period of their Combination three Young Cattle, 3 Sheep & numbers of Poultry were destroyed We are Honble Sirs Your most Obedt & humble Servants Signed Robt Brooke Frans Robson. Willm Wrangham St Helena 25 August 1792 To the Honble &ca Honble Sirs We have the honor to transmit Original Proceedings at a General Quarter Sessions held on the 3 Day of this inst October also Proceedings before Justices	The Council asked the Court to grant the petitioners' request that mercy be shown to all the condemned prisoners, provided the Court agreed with the inhabitants that this could now be done without endangering their interests. The Council trusted that this would prove to be so. Until the Court replied, however, it thought it might be necessary to give the prisoner Dix no hope at all. The Council assured the Court that it had made every effort, without delay, to track down the thieves. Once they were found, it had drawn up and put into effect measures to protect the planters' property in future. According to the convicted men's confessions, the gang had destroyed three young cattle, three sheep and a large number of poultry while it operated. The letter was signed at St Helena on 23 August 1792. Robert Brooke Francis Robson William Wrangham The Council sent the Court the original proceedings of a general quarter sessions held on 3 October 1792. It also forwarded records of proceedings held before the justices.
<u>99</u>	92	Justices out of Sessions and Law Consultation of the 3 September last We beg leave to request the advice of your Solicitor with respect to the legality of the last Will & Testament of James Easthope Decd, a Copy of which goes a Number in the Packet together with certain Claims made on his Estate by different Persons. We beg also to refer to our Consultations of the 7 & 28 May for the entry of Examinations relative to said Will & strange evidence given in relation thereto We are Honble Sirs Your most Obt & humble Servants Signed Robt Brooke Frans Robson Wm Wrangham	The Council also forwarded the proceedings before justices sitting outside sessions and the record of its legal consultation of 3 September 1792. The Council asked for the Company's solicitor's advice on whether the will of the late James Easthope was valid. A copy of the will was included as a numbered item in the packet, together with several claims that various people had made against his estate. The Council also referred the Court to its consultations of 7 and 28 May 1792, which recorded the examinations concerning the will and some unusual evidence given about it. The letter was signed at St Helena on 15 October 1792. Robert Brooke Francis Robson William Wrangham

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		St Helena 15 October 1792 To the Honble &ca Honble Sirs We do ourselves the honor to forward you the Law Proceedings of this day which is all that has occurred since our last and we imagine you will approve and confirm our Resolutions to which we refer as no Profit or service is to be obtained from a Child at the Breast and as it must be malice alone therefore that could Prompt the wish of depriving an Infant of its natural	The Council sent the Court the legal proceedings of that day, which covered everything that had happened since its previous letter. It expected the Court to approve and confirm the decisions recorded there. A child still being breastfed could provide no profit or service to anyone. In the Council's view, only malice could explain a wish to take such an infant away. Interpretations The Council's reasoning points to a case in which an owner sought to separate a nursing slave infant from its mother, perhaps by sale, hire or transfer to another household. The argument that a breastfeeding child had no economic value was framed to leave the owner no legitimate motive. Under the ordinary law of property, an owner could dispose of a slave child as he chose. The Council's resolution, made under the new slave code, overrode that right on grounds of humanity. By presenting the owner's action as spite, the Council sought to show the Court that its intervention protected the child without depriving the owner of anything he could reasonably claim.
100	93	natural sustenance from a Mother who behaved Properly thereto We remain Honble Sirs Your most Obedt & humble Servants Signed Robt Brooke Frans Robson. Wm Wrangham St Helena 2 Novr 1792 To the Honble &ca Honble Sirs By this conveyance we transmit Your Honors Original Proceedings of a General Quarterly Sessions held on the 16 Janry last We remain Honble Sirs Your most Obedt & hble Servants Signed Robt Brooke Fra Robson Wm Wrangham St Helena 16 Feby 1793	Only malice, in the Council's view, could explain a wish to deprive an infant of its natural nourishment from a mother who was caring for it properly. The letter was signed at St Helena on 2 November 1792. Robert Brooke Francis Robson William Wrangham The Council sent the Court the original proceedings of a general quarterly sessions held on 16 January 1793. The letter was signed at St Helena on 16 February 1793. Robert Brooke Francis Robson William Wrangham
101	94	To the Honble &ca Honble Sirs Herewith We transmit Proceedings for the last Quarter before Justices out of Sessions in consequence of the new Code of Slave Laws We are Honble Sirs Your most Obedient & humble Servants (Signed) R. Brooke F. Robson W. Wrangham St Helena 2 March 1793 To the Honble &ca Honble Sirs By this Conveyance We transmit Your Honors Original Proceedings of a General Quarterly Sessions held on the 16 October last We are Honble Sirs Your most Obedt &	The Council sent the Court the proceedings of the justices sitting outside sessions under the new slave code during the previous quarter. The letter was signed at St Helena on 2 March 1793. Robert Brooke Francis Robson William Wrangham The Council forwarded the original proceedings of a general quarterly sessions held on 16 October 1793. The letter was signed at St Helena on 17 February 1794. Robert Brooke Francis Robson B. A. Wright

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		humble Servants Signed Robt Brooke F. Robson B A Wright St Helena 17 February 1794	
102	95	To the Honble &ca Honble Sirs By this Conveyance We transmit Your Honors Original Proceedings of two General Quarterly Sessions held on the 15th January and 23 April, also Proceedings of a Special Sessions held on the 24th February last, with Duplicates. Proceedings of a General Quarterly Sessions held on the 16th October 1793, together with a Law Consultation respecting Mr Wm Young & Proceedings of Justices out of Sessions respecting Slaves. We have also to beg Your Honors particular Attention to a Law Minute herewith transmitted respecting Sam a Slave who recd Sentence of Death at the Special Sessions held on 24 February last. We remain Honble Sirs Your most Obt & hble Servants Signed R. Brooke F. Robson B. A. Wright. St Helena 19 May 1794	The Council sent the Court the original proceedings of two general quarterly sessions, held on 15 January 1794 and 23 April 1794, and of a special sessions on 24 February 1794. It enclosed second copies of the proceedings of the general quarterly sessions of 16 October 1793, along with a legal consultation concerning Mr William Young and the proceedings of justices sitting outside sessions in cases involving slaves. The Council particularly asked the Court to consider an enclosed legal minute about Sam, a slave sentenced to death at the special sessions of 24 February 1794. The letter was signed at St Helena on 19 May 1794. Robert Brooke Francis Robson B. A. Wright
103	96	To the Honble &ca Honble Sirs. Herewith we send Proceedings at a General Quarter Sessions held on the 15 ultimo. also Proceedings before Justices out of Sessions from the 18 August 1794. We beg leave to call your attention to our Proceedings accompanying this, against some of your Honors Slaves found guilty, of Sheep stealing and flatter ourselves the method we have adopted in sending them off the Island, rather than bringing them to the Sessions, will meet with your approbation, the purpose of Justice being thereby attended to. and the Slaves by being Sold, reimbursing in some measure the expence they have been at to Your Honors. We have likewise adopted the same line in respect to a few other Slaves, belonging to Individuals and hope by thus breaking the knot of a dangerous set of Thieves, of curing the evil, and rendering the Slaves, who remain better in future We are Honble Sirs Your most Obedient & most humble Servants Signed Robt Brooke F Robson B A Wright St Helena 3 November 1794	The Council sent the Court the proceedings of a general quarter sessions held on 15 October 1794, together with those of justices sitting outside sessions from 18 August 1794. The Council drew the Court's attention to the enclosed proceedings against several of the Company's slaves found guilty of sheep stealing. Instead of putting them on trial at the sessions, the Council had sent them off the island, and it hoped the Court would approve. This course, it argued, met the ends of justice, while the sale of the slaves partly repaid what they had cost the Company. The Council had dealt in the same way with a few other slaves owned by private individuals. It hoped that breaking up this dangerous gang of thieves would end the problem and improve the conduct of the slaves who remained. The letter was signed at St Helena on 3 November 1794. Robert Brooke Francis Robson B. A. Wright Interpretations Sheep stealing carried a mandatory death sentence, so trying the slaves at quarter sessions would have left the Council with the choice of hanging several men or seeking pardons for each through London. Recent sessions had shown that island juries were quick to convict slaves and resistant to the bench's efforts to save them, as in James's case in April 1792. Selling the offenders off the island avoided both executions and the long process of reprieve. It served as a local version of transportation, the punishment English courts increasingly used for felons spared the gallows. The arrangement also bypassed the jury entirely. The slaves were dealt with through proceedings outside sessions, before justices acting under the new slave code, and were never tried by a jury or given the protections of a formal trial. The Council

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			presented the result as merciful, since no one died, and practical, since the sale recovered part of the Company's outlay. Yet it also meant the Company's slaves could be removed on the justices' finding alone, without the evidence standards the Council had insisted on in Kelly's and Dick's cases. Extending the practice to privately owned slaves gave the Council a tool that owners probably welcomed. A master whose slave was sold abroad received the proceeds, whereas an executed slave was a total loss. The Council's hope of reforming the remaining slaves showed that deterrence was the aim. Removal from the island, family and community served as a warning to others without the spectacle of a hanging.
104	97	Law Minute I understand that no Person swore to the Property of the Lamb found by the Black Man Sam who was condemned to Death, at the late Sessions, nor that no Person swore to his having stolen it so that there is a possibility he might have found it, I understand also that the evidence of the Prosecutor in Court varied somewhat from that given by him to the Acting Magistrate and further no person knew if the stolen Lamb was marked or not, I am clearly of opinion therefore that the recommendation of the Bench given by Major Robson should have been attended to, by the Jury particularly as the Local Custom or Law of this Island has been to regard Sheep or Goats that are unmarked as wild Beasts are regarded at home for on pounding days instead of looking out to know Whose property they are or considering them as the property of the Lord of the Manor the People who find them appropriate them by a mark and kill and eat them at pleasure without regarding the rights of said Lord of the Manor, and I believe it is pretty customary for the meeting to kill one every Shearing Day, now if Sam had in his possession only an unmarked Lamb which is very probable he has been condemned under an English Law not enforced against the Planters on the Island, my Conscience therefore will not permit me to sign the warrant for the Execution of Sam until the Honorable Court	A minute on the law set out the writer's concerns about the case of Sam, a Black man sentenced to death at the recent sessions for taking a lamb. No one had sworn to who owned the lamb Sam had found, and no one had sworn that he stole it. It was therefore possible that he had simply come across it. The writer also understood that the prosecutor's evidence in court differed somewhat from what he had told the acting magistrate earlier. Nobody knew, moreover, whether the lamb had carried an owner's mark. The writer was firmly convinced that the jury ought to have followed the bench's recommendation, delivered by Major Robson. Island custom treated unmarked sheep and goats the way England treated wild animals. On the days when strays were rounded up, people who found unmarked animals did not seek out their owners or treat them as belonging to the lord of the manor. They put their own mark on them and killed and ate them as they pleased, ignoring the lord's rights. The writer believed it was also common for an animal to be killed for the gathering on every shearing day. If Sam had in fact held only an unmarked lamb, as seemed very likely, he had been condemned under an English law that was never enforced against the island's planters. The writer's conscience would not allow him to sign the warrant for Sam's execution until the Court had considered the case. Interpretations The minute exposed a double standard at the heart of the island's criminal law. The statutes making sheep stealing a capital felony protected owned property. On St Helena, unmarked sheep and goats were in practice treated as free for the taking by whoever found and marked them. The lord of the manor in this case was the Company, as proprietor of the island. In theory, unclaimed animals belonged to it, but in practice planters appropriated them freely and killed them for communal feasts without any suggestion of theft. The writer's point was that Sam had done nothing a white planter would have been punished for. The law had been applied to him with a strictness never used against the settlers. A death sentence could not be carried out without a warrant signed by the proper authority, normally the Governor as head of the Council. By refusing to sign, the writer used the one step in the process that no jury could force. Sam's execution was halted without any formal reprieve, and the case went to London for decision. The jury had rejected the bench's recommendation, as the jurors had done with James in April 1792. The warrant was therefore the only remaining safeguard, and the writer chose to use it. The details of the evidence reinforced the objection. No witness proved ownership, no one saw the theft, the prosecutor's story had shifted and no one could say whether the lamb bore a mark. Any of these gaps would have given an English judge

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			grounds to doubt a capital conviction. Together they showed the jury had convicted on suspicion. That was the danger the bench had warned of in Kelly's case, when it held that prejudice and rumour could endanger innocent lives.
105	98	Court of Directors pleasure be known For fear of mistakes I have enquired of the Clerk of the Peace if the above Statement is correct, he declares that it is in every particular I have also enquired of the Honble Company's Overseer in regard to the pounding business and he declares that at times he is certain that the Honorable Company's property has suffered by the mode of pounding Sheep above alluded to Signed Robt Brooke 19th May 1794 I agree to refer to the pleasure of the Honorable Court of Directors Signed F Robson 19th May 1794 I agree also to refer to the pleasure of the Honble Court of Directors Signed B A Wright 19th May 1794	Governor Brooke, who wrote the minute, would not sign the warrant for Sam's execution until the Court of Directors made its wishes known. To guard against error, he asked the clerk of the peace whether his account of the case was accurate. The clerk confirmed it was correct in every detail. The Governor also questioned the Company's overseer about the rounding up of stray animals. The overseer stated that he was sure the Company had lost property at times through the way sheep were impounded, as described in the minute. The Governor signed the minute on 19 May 1794. Francis Robson and B. A. Wright each added a signed note on the same day, agreeing to refer the case to the Court of Directors for decision. Robert Brooke Francis Robson B. A. Wright Interpretations The overseer's evidence sharpened the Governor's argument. The unmarked animals that planters claimed on pounding days included sheep belonging to the Company itself, so the settlers had been taking the Directors' own property without penalty. Sam, a slave, now faced death for possessing a single lamb of unknown ownership. By confirming this with the Company's own official, the Governor showed the Directors that the law protecting their property had been ignored when planters broke it and enforced to the utmost against a slave. The two other councillors' agreement, including Robson, who had delivered the bench's recommendation at the trial, placed the full Council behind the refusal to proceed with the execution.
106	99	To The Honble &ca Honble Sirs, By this Conveyance we transmit your Honors Original Proceedings of General Quarterly Sessions held on the 8 July & 7 October 1795, & 13th January & 6 April 1796 together with proceedings of a Special Sessions held on the 25th May 1796. and Proceedings of Justices out of Sessions. A Corporal of this Garrison having unfortunately been put to death by a Sentry, and several Persons belonging to the Fleet having been called on as Evidences on the Coroners Inquest we believed it to be our duty to summon a Special Sessions before their departure, that a tryal might be had and the affair clearly and fully investigated without loss of time The Bench after maturely considering the evidence supposed it not legal to convict the Sentry absolutely of Murder as you will perceive by the Charge, however it might possibly have been of manslaughter, but the Jury thought otherwise, and were in consequence directed to reconsider the Verdict, but they a second time brought him in	The Council sent the Court the original proceedings of the general quarterly sessions held on 8 July 1795, 7 October 1795, 13 January 1796 and 6 April 1796. It also enclosed the proceedings of a special sessions on 25 May 1796 and those of justices sitting outside sessions. A corporal of the garrison had been killed by a sentry. Several men from the fleet then in port had given evidence at the coroner's inquest. The Council judged it necessary to call a special sessions before they sailed, so that the case could be tried and fully investigated without delay. After careful thought, the bench concluded that the evidence could not lawfully support a conviction for murder outright, as its charge to the jury made clear. At most, the killing might amount to manslaughter. The jury disagreed and convicted him of murder. They were told to reconsider, but returned the same guilty verdict a second time, and the court passed sentence. The sentry was then told that he would be recommended for mercy. The Council earnestly asked the Court to intervene so that he might receive a royal pardon. For a number of reasons, it urged the Court to send the pardon as early as possible. Interpretations The distinction between murder and manslaughter decided the sentry's fate. Murder required malice aforethought and carried a mandatory death sentence without benefit of clergy. Manslaughter was an unlawful killing without malice, such as one arising from sudden quarrel or excessive force in the course of duty. It was clergyable, so a first offender was usually branded and released. A sentry who killed a man while on guard might have acted under

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		guilty, and sentence was pronounced upon him accordingly after which he was informed he would be recommended for mercy and we most humbly & earnestly entreat your Honors interposition that he may obtain His Majesty's most gracious Pardon and that you will for many Reasons be pleased to forward it with your usual Goodness as early as Possible	orders, in panic or with more force than necessary, and the bench believed the evidence pointed that way. By insisting on murder twice, the jury left the court no lawful penalty but death. The case continued a pattern in which St Helena juries rejected the bench's direction on capital charges. The jurors had done so with the slave James in April 1792, with Kelly at the same sessions and with Sam in February 1794. Here the defendant was a soldier, which suggests the jurors' severity was not directed at slaves alone. Unlike the soldiers convicted of cattle killing in 1792, this sentry found no petition from the jury in his favour. The coroner's inquest was the formal inquiry, held before a jury, into any sudden or violent death. It could name a suspect and send him for trial. Because key witnesses belonged to a fleet that would soon leave, the Council held the trial at once instead of waiting for the next quarter sessions. Once the ships sailed, those witnesses could not have been recalled. That same need to act while witnesses were present had shaped the Council's approach to seamen's evidence since 1763.
107	100	possible and that you will also be so indulgent as to let us know if we were right or wrong in our opinions & conduct on this occasion We are Honble Sirs Your most Obedt & Hble Servts Signed R Brooke F Robson B A Wright St Helena 31st May 1796 To the Honble &ca Honble Sirs By this Conveyance we transmit original Proceedings of a General Quarterly Sessions held on the 13th July last, together with Proceedings of Justices out of Sessions We are Honble Sirs Your most Obedt Hble Servants Signed R Brooke F. Robson B A Wright. St Helena 19th Sept 1796	The Council asked the Court to send the sentry's pardon as early as possible. It also asked the Court to say whether its views and actions in the case had been right or wrong. The letter was signed at St Helena on 31 May 1796. Robert Brooke Francis Robson B. A. Wright The Council sent the Court the original proceedings of a general quarterly sessions held on 13 July 1796, together with those of justices sitting outside sessions. The letter was signed at St Helena on 19 September 1796. Robert Brooke Francis Robson B. A. Wright
108	101	To the Honble &ca Honble Sirs Herewith we transmit Your Honors Proceedings of a General Quarterly Sessions held on the 12th October 1796. We remain Honble Sirs Your most Obedt & humble Servts Signed R. Brooke F. Robson B. A. Wright St Helena 12 November 1796 To the Honble &ca Honble Sirs, Herewith We transmit your Honors Proceedings of a General Quarterly Sessions held on the 12 July last, together with Proceedings of Justices out of Sessions We remain	The Council sent the Court the proceedings of a general quarterly sessions held on 12 October 1796. The letter was signed at St Helena on 12 November 1796. Robert Brooke Francis Robson B. A. Wright The Council forwarded the proceedings of a general quarterly sessions held on 12 July 1797, together with those of justices sitting outside sessions. The letter was signed at St Helena on 19 September 1797. Robert Brooke Francis Robson B. A. Wright

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		Honble Sirs Your very Obedient humble Servants Signed. Rob. Brooke F. Robson B. A. Wright St Helena 19 Sept 1797	
109	102	Blank page	
110	103	To the Honble &ca Honble Sirs. We have the honor to transmit by this conveyance Original Proceedings of General Quarterly Sessions held on the 9th Janry and 3rd April last. We also enclose Copy of Law Proceedings out of Sessions. possibly there may be occasion hereafter to refer to the latter part of No as we find it impossible as yet to settle matters between the parties as we could wish. We remain Honble Sirs Your most Obedt and humble Servants Signed Robt Brooke Frans Robson W W Doveton St Helena 7th May 1799	The Council sent the Court the original proceedings of the general quarterly sessions held on 9 January 1799 and 3 April 1799. The Council also enclosed a copy of the legal proceedings held outside sessions. It anticipated that the latter part of one numbered item, whose number was left blank in the letter, might need to be referred to later. So far, the Council had been unable to resolve the dispute between the parties as it would have liked. The letter was signed at St Helena on 7 May 1799. Robert Brooke Francis Robson W. W. Doveton
111	104	to the Honble &ca Honble Sirs Enclosed we do ourselves the Honor to transmit you Proceedings of last General Quarter Sessions together with a Letter Annexed from the Reverend Mr Wilkinson written since that period with Proceedings had thereon On the face of these Proceedings it will be perceived we trust by your Law Agent, that your Governor and Council strove all in their power to prevent the distressing Litigation that appears therein and which we apprehend considering all circumstances was injudiciously and very improperly forced forward before a Court of Law - and on this subject we have some reason to expect Your Honors may be appealed to - or that some unjustifiable appeal may be intended to the Court of Kings Bench, in either case we feel confident in our own integrity and that it will be found we have as far as our abilities reached in every respect conducted ourselves exactly as you would wish Persons in our situation should do, and that it may be perceived necessary for Your Honors to give such Instructions to us as may prevent in future the bad effects of a Litigious Spirit here particularly when it is considered, that one Man of such a disposition may give infinite uneasiness also to the whole of this small Community and be the unhappy means of occasioning you an infinite deal of unnecessary trouble in England Along with the abovementioned Papers we have	The Governor and Council at St Helena wrote to the Court of Directors of the East India Company on 29 August 1799. With the letter they sent the record of the last General Quarter Sessions. They also enclosed a letter from the Reverend Mr Wilkinson, written after the sessions closed, together with the Council's own proceedings on it. The Council expected that the Company's law agent would see from these papers how hard Governor Brooke and the Council had worked to head off the painful lawsuit they described. In the Council's view, taking everything into account, the case was pushed into a court of law unwisely and wrongly. The Council had some reason to believe that the matter would be brought before the Court. It also thought that someone might attempt an appeal to the Court of King's Bench, which it considered unjustified. Either way, the Council was confident of its own honesty. It believed any inquiry would show that its members acted, as far as their abilities allowed, just as the Court would want men in their position to act. The Council asked the Court to consider sending instructions that would stop a fondness for going to law from doing further harm on the island. A single man of that temperament, it warned, could unsettle the whole of so small a community. He could also cause the Court a great deal of needless trouble in England. Alongside these papers the Council enclosed a copy of the proceedings of the justices, held outside the regular sessions, on the laws governing slaves. The letter was signed at St Helena on 29 August 1799 by Robert Brooke, Francis Robson and W W Doveton. In a postscript the Council directed the Court to its consultation of 29 August 1799 for further detail on the same business. Interpretations The General Quarter Sessions was the island's main criminal and civil court. It sat four times a year with the Governor and Council acting as justices, so the men who sat in judgement were also the men

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		also the honor to inclose a Copy of Proceedings of the Justices out of Sessions relative to Slave Laws. - St Helena 29 Augt 1799 We have the honor to remain Honble Sirs Your humble and faithful Servants Signed Robt Brooke Fras Robson W W Doveton P.S. Further reference is requested respecting the aforesaid Business to Consultation of 29th Island	who governed the colony. This double role explains the Council's defensive tone. A lawsuit that came before the Quarter Sessions set the Council's judicial conduct under scrutiny, and any complaint about the verdict became a complaint about the island's government. The possible appeal to the Court of King's Bench mattered because it was the senior common-law court in England. An appeal there would take the dispute beyond the Company's own chain of command and into the ordinary English courts. The Company would then have to defend its island government in public. The Council clearly feared this more than an appeal to the Directors, which would stay within the Company. This is why the letter asked for instructions to curb litigation at its source. The law agent was the Company's legal adviser in London. The Council wrote with that reader in mind. It was trying to shape the professional opinion on which the Directors would base any response. It sent the full proceedings rather than a summary so that the agent could judge the conduct of the court from the record itself. The letter never names the man it blamed for the litigation. It set its complaint about him directly after its mention of the Reverend Mr Wilkinson's letter, which suggests a link. However, the page does not say whether Wilkinson was the litigant, a party to the case or simply a witness. The Council's point was that one determined individual could disrupt a population as small and interdependent as St Helena's. In such a place, lawsuits drew in neighbours, officials and the bench alike. Justices acting out of sessions were members of the bench dealing with business between the formal quarterly sittings. Their proceedings on the laws governing slaves show that the rules on slaves were being handled as a separate matter of island regulation. The Council sent them to London in the same packet so that the Directors could review them.
112	105	Honble Sirs We have the Honor to transmit you Proceedings of the last general quarterly Sessions, also those of a Special Session, & Proceedings in respect to the Slave Laws. We are sorry to inform your Honors that the Revd Dr Wilkinson continues to pursue a similar line of Conduct with that which obliged us to trouble you in detail on the 29th August last. You will perceive by the Proceedings of the last Qr Sessions that a poor Man complained several Cattle had broke into his Garden & had done some damages on account of which he could get no Redress - the acting Magistrate advised the matter should be settled by Arbitration, but the Parties could not, or would not agree, at length the Sessions came on & they were advised by the Bench to the same purpose, but Mr Wilkinson the Defendant refused to comply & required the matter should be settled before the Court then sitting, in consequence the cause came to Trial by Jury & the Defendant was cast in £12 damages & costs of Suit. The accompanying Extract from Mr Wilkinson's Address to the Bench at this trial, as also from the letter he has since	The Council wrote again to the Court of Directors with a fresh set of papers from the island's courts. The packet held the record of the last General Quarter Sessions and of a special sitting of the court. It also held the proceedings on the laws governing slaves. The Council regretted to report that the Reverend Dr Wilkinson was still behaving in the same way that had led it to write to the Court at length on 29 August 1799. The record of the latest Quarter Sessions set out the newest episode. A poor man complained that several head of cattle had got into his garden and caused damage, and he had been unable to obtain any compensation. Wilkinson was the man he held responsible. The magistrate then on duty suggested that the two sides settle the dispute through arbitration. The parties could not or would not come to terms. When the sessions met, the bench gave them the same advice. Wilkinson, as defendant, rejected arbitration and insisted that the court then sitting should decide the case. It therefore went before a jury. The jury found against him, and he had to pay £12 0s 0d in damages together with the costs of the action. The Council enclosed an extract from the speech Wilkinson made to the bench at the trial. It also sent part of a letter he wrote to the Council afterwards. In the Council's view, these papers would probably show that he was set on finding new grounds for lawsuits. They would also show that he was looking for fresh chances to insult its members in their public roles. The Council explained that it would not have raised the matter again except for one concern. It feared that his distorted account might otherwise

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		written to us will perhaps serve to shew his determination of raising new subjects of litigation & creating fresh opportunities of offering us Insults in our official capacity, we should not have troubled your Honors however on this Subject if it were not from the fear that his misrepresentation might otherwise possibly obtain attention. If it appears necessary on a Public account, it is for your Honors to support your delegated authority in	gain a hearing in London. If the public interest required it, the Council added, the duty of upholding the authority the Court had entrusted to its island government rested with the Court itself. Interpretations Arbitration was the bench's preferred remedy for a small neighbourly dispute of this kind. It kept a trivial complaint out of the formal court, saved costs and avoided setting island residents against one another in public. Both the magistrate and the full bench recommended it, which shows how routinely the justices steered minor claims away from trial. Wilkinson's refusal therefore stood out. As defendant, he could insist on a jury, and by doing so he forced the Council, sitting as judges, to try a case it had twice tried to settle out of court. Wilkinson was "cast" in damages, meaning that the jury found him liable and awarded costs against him. The sum of £12 0s 0d was modest, but the Council's concern lay elsewhere. The case gave Wilkinson a public platform, and he used his address to the bench to attack the justices. Because the justices were also the island's government, an attack on them in court was also an attack on the colony's administration. The phrase about the Court's "delegated authority" shows how the Council understood its own position. It governed and judged only by powers handed down from the Directors in London. An insult to the island bench was therefore, in the Council's framing, an affront to the Court's own authority. The Council was asking the Directors to defend that authority themselves rather than leave the island government to contend with a troublesome clergyman on its own. As a clergyman, Wilkinson probably held his appointment from the Company, which gave the Directors a direct means of disciplining him. The Council's letter of 29 August 1799 had warned that a single quarrelsome man could unsettle the whole community and cause the Court needless trouble in England. That earlier letter did not name him. This letter confirms that Wilkinson was the man the Council had in mind, and the trial it describes shows that the earlier warning was already being borne out.
113	106	in such manner as you think proper and to prevent the dangers arising from unnecessary litigation in so small a spot as this is - for our own parts individually whatever Mr Wilkinson's Designs may be against us we have considered him lately as having become totally undeserving particular notice or attention Your Honors will observe that we have been obliged to hold a special Sessions on account of the necessity there appeared of putting a compleat stop to some depredations that have been lately committed mostly by very young Men who however seem to have been practiced from Infancy in wickedness. Had we not held a special Sessions either the Culprits might have escaped for want of evidence or your Ships might have suffered inconvenience by leaving the evidence on the Island The Jury having recommended Thomas Roper to Mercy	The Council left the Court to act as it saw fit in upholding its authority and in checking the harm that needless lawsuits could do in a place as small as St Helena. Speaking for themselves as individuals, the members said they no longer paid Wilkinson any particular attention, whatever he might be planning against them. In their view, his recent conduct had forfeited any claim to special notice. The Council also drew the Court's attention to a special sitting of the court. It called this sitting to bring a complete end to a spate of thefts and damage to property. Most of the offenders were very young men, though the Council believed they had been schooled in crime since childhood. The members explained why they could not wait for the regular sessions. Without a special sitting, the offenders might have gone free for lack of evidence. The alternative was to keep witnesses on the island, and that would have caused problems for the Company's ships. The jury recommended mercy for Thomas Roper. The Council was satisfied that William Ellis owed his life to Roper's protests. It therefore asked the Court to apply to the King for a royal pardon on Roper's behalf. The letter was dated 14 March 1800. In a postscript, the Council reported that it sent Wilkinson a copy of the part of the letter concerning him. His response and the Council's reply were

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		& it appearing to us that it was owing to his remonstrances that the life of William Ellis was saved, we humbly entreat that your Honors will make application for His Majesty's Clemency to be ext[en]ded towards him. March 14th 1800. P.S. Copy of that part of the Letter which alludes to Dr Wilkinson was sent to him, his letter in consequence & our in reply are entered on Consultation of and should he return an answer, the same shall be transmitted as speedily as possible for your Honors Determination.	entered in the consultation book, though the date of that consultation was left blank on the page. The Council promised to forward any further answer from Wilkinson as quickly as possible so that the Court could decide the matter. Interpretations The Council's reasoning about witnesses shows how closely island justice depended on shipping. Important witnesses were probably seamen or passengers on vessels in the road. A ship could not wait for the next Quarter Sessions without losing its passage. If the ship sailed, the witness went with it and the evidence was lost. The only other course was to put the witness ashore and leave the ship short-handed. A special sitting let the court hear the case while the witnesses were still at hand, so criminal procedure bent to the timetable of the Company's ships. The appeal for royal clemency shows the limit of the Council's own powers. The Council could delay the carrying out of a sentence, but only the Crown could grant a pardon. The request had to pass through the Directors, who would petition the King on the colony's behalf. A jury's recommendation to mercy was not binding. However, it carried weight when the judges forwarded it, and the Council supported it with its own finding that Roper saved a man's life. That finding also suggests the capital charge involved violence or its threat. Roper apparently refused to go along with harming Ellis while his fellow offenders were prepared to do so. The Council sent Wilkinson the part of its letter that concerned him and entered the whole exchange in the consultation book. This let the Directors see both sides before deciding. The Council had just complained that Wilkinson might misrepresent it in London. By showing him the charges and forwarding his answer, it undercut any claim that it had acted against him in secret. It also made the Court, not the island government, the final judge of his conduct.
114	107	To the Honble Court of Directors &c Honble Sirs We do ourselves the Honor to transmit Proceedings of two General Quarterly Sessions, as also Proceedings in respect to the Slave Laws, happily there is nothing extraordinary. We have the Honor &c 2d Feby 1801 R Brooke F's Robson W W Doveton Honble Sirs By the accompanying Proceedings at a General Quarterly Sessions, your Honors may perceive that a Man by the name of Richd Brennan, suffered the Sentence of the Law for committing a Rape. We also do ourselves the Honor to transmit Proceedings respecting the Slave Laws & of the Justices out of Sessions, and have to request that Charles McCarty, the Man alluded to in the last mentioned Papers, may not be permitted to return to the Island in any capacity whatsoever, as he has on many occasions proved himself a troublesome & Litigious Person - We have ordered him on board the Lady Burges towards compleating that Ships Company.	The Council sent the Court of Directors the records of two General Quarter Sessions, together with its proceedings on the laws governing slaves. It was glad to report that the papers contained nothing out of the ordinary. The letter was dated 2 February 1801 and signed by Governor Brooke, F Robson and W W Doveton. The Council wrote again to the Court with the record of a later General Quarter Sessions. The papers showed that a man named Richard Brennan was put to death under the law for rape. The Council also sent its proceedings on the laws governing slaves and those of the justices acting between sessions. The second of these papers concerned a man named Charles McCarty. The Council asked the Court to bar him from returning to St Helena in any role at all, since he had repeatedly shown himself to be a quarrelsome and litigious man. It had already ordered him on board the <i>Lady Burges</i> to help make up that ship's crew. This letter was dated 21 April 1801 and signed by F Robson, W W Doveton and R Cooke. Interpretations The Council's treatment of McCarty shows how the island government removed unwanted residents. It had no need for a trial or formal sentence of banishment. Instead it placed him on an outward-bound East India Company ship as a seaman. The ship gained a hand it needed, and the island lost a man it did not want. Every passage to and from St Helena ran through Company shipping, and residence on the island depended on the Company's permission. The Council's request to the Directors was therefore a practical means of keeping McCarty

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		21st April 1801 Signed F Robson W W Doveton R Cooke	away for good. Without their order, he might return on a later ship in some other capacity, perhaps as a sailor, soldier or servant. The phrase that Brennan "suffered the sentence of the law" meant that he was hanged. Rape was a capital crime under English law in 1801, and the island's court applied that law in full. The Council reported the execution briefly and without comment. This suggests that the Governor and Council treated a death sentence carried out on their own authority as ordinary business, needing no special justification in London. This case differed from that of Thomas Roper on 14 March 1800, when the jury's recommendation and the Council's own findings led it to seek a royal pardon. McCarty's offence was described in almost the same terms the Council had used about the litigious man in its letter of 29 August 1799. The Council did not accuse him of any crime. It objected to his habit of quarrelling and going to law. This complaint, made twice within two years, suggests that the island's rulers saw lawsuits brought by private individuals as a threat to good order in their own right. In so small and closely governed a community, a persistent litigant could tie up the Council in its role as a court and challenge its authority as a government.
115	108	To the H. Court of Directors &c Honble Sirs We do ourselves the Honor to transmit Proceedings of a General Quarterly Sessions held on the 15th Day of July, also Proceedings of the Justices relative to the Slave Laws. We have the Honor 31st August 1801 Signed F Robson W W Doveton R Cooke Honble Sirs We have the Honor to transmit by this conveyance, Proceedings of a general Quarterly Sessions held on the 7th Day of October, also Proceedings of the Justices in respect to the Slave Laws. There being nothing extraordinary on the face of these Papers, is a pleasing Proof of the quiet & settled state of the Island in general. 21st November 1801 We have the Honor &c Signed F Robson W W Doveton R Cooke	The Council sent the Court of Directors the record of a General Quarter Sessions held on 13 July 1801. It enclosed with it the proceedings of the justices on the laws governing slaves. The letter was dated 31 August 1801 and signed by F Robson, W W Doveton and J Cooke. In a further letter, the Council forwarded the record of the General Quarter Sessions held on 7 October 1801, along with the justices' latest proceedings on the laws governing slaves. The members observed that nothing unusual appeared in these papers. They took this as welcome evidence that the island as a whole was calm and orderly. The letter was dated 21 November 1801 and carried the same three signatures. Interpretations The Council's remark that an uneventful court record proved the island's calm reflected how the Directors judged their colony from London. The Quarter Sessions papers were one of the main means by which the Court could check on the state of St Helena. A thin record served as a report of good government. The contrast with the letters of 29 August 1799 and 14 March 1800 is plain. In those letters, lawsuits, thefts and a special sitting were presented as disturbances to the island's peace. By 1801, with McCarty removed on the <i>Lady Burges</i> under the order reported on 21 April 1801, the Council could present quiet courts as a sign that its firmness had worked.
116	109	Honble Sirs By the accompanying Proceedings at a General Quarterly Sessions held on the 13th Inst. it will be perceived that a Serjeant in the Garrison was indicted for willfully and maliciously shooting at Job a Black man, whereby he was deprived of the sight of an eye. The Jury found their verdict Not Guilty & the Prisoner was discharged. We have the Honor &c 16th January 1802 Signed F Robson W W Doveton R Cooke	The Council sent the Court of Directors the record of a General Quarter Sessions held on 13 January 1802. A sergeant of the garrison was charged at that sitting with deliberately and maliciously firing at Job, a black man. The shot cost Job the sight of one eye. The jury acquitted the sergeant, and he was set free. The letter was dated 16 January 1802 and signed by F Robson, W W Doveton and J Cooke. In a later letter, the Council forwarded the record of the General Quarter Sessions held on 20 April 1802. One charge was put before the grand jury at that sitting, but the grand jury rejected it. The Council also sent the justices' proceedings on the laws governing slaves. It was very pleased to report that the justices now needed only one day a week to deal with complaints under those laws, where formerly they had set aside two. The members saw

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		Honble Sirs By this conveyance we transmit Proceedings of a General Quarterly Sessions held on the 20th April, from which it will appear that an Indictment was laid before the Grand Jury, but was thrown out. We have also the Honor of forwarding the Proceedings of the Justices respecting the Slave Laws, and have great satisfaction in observing that we find one Day in the Week instead of two, quite sufficient for attending to complaints of this nature, a pleasing Proof of the good effects of your Honors Regulations, on the Morals & Conduct of this Class of People. We have the Honor &c May 17th 1802 Signed R Patton W W Doveton R Cooke	this as clear evidence that the Court's regulations had improved the behaviour and conduct of the slave population. This letter was dated 17 May 1802 and signed by R Patton, W W Doveton and J Cooke. Interpretations The justices' weekly sittings on the laws governing slaves formed a standing tribunal separate from the Quarter Sessions. Slaves were not tried before juries in the ordinary way. Complaints brought by or against them went before magistrates on fixed days under rules laid down by the Directors. Falling business allowed the justices to cut these hearings from two days to one. The Council presented this as proof that the slaves' conduct had improved. The same figure could equally reflect fewer complaints brought by slaves against their owners. The record gives no breakdown, so it cannot show which side the reduction came from. The Council chose to read it in the way that best supported the Court's own regulations. The case of the sergeant shows the limits of ordinary criminal justice where the victim was a black man and the accused a soldier. The charge was serious, since the sergeant was accused of acting deliberately and with malice and Job lost an eye. Yet the jury acquitted him, and the Council reported the verdict without comment. The page does not say whether Job was a slave or free. In either case the prosecution went through the full Quarter Sessions, with the result set before the Directors for their review. A grand jury decided whether the evidence against an accused person justified a trial. Its members examined the charge in private. If they found the case too weak, they "threw out" the indictment and the accused was never tried. At St Helena this screening was carried out by the island's own inhabitants. It gave the community a direct voice in which prosecutions went forward. It also put a check on the justices, even though they were the island's rulers.
117	110	To the Honble Court of Directors &c Honble Sirs We do ourselves the Honor to transmit Proceedings of a General Quarterly Sessions held on the 13th Day of July, and the Proceedings of the Justices respecting the Slave Laws. We have the Honor &c St Helena 12th August 1802 Signed Robert Patton W W Doveton R Cooke To the Honble the Court of Directors for Affairs of the United East India Company - Honble Sirs - From the accompanying Proceedings of a General Quarterly Sessions held on the 6th Instant, it will appear that vigorous measures have become absolutely necessary, to check the alarming depredations lately committed upon Private Property - Two unfortunate Wretches have been found Guilty and condemned for Sheep Stealing, and an Indictment for the same Crime was found against a White Inhabitant of the Island, whom we suspect to have effected his escape on board some Ship, as he has not yet been apprehended, notwithstanding the most diligent search by the Sheriffs Officers -	The Council sent the Court of Directors the record of a General Quarter Sessions held on 10 July 1802, with the justices' proceedings on the laws governing slaves. The letter was written at St Helena on 12 August 1802 and signed by Robert Patton, W W Doveton and J Cooke. A second letter was addressed to the Court of Directors of the United East India Company. It forwarded the record of a later General Quarter Sessions, held on the sixth day of the month in which the letter was written. The Council reported that the island had seen a worrying wave of thefts of private property, which now called for firm action. Two wretched men were convicted of stealing sheep and sentenced to death. The grand jury also sent a white resident of the island for trial on the same charge. The sheriff's officers searched for him thoroughly but failed to find him. The Council suspected that he had got away aboard one of the ships. Interpretations Sheep stealing carried the death penalty under English law, and the island's court imposed it here. The Council's language shows that the sentences were meant as a deterrent as much as a punishment. Livestock was scarce and valuable on so small an island. Flocks grazed on open ground where they were hard to guard. The Council's call for firm measures signalled that it meant to uphold these sentences rather than seek mercy. This differed from the case of Thomas Roper on 14 March 1800, when mercy was sought. The Council described the suspect who escaped as a white inhabitant, while the two convicted men

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			were identified only as unfortunate. Singling out the fugitive's colour suggests the other two were not white, perhaps slaves or free black inhabitants. The Council apparently wanted the Directors to see that the law reached white offenders as well. It turned out, however, that only a white man had a realistic means of escape. Passing ships offered a way off the island to those who could find a berth or be hidden among the crew. That escape route remained largely closed to slaves, whose movements were watched far more closely. The sheriff and his officers carried out the court's orders. They served process, made arrests and held prisoners. A suspect's disappearance to sea showed the limits of their reach. Once a man boarded an outward-bound ship, the island's authorities could do nothing further unless the Directors or the ship's commander chose to act. This is the reverse of the method the Council used against Charles McCarty on 21 April 1801, when it deliberately placed an unwanted man aboard the <i>Lady Burges</i> to be rid of him.
118	111	The Grand Jury in a Presentment have adverted to Damages & Inconvenience occasioned by those Free Blacks who have Habitations on the Commons but in all the Discoveries which we have hitherto been enabled to bring to light, the charges against this Class of Inhabitants appear as yet, to be founded on assertion only - most of the other evils complained of by the Grand Jury, will we trust be obviated by the Proclamations we had previously issued, & the Establishment of a Regular Police, which seems to promise a considerable degree of benefit & Security, and has every appearance of approbation, from the body of the Island. We remain Honble Sirs Your most Obedient Hble Servts St Helena 16th October 1802 Signed, Robert Patton W W Doveton to the Honorable &ca Honble Sirs, By this conveyance we transmit the Proceedings of a General Quarterly Sessions held on the 13th Instant, and the transactions of the Justices in respect to the Slave laws. - We remain, Honble Sirs, Your most Obedt humble Servants St Helena 27th January 1803 Signed Robert Patton W W Doveton James Cooke	The grand jury, in a formal statement of grievances presented at the sessions of 6 October 1802, complained of damage and nuisance caused by free black inhabitants who had built dwellings on the common land. The Council replied that its inquiries so far had turned up no proof. Every charge against these residents rested on accusation alone. Most of the other problems the grand jury raised, the Council believed, were already dealt with by proclamations it had issued earlier. It also pointed to the creation of a regular police force. This promised a good deal of benefit and protection and seemed to have the approval of the island's inhabitants at large. The letter was written at St Helena on 16 October 1802 and signed by Robert Patton and W W Doveton. In a further letter, the Council sent the Court of Directors the record of a General Quarter Sessions held on 3 January 1803. It also enclosed the justices' dealings under the laws governing slaves. The letter was written at St Helena on 7 January 1803 and signed by Robert Patton, W W Doveton and James Cooke. Interpretations A presentment was the grand jury's formal statement of public grievances, set before the court alongside its work on criminal charges. It gave the island's leading inhabitants a recognised channel for pressing their concerns on the Governor and Council, who sat as the bench. On this occasion the jurors used it against free black residents who were living on the commons. These were open lands held by the Company for general grazing and use. Settlers on the commons had no title of their own to the ground. Their presence there set them against landholders who resented both the loss of pasture and the threat to their livestock. The Council's response shows it refusing to act on the jurors' complaint without evidence. It gave the grand jury's word no more weight than any other unproven claim. This was significant at a time when the island had just suffered a series of sheep thefts, which the Council reported earlier in October 1802. Free black residents on the open ground would have made easy targets for suspicion. The Council declined to confirm that suspicion. Instead it relied on general measures, the proclamations and the new police, which applied to everyone. The establishment of a regular police marked a change in how order was kept on the island. Until then, keeping the peace depended on the sheriff's officers, the garrison and constables serving part-time. A standing force provided continuous watch, rather than acting only after a crime was reported.

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			The Council's claim of broad public approval suggests that inhabitants, alarmed by the recent thefts, welcomed a body whose purpose was to prevent crime rather than simply punish it.
119	112	to The Honorable the Court of Directors for Affairs of the United East India Company. - Honble Sirs, We do ourselves the honor to transmit the Proceedings of a General Quarterly Session held on the 20th April - The transactions of the Justices in respect to the Code of Slave Laws, are also enclosed. - We have the honor to remain Honble Sirs Your most Obedt & humble Servts St Helena the 21st May 1803 Signed. Robert Patton W W Doveton Robert Leech to The Honble &c Honble Sirs, By the present despatch we transmit you the Proceedings of a General Quarter Sessions held on the 13th Day of July last together with	The Council sent the Court of Directors of the United East India Company the record of a General Quarter Sessions held on 20 April 1803. It also enclosed the justices' dealings under the island's code of laws governing slaves. The letter was written at St Helena on 21 May 1803 and signed by Robert Patton, W W Doveton and Robert Leech. In a further dispatch, the Council forwarded the record of the General Quarter Sessions held on 13 July 1803, with further papers alongside it.
120	113	with the transactions of the Justices respecting the Slave Laws - We have the honor to remain Honorable Sirs Your most Obedt humble Servants St Helena 22d September 1803 Signed Robert Patton W Lane W W Doveton Robert Leech to the Honorable &c Honble Sirs With our Proceedings at the General Quarterly Sessions held on the 5 October last. We likewise transmit those at a Special Sessions assembled as will appear by the Paper marked A at the request of Mr Rivers master of a South Sea Ship, who prosecuted Lieut Brewster [...] for some threatening Actions and Expressions, and was in consequence awarded damages by the Jury to the Amount of £5 0s 0d with Costs, but no Allowance was granted for detention - A demand therefore on this account was resisted by the Justices, the particulars of which are explained in the Paper marked C - We have the honor to be Honorable Sirs, Your most Obedt humble Servants St Helena 30th Decr 1803 Signed Robt Patton W Lane W W Doveton Robert Leech	The Council sent the Court of Directors the record of the General Quarter Sessions held on 13 July 1803, along with the justices' dealings under the laws governing slaves. The letter was written at St Helena on 22 September 1803 and signed by Robert Patton, W Lane, W W Doveton and Robert Leech. In a later letter, the Council forwarded the record of the General Quarter Sessions held on 5 October 1803. It also sent the papers of a special sitting of the court, called at the request of Mr Shrides, master of a South Sea ship. The first enclosure, marked A, set out the circumstances of this sitting. Shrides brought an action against Lieutenant [...] Doyle over threatening conduct and words. The jury found in his favour and awarded him £5 0s 0d in damages, together with his costs. It made no award, however, for the time he was held up on the island. Shrides then pressed a claim for this delay, and the justices refused it. The enclosure marked C gave a full account of the dispute. The letter was written at St Helena on 30 December 1803 and signed by Robert Patton, W Lane, W W Doveton and Robert Leech. Interpretations A South Sea ship was a whaler or sealer working the southern oceans. Such vessels were not part of the East India Company's fleet. Their masters traded on their own account, and St Helena was a convenient place to call for water and fresh food on the long voyage home. For such a master, time in port meant lost earnings. This explains why Shrides asked for a special sitting instead of waiting for the next Quarter Sessions. It also explains why he then claimed compensation for his delay. The special sitting shows the court serving an outsider's private suit, not just the island's own business. On 14 March 1800 the Council justified a special sitting because witnesses from departing ships might otherwise be lost. Here the same arrangement served a visiting master who could not wait for the regular calendar. Calling the court in this way cost the justices time. They were nonetheless

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			willing to convene for a private dispute involving a ship that was not the Company's own. The claim for delay was a claim for losses caused by the legal process itself, not by the lieutenant's conduct. The jury limited its award to damages for the threats and costs of the suit. The justices then refused to go further. Granting the claim would have made the island's court liable for the commercial losses of any ship whose master chose to go to law there. Their refusal kept the court's liability within the ordinary bounds of damages and costs.
121	114	By the present conveyance we transmit the Proceedings of a General Quarterly Sessions held on the 11th Jany last and the transactions of the Justices in respect to the Slave Laws from the 29th July to the 23d Decr 1803 inclusive. We have the Honor to remain Honble Sirs Yr Obedt humble Servs St Helena 31st March 1804 Signed Robert Patton W Lane W W Doveton R Leech Honble Sirs By the present conveyance we do ourselves the Honor to transmit the Proceedings of a general Quarterly Session held on the 11th of April together with a Copy of the transactions of the Justices in respect to the Slave Laws. We have the Honor to remain Honble Sirs Yr Obedt humble Servants St Helena 16th June 1804	The Council sent the Court of Directors the record of a General Quarter Sessions held on 11 January 1804. It also enclosed the justices' dealings under the laws governing slaves for the period from 29 July to 23 December 1803, taking in both dates. The letter was written at St Helena on 31 March 1804 and signed by Robert Patton, W Lane, W W Doveton and R Leech. In a later letter, the Council forwarded the record of the General Quarter Sessions held on 11 April 1804. With it went a copy of the justices' dealings under the laws governing slaves. This letter was written at St Helena on 16 June 1804.
122	115	Honble Sirs By the present conveyance we transmit the Proceedings at a General Quarterly Session of the Peace held on the 11th Day of July last. - We have the Honor to be remain Honorable Sirs Your most Obedt humble Servants St Helena 11th of August 1804 Signed R. Patton W Lane W W Doveton J Cooke To the Honorable the Court of Directors &c - Honorable Sirs - We do ourselves the Honor to transmit the Proceedings of a General Quarterly Sessions held on the 3rd Day of October, together with a Copy of the - Transactions in respect to the Slave Laws. - We have the Honor to remain Honorable Sirs Your obedient humble Servants St Helena 5th December 1804. Signed, Robert Patton James Cooke - W W Doveton	The Council sent the Court of Directors the record of a General Quarter Sessions held on 11 July 1804. The letter was written at St Helena on 11 August 1804 and signed by R Patton, W Lane, W W Doveton and J Cooke. In a later letter, the Council forwarded to the Court the record of the General Quarter Sessions held on 3 October 1804. It enclosed with it a copy of the dealings under the laws governing slaves. This letter was written at St Helena on 5 December 1804 and signed by Robert Patton, James Cooke and W W Doveton.
123	116	to The Honble &ca	The Council sent the Court of Directors the records of two General Quarter Sessions, held on 9

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		Honble Sirs. We do ourselves the honor to transmit the Proceedings of two General Quarterly Sessions held on the 9th January & 24th April last - The transactions of the Justices in respect to the Code of Slave Laws are also enclosed. We have the honor to remain Honble Sirs Your most Obedt & humble Servants St Helena June 1805 - To The Honble &ca Honble Sirs, By the present despatch We we [...] have the honor of transmitting the Proceedings of two General Quarterly Sessions held on the 10th July and 2 October last - together with the Transactions of the Justices in respect to the Code of Slave Laws. We have the honor to remain &c &c RP WL WWD JC. St Helena. 2 Novr 1805 Margin Notes: [...]	January 1805 and 24 April 1805. It also enclosed the justices' dealings under the island's code of laws governing slaves. The letter was written at St Helena in June 1805, with no day given. In a later dispatch, the Council forwarded the records of two further General Quarter Sessions, held on 11 July 1805 and 2 October 1805. With them went the justices' dealings under the code of laws governing slaves. This letter was written at St Helena on 2 November 1805 and initialled by RP, WL, WWD and JC.
124	117	To The Honble &c Honble Sirs, By the present Conveyance We transmit the Proceedings of a General Quarterly Sessions held on the 8 January together with the Proceedings of the Justices in respect to the Slave laws, and copy of a correspondence exhibiting Judicial Transactions out of Sessions On the 6th January, Captain Hibbert of the Cuffnells addressed a Letter to Us stating that One of the Companys Recruits proceeding to Bengal had committed an act of Beastiality on board his Ship, but as this report was received only two days before the Sessions we considered that as a very short period before a Trial which affected the Culprits life: and as there are perhaps Hundreds of Persons in our Small Society here who can have no Idea of such an extent of human depravity as the circumstance in question, it appeared a desirable Object to prevent the publicity of so miserable an Incident provided the Offender did not escape the punishment his detestable Crime deserved. We were also struck with the Idea that it was possible our powers might not extend so far as to take cognizance of a Capital Offence committed on board Ship and as all the Witnesses were proceeding to a part of the World where there are Courts competent to try Offences committed afloat We therefore ordered Captain Hibbert to carry the Prisoner on to Bengal under close Confinement as will appear on reference to Consultation of the 6 January	The Council sent the Court of Directors the record of a General Quarter Sessions held on 8 January 1806. It enclosed the justices' proceedings under the laws governing slaves. It also sent copies of letters dealing with legal business conducted outside the sessions. The first of these matters arose on 6 January 1806. Captain Herbert of the <i>Cuffnells</i> wrote to the Council to report a crime on board his ship. One of the Company's recruits bound for Bengal had committed an act of bestiality. The report reached the Council only two days before the sessions were due to open. The members felt this left far too little time to prepare a trial on which a man's life depended. The Council had a further concern. In so small a community there were perhaps hundreds of people with no notion that such depravity existed. The members thought it better to keep so wretched an affair from becoming public, provided the offender still received the punishment his crime deserved. They also doubted whether the island's court had the power to try a capital crime committed aboard a ship. All the witnesses were travelling on to a part of the world that had courts able to hear offences committed at sea. The Council therefore instructed Captain Herbert to take the prisoner on to Bengal and keep him under close confinement for the voyage. The consultation of 6 January 1806 recorded this decision. A second matter concerned Lieutenant Colonel McDonald of His Majesty's 73rd Regiment. He was then under arrest and was travelling to the island as a passenger. Interpretations The Council's doubt about its jurisdiction went to the heart of how English law dealt with crimes at sea. Offences on the high seas fell under Admiralty jurisdiction. They could be tried only by courts specifically given that power. St Helena's Quarter Sessions sat under the Company's charter as a court for the island. Its authority over a crime committed afloat, perhaps before the ship reached the road, was uncertain. The courts at Calcutta held commissions

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		Lieut Col McDonald an Officer now under arrest belonging to H.M. 73d Regiment and Passenger in the	to try offences at sea. Sending the prisoner there placed the case before a bench whose authority could not be challenged. A conviction on the island that was later found to lack jurisdiction would have exposed the Council to serious legal risk. Bestiality was a capital crime under English law, which is why the Council spoke of a trial affecting the prisoner's life. Its wish to keep the case from the public was more than a matter of taste. In a community of a few thousand people, a trial before a jury drawn from the inhabitants would have spread the details across the island. The Council treated control over what the population knew as part of keeping order. It judged some knowledge harmful in its own right. This was a form of moral guardianship the island's small scale made possible, in a way it could not have been in England. The prisoner was one of the Company's recruits. These were soldiers enlisted for the Company's own armies in India and shipped out on its vessels. McDonald belonged to a different body. His regiment, the 73rd, was one of the King's regiments, serving in India alongside the Company's troops but under the Crown. An officer of the royal army under arrest and passing through St Helena raised questions of authority that the Company's island government could not settle alone.
125	118	in Extra Ship Devaynes requested a summons might be sent to himself and others to appear before the acting Magistrate that their Examinations might be taken on oath upon certain points which he said were to ultimately investigated before a Court of Justice in England The acting Magistrate submitted this application to the Bench of Justices, and we were unanimous in our Opinion that we had no authority to issue a compulsory process for Persons to give Evidence upon matters out of our Jurisdiction unless they were connected with some important national Concern or the Interests of the Company. We therefore declined complying with Colonel McDonalds demand, but at the same time informed him that the acting Magistrate would take the attestation upon Oath of any Person or Persons who would voluntarily come forward with that desire. Our correspondence with Col. McDonald on this Subject accompanies the present Letter, and it would be satisfactory for Us to know the Judgment of Your Honble Court upon our proceedings in this Instance. Some Seamen belonging to the British Whaling Ship Commerce commanded by Captain Eckstein complained to the acting Magistrate that their the [...] for his notes of hand to them as part of their Shares for the Voyage. Captain Eckstein acknowledged the Charge and alledged that he had been under the necessity of giving the Notes to induce the Men to continue their Work at a time when the Ship was in distress. As the Cognizance of this Charge	Lieutenant Colonel McDonald was travelling as a passenger on the extra ship <i>Devaynes</i>. He asked for a summons to be issued requiring [...] and others to appear before the magistrate on duty. He wanted their evidence taken on oath on certain points. According to McDonald, these points would eventually be examined before a court in England. The magistrate referred the request to the bench of justices. The Council agreed unanimously that it had no authority to force anyone to give evidence on matters outside its jurisdiction. The only exception would be a matter bearing on some important national concern or on the Company's interests. It therefore refused McDonald's request. It told him, however, that the magistrate would take sworn statements from anyone willing to come forward of their own accord. The Council enclosed its correspondence with McDonald on the subject and asked the Court for its opinion on how the case had been handled. A second complaint came from seamen of the British whaler <i>Commerce</i>, under the command of Captain Eckstein. They told the magistrate that their captain would not pay them cash for the promissory notes he had given them as part of their share of the voyage's earnings. Eckstein admitted this. He explained that he had been forced to issue the notes to persuade the men to keep working while the ship was in difficulty. The Council considered that the complaint did not fall within its jurisdiction. Interpretations An extra ship was a vessel chartered by the East India Company for one or a few voyages, as distinct from the regular ships that sailed under long-term contracts. The <i>Devaynes</i> was carrying McDonald under arrest. The evidence he sought was probably meant for a court martial or legal proceedings in England over the charges against him. The Council drew a clear line. It would record sworn testimony from willing witnesses but would not compel anyone. Compulsion rested on the court's own jurisdiction, and a dispute arising elsewhere between an officer of the King's army and his accusers lay outside it. The exception the Council allowed shows how it understood its judicial powers. It would stretch its authority to compel witnesses where national interests or the Company's affairs were at stake. It

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		appeared to be out of our Jurisdiction, and as the Value of the Mens Shares must be considerably above the amount of the Notes	would not do so for a private individual's case, whatever his rank. The island's court was an instrument of the Company's government as well as a court of law. Its reach extended as far as the interests of that government required. Whalers did not pay their crews fixed wages. Each man took an agreed fraction of the value of the catch, known as his share or lay, settled when the cargo was sold at the end of the voyage. Eckstein's promissory notes were written promises to pay a sum, issued as advances against the men's future shares. They amounted to an inducement to keep a crew working while the ship was in distress, when men might otherwise have refused. The seamen wanted cash at St Helena. The captain's position was that the notes could only be settled once the voyage's earnings were known. The dispute therefore turned on the terms of a private contract made at sea, which the island's court had no clear authority to decide.
126	119	Notes of hand, which were made payable ten days after his arrival at St Helena, the acting Magistrate judged that he could act in no other manner than inform Captain Eckstein he would be arrested for the debts if he did not discharge them - They were in consequence paid, but as we understand Captain Eckstein intends to sue the Company for the Amount being near £90 0s 0d Sterling, we think it our duty to lay the Circumstances before your Honble Court, and to request instructions for the future guidance of Our Conduct in Similar Cases - We have the honor to remain Honble Sirs Your most Obedient Servants St Helena 8 April 1806 - Signed, Robert Patton W Lane W W Doveton James Cooke To The Honble the Court of Directors. Honble Sirs. By the present dispatch We have the honor of transmitting the Proceedings of a General Quarterly Sessions held on the 16 April last. We have the honor to remain Honble Sirs Your most Obedt humble Servants St Helena 8th July 1806 (Signed) Robert Patton W W Doveton James Cooke -	The seamen of the <i>Commerce</i> stood to receive shares worth well above the sums written on Captain Eckstein's promissory notes. The notes also named St Helena itself as the place of payment, falling due ten days after the ship arrived there. For these reasons the magistrate on duty saw only one course open to him. He warned Eckstein that he would be arrested for debt unless he paid what the notes promised. Eckstein paid the men. The Council learned, however, that he planned to take legal action against the Company to recover the money, which came to nearly £90 0s 0d. The Council therefore set out the facts for the Court and asked for guidance on how to deal with such cases in future. The letter was written at St Helena on 8 April 1806 and signed by Robert Patton, W Lane, W W Doveton and James Cooke. In a later dispatch, the Council sent the Court of Directors the record of the General Quarter Sessions held on 16 April 1806. This letter was written at St Helena on 8 July 1806 and signed by Robert Patton, W W Doveton and James Cooke. Interpretations The terms of the notes gave the magistrate a way around the jurisdictional problem the Council had identified. The contract governing the men's shares was made at sea and could be settled only when the voyage ended, which placed it beyond the island's reach. The notes, by contrast, were separate debts that fell due at St Helena. A debt payable on the island could be enforced there by the ordinary remedy of arrest. The magistrate did not rule on the whaling contract itself. He simply treated Eckstein as a debtor who had defaulted within the island's bounds. Eckstein's threat to sue the Company, not the magistrate or the seamen, shows where liability for the island's justice ultimately rested. The magistrate acted as the Company's officer under the Company's charter. If an English court later held that he had exceeded his powers, the Company would bear the cost. The Council had already sought the Court's view on its handling of McDonald. It now wanted a ruling that would let magistrates act in similar disputes without exposing the Company to damages. Masters and crews of whalers from outside the Company's service made frequent calls at the island, so such disputes were likely to recur.
127	120	To the Honble the Court of Directors &c Honble Sirs, By the present Conveyance We transmit the Proceedings of a General Quarterly Sessions held on the	The Council sent the Court of Directors the record of the General Quarter Sessions held on 16 July 1806. It also enclosed the proceedings of the justices acting between sessions. The letter was written at St Helena later in 1806 and signed by Robert Patton, W W Doveton and James Cooke.

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		16 July last, together with the Proceedings of Justices out of Sessions - We have the honor to remain &c St Helena 6 Octr 1806 (Signed) Robert Patton W W Doveton Jas Cooke To The Honble the Court of Directors &c Honble Sirs, By the present conveyance we transmit the Proceedings of Two General Quarterly Sessions held on the 8th October 1806, and 7th January 1807, together with the Proceedings of Justices, in consequence of a Code of Slave Laws. We have the honor to remain &c St Helena 31st January 1807 (Signed) Robert Patton W Lane W W Doveton James Cooke	In a further letter, the Council forwarded the records of two General Quarter Sessions, held on 8 October 1806 and 7 January 1807. With them went the justices' proceedings under the code of laws governing slaves. This letter was written at St Helena on 31 January 1807 and signed by Robert Patton, W Lane, W W Doveton and James Cooke.
128	121	To The Honble the Court of Directors &c Honble Sirs By the present conveyance we have the honor to transmit the Proceedings of a General Quarterly Sessions held on the 8 & 9 April last, by which it will appear that Thomas McMeiner who was tried and convicted for a High Way Robbery, was recommended by the Jury to Mercy, in consequence of this Recommendation, we have to request that your Honorable Court will make an application to His most Gracious Majesty for a Pardon We have the honor to remain &c St Helena 2d May 1807 (Signed) Robert Patton W Lane W W Doveton James Cooke - To The Honble &ca Honble Sirs, By the present dispatch We have the honor to transmit the Proceedings of General Quarterly Sessions held on the 8th July, 7th October & 13th January last, together with the Proceedings of Justices out of Sessions respecting the Slave Laws. We have the honor to be &ca St Helena 2d February 1808 (Signed) W Lane W W Doveton Robert Leech	The Council sent the Court of Directors the record of a General Quarter Sessions held on 8 and 9 April 1807. The papers showed that Thomas McMeines was tried and convicted of highway robbery. The jury then recommended him to mercy. On the strength of that recommendation, the Council asked the Court to petition the King for a pardon. The letter was written at St Helena on 2 May 1807 and signed by Robert Patton, W Lane, W W Doveton and James Cooke. In a later dispatch, the Council forwarded the records of three General Quarter Sessions, held on 8 July 1807, 7 October 1807 and 13 January 1808. With them went the proceedings of the justices acting between sessions under the laws governing slaves. This letter was written at St Helena on 2 February 1808 and signed by W Lane, W W Doveton and Robert Leech. Interpretations Highway robbery was a capital crime, so McMeines faced death unless the Crown intervened. The Council's request followed the same route it used for Thomas Roper on 14 March 1800, passing the plea through the Directors to the King. The two cases differed in one respect. For Roper the Council added its own finding that he had saved a man's life. For McMeines it gave no reason beyond the jury's wish, which suggests that a jury's recommendation alone was enough for the Council to hold back the sentence and seek a pardon.
129	122	To the Honorable the Court of Directors for the Affairs of the United East India Company Honorable Sirs We do ourselves the Honor to transmit the Proceedings at three general Quarterly Sessions held on the 27 of April the 13th July and the 5 October 1808. We also forward Extracts from the	The Council sent the Court of Directors of the United East India Company the records of three General Quarter Sessions. These were held on 27 April 1808, 13 July 1808 and 5 October 1808. It also forwarded three sets of extracts from the proceedings of the justices acting between sessions. The first covered the period from 14 January 1808 to

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		transactions of the Justices out of Sessions. the first from the 16 January to the 27 April the second from the 27 April to the 13 July and third containing the Proceedings in which Messrs Balcombe and Solomon were implicated for a breach of the 39th Article of the Slave Laws and which was referred to in the 40th Paragraph of the Boards Letter dated 17 June 1808 We have the Honor &c St Helena 20 Oct. 1808 Signed Alex Beatson C S Broughton W W Doveton R Leech	27 April 1808, and the second ran from 27 April 1808 to 13 July 1808. The third set out the case in which Messrs Balcombe and Solomon were charged with breaking the 39th article of the laws governing slaves. The Council had already drawn attention to this case in paragraph 40 of its letter of 17 June 1808. This letter was written at St Helena on 20 October 1808 and signed by Alexander Beatson, E S Broughton, W W Doveton and R Leech. Interpretations The Board was the Governor and Council acting as the island's government, as distinct from their role as justices on the bench. The case against Balcombe and Solomon was the only matter from the justices' records to receive its own separate extract. It had also already been raised in the Board's general correspondence with the Directors in June 1808. Both points show that the prosecution was treated as a question of government policy, not routine police business. Balcombe and Solomon were accused under a specific numbered article of the slave code. The case therefore tested whether the island's regulations on slaves could be enforced against men of standing who owned or dealt with slaves, not merely against the slaves themselves.
130	123	To the Honble Court of Directors &c Honble Sirs By the present conveyance we transmit the proceedings of a general Quarterly Sessions held on the 11th of January 1809, together with a Copy of the record of Proceedings in consequence of the institution of a code of Slave Laws, from the 5th August to the 6th of January last. We have now the honor to be St Helena Signed A. Beatson C. S. Broughton W W Doveton R Leech To the Honble Court of Directors &c Honble Sirs By the proceedings of the general Quarterly Sessions transmitted in the last dispatch (an extract of which are now forwarded) it will appear that T. Brower who married the Widow of the late Major T. Seale deceased, has laid claim to a third of the monies arising from the sale of a house, on the plea of its having been by that sale, converted by the Executors into	The Council sent the Court of Directors the record of a General Quarter Sessions held on 11 January 1809. With it went a copy of the record of proceedings under the code of laws governing slaves, covering the period from 5 August 1808 to 6 January 1809. The letter was written at St Helena and signed by A Beatson, E S Broughton, W W Doveton and R Leech. In a further letter, the Council referred the Court to the record of the General Quarter Sessions sent in its previous dispatch, and enclosed an extract from it. T Barnes had married the widow of Major T Seale. He now claimed a third of the money raised from the sale of a house. He based the claim on the sale itself, which the executors carried out. Interpretations The claim to one third points to the widow's traditional share of her husband's estate. Under English law a widow was entitled to a third of her late husband's property for her lifetime, a right known as dower. On her remarriage, control of her property passed to her new husband, which is why Barnes and not the widow pressed the claim. His argument appears to have turned on the executors' sale. A house was land, while the money from its sale was personal property, and the two passed under different rules of inheritance. By selling, the executors may have changed the character of the estate, and Barnes sought to secure his wife's share of the proceeds on that basis.
131	124	into personal property. - As the subject in dispute, rests on a point of law, rather than of facts or of local customs, the Jury as well as well as the Bench were of opinion that it would be most proper to obtain legal advice by transmitting the whole of the Papers to England, which we accordingly forward a number in the Packet. We have the honor &c St Helena 9th March 1809 Signed A. Beatson C S Broughton W W Doveton R. Leech	Barnes argued that the executors, by selling Major Seale's house, had turned it into personal property. The dispute therefore rested on a point of law rather than on questions of fact or island custom. Both the jury and the bench believed the right course was to seek legal advice in England, and so the Council sent the complete set of papers there in the packet. The letter was written at St Helena on 9 March 1809 and signed by A Beatson, E S Broughton, W W Doveton and R Leech. Interpretations The distinction the court drew shows where the island's legal competence was thought to end. Questions of fact could be settled by a local jury. Island custom was also something inhabitants and justices knew better than anyone in London. A disputed point of property law was different. Its answer depended on English doctrine, which the

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			island's lay bench of Company officials was not trained to judge. St Helena had no professional lawyers on its bench. Referring such points to England was the way to obtain an authoritative answer, at the cost of a long delay while the papers went home and a reply came back. It was notable that the jury joined the bench in this view, since its members had no wish to decide the rights of a widow's estate on a guess at the law.
132	125	To the Honorable the Court of Directors for Affairs of the United East India Company - Honorable Sirs, In the Present dispatch we have the honor to transmit the proceedings of a general quarterly Sessions held on the 12th April last. By the verdict of a Coroners Inquest held upon the 21st March, Lieutenants Robert Wright, Onesiphorus Beale and Francis Seale were charged with the willful murder of the late Lieutenant Stephen Young and were in consequence committed to Goal. It appears that Lieutenant Wright had shot the deceased in a duel and that Lieut Beale and Seale were seconds in this unfortunate transaction. These three young men being natives of the Island and of course connected with a number of Families here, the utmost circumspection became necessary to ensure a fair and impartial trial; and in consequence of an address to this effect from the Governor to the Grand Jury, several Gentlemen withdrew observing that they were of affinity by marriage to one or other of the Parties. For similar reasons your Honorable Court may perceive that neither Mr Doveton nor Mr Leech sat on the Bench, the former indeed was absent from indisposition. The Sheriff too being of kin to one of the Prisoners was not allowed to return the Pannels and his duty was performed by the Coroner Dr Baidon.	The Council sent the Court of Directors of the United East India Company the record of a General Quarter Sessions held on 12 April 1809. A coroner's inquest sat on 21 March 1809 and returned a verdict of wilful murder against three lieutenants, Robert Wright, Onesiphorus Beale and Francis Seale. The dead man was Lieutenant Stephen Young. The three accused were sent to gaol on the strength of the verdict. Wright shot Young in a duel, and Beale and Seale acted as seconds in the fatal encounter. All three prisoners were born on the island and were linked to a number of its families. The authorities therefore took the greatest care to ensure a fair trial free of bias. Governor Beatson addressed the grand jury on this point. Several gentlemen then stood down, explaining that they were related by marriage to one or other of the accused. For the same reason, neither Mr Doveton nor Mr Leech took a seat on the bench, though Doveton was in any case unwell. The sheriff was also related to one of the prisoners. He was not permitted to draw up the jury lists, and the coroner, Dr Baidon, did this work in his place. Interpretations English law drew no distinction between killing in a duel and any other deliberate killing. A death in a duel was murder, however formally the encounter was arranged. The seconds were treated as accomplices, since they helped to plan and carry out the meeting. The inquest's verdict against all three men therefore followed the strict law. Juries in England often refused to convict duellists, especially officers and gentlemen. The Council's report shows that the island's authorities intended the case to take its full legal course, even though the accused came from its own leading families. The measures taken against bias show how closely related the island's small settler community was. On St Helena, grand jurors, justices and the sheriff all proved to have family ties with the accused. In England, such links could be avoided simply by drawing jurors from a wider pool. Here the Governor's warning to the grand jury had to clear out jurors who were kinsmen by marriage. Two members of the Council stood aside, and the sheriff lost his ordinary function. The panels were the lists of men summoned for jury service. Drawing them up was one of the sheriff's standard duties, and whoever chose the names could shape the jury. The sheriff's kinship with a prisoner therefore disqualified him from this task. English practice dealt with a partial sheriff by passing the duty to the coroner. The island followed that rule by giving the work to Dr Baidon, who held the office of coroner as well as practising as a doctor.
133	126	A Grand Jury composed entirely of unexceptionable Gentlemen, was empannelled and sworn, by whom a true Bill for Murder was found against the prisoners. The same circumspection was observed in regard to the Petit as the Grand Jury. A list of thirty three Persons (including Captn Cowham of the <i>Camperdown</i> and two of his Officers) was returned by the Coroner and their	The court took great care over the grand jury in the duelling case, and the men finally sworn in were gentlemen against whom no objection could be raised. The grand jury found that there was a case for murder against the three prisoners and sent them for trial. The trial jury was chosen with equal care. The coroner drew up a list of 33 men. This included Captain Cowham of the <i>Camperdown</i> and two of his

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		names being written on separate slips of paper were put into a hat from which twelve were drawn indiscriminately: one or two of them, that were thus drawn challenged themselves as being distantly connected to the Prisoners, & after some others were challenged by them & the vacancies filled up by drawing additional names from the hat, twelve men wholly unobjectionable were -were impan-nelled and sworn - Having thus adopted every possible precaution to guard against the least undue bias either for or against the Prisoners, we had moreover the satisfaction to observe that out of the twelve Jurors not one was a Native of the Island, and after a full examination of the witnesses the Jury brought in a Verdict not guilty.	officers. Each name was written on its own slip of paper and put in a hat, and 12 were drawn out at random. One or two of those chosen stood down themselves because of distant family ties with the accused. The prisoners objected to several others. The court filled each vacancy by drawing a further name from the hat. In the end 12 men were sworn to whom no one could raise any objection. The Council was satisfied that every possible step had been taken to prevent the slightest bias, whether in the prisoners' favour or against them. It was also pleased to note that not one of the 12 jurors was born on the island. After hearing all the witnesses in full, the jury acquitted the prisoners. Interpretations Drawing jurors by lot from a hat was a departure from ordinary practice. It removed the discretion the officer who returned the panel would otherwise have had over who actually served. The coroner had already taken over from the sheriff, whose kinship with a prisoner disqualified him. Drawing lots added a second safeguard, because it ensured that even the substitute officer could not pick the twelve. The Council's report was meant to show the Directors that the verdict could not be attributed to a packed jury, whatever the outcome. Including a ship's captain and his officers on the list was a practical answer to the island's closely connected population. Men from a ship in the road had no ties to island families. By adding them, the court widened a pool that would otherwise have been drawn wholly from inhabitants related to the accused. The Council took pride that no island-born man sat on the jury. This shows how far it had to go to secure impartiality in a community where almost every settler was related to the leading families. The acquittal matched the usual outcome of duelling trials in England. Juries there routinely refused to convict when the fight had been fairly conducted, whatever the strict law said. The Council's careful account of its procedures appears designed to anticipate an objection from London. It meant to show that the prisoners went free because a neutral jury weighed the evidence, not because their families protected them.
134	127	From the excellent character given of these three unhappy young men by all who know them here and from the deep and sincere repentance which was manifested in their demeanor whilst in Prison, as well as a most affecting scene which was exhibited when they were brought to the bar, we trust from all circumstances that the fatal event in which they were unhappily concerned has made such an impression on their minds as may here render them valuable Members of Society. We have the honor to be Honble Sirs Your obedient humble Servts. St Helena 8th May 18[09] Signed A Beatson C. S. Broughton To The Honorable the Court of Directors for Affairs of the United East India Company. Honble Sirs Upon the 4th January Depositions were taken	The three young men who fought the duel were spoken of highly by everyone on the island who knew them. While in prison they showed deep and genuine remorse. When they were brought before the court, their appearance at the bar produced a deeply moving scene. The Council therefore hoped that the tragedy in which they had become caught up had left a lasting mark on them. It believed they might yet become useful members of the community. The letter was written at St Helena on 8 May 1810 and signed by A Beatson and E S Broughton. In a later letter to the Court of Directors of the United East India Company, the Council reported that sworn statements were taken on 4 January. Interpretations Only two members signed the letter reporting the duel. Doveton and Leech had kept off the bench because of their family links with the accused, and they stayed out of the report to London for the same reason. The Council's closing words about the prisoners' character and remorse served a purpose beyond sympathy. The Directors might well have questioned an acquittal in a murder case involving the sons of leading island families. By stressing the men's repentance and good name, the Council presented the verdict as a just outcome, not a lapse in the rule of law. It also set the three men up to return to island life and, in the case of the two

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			seconds and Wright, to the service in which they held their commissions.
135	128	taken before Robert Leech Esqr one of the Justices against Patrick Jones for a Rape upon Eleanor Thompson an Infant under Nine years Old, and the circumstances were such to induce Mr Leech to commit the accused Person for Trial - but as the Quarter Sessions were to be held on the 10th following, the Bench of Justices took into consideration the short notice which the Prisoner would have previous to Trial, and therefore upon assembling the Court on the regular day it was adjourned in form until fourteen days after, when the Prisoner was found Guilty and condemned, and the Sentence of the Law was put into execution - the Proceedings form a Number in the Packet - We also transmit a Copy of the Record of Proceedings in regard to the Slave Laws from the 21 July 1809 to the 20th January 1810, inclusive. We have the honor to be Honorable Sirs Your Obedient humble Servants St Helena 30 April 1810. Signed Alex Beatson C S Broughton W W Doveton Robert Leech	The sworn statements taken on 4 January 1810 concerned a charge against Patrick Jones, accused of raping Eleanor Thompson, a girl under nine years of age. The statements were made before Robert Leech, one of the justices. The evidence was strong enough for Leech to send Jones for trial. The Quarter Sessions were due to open on 10 January 1810. The justices recognised that this would give the prisoner very little time to prepare his defence. When the court met on the appointed day, it formally adjourned for 14 days. At the resumed sitting on 24 January 1810, Jones was convicted and sentenced to death, and the sentence was carried out. The record of the trial was sent with the other papers in the packet. The Council also enclosed a copy of the record of proceedings under the laws governing slaves, covering the period from 21 July 1809 to 20 January 1810. The letter was written at St Helena on 30 April 1810 and signed by Alexander Beatson, E S Broughton, W W Doveton and Robert Leech. Interpretations The adjournment shows the justices giving an accused man a procedural protection that English law did not strictly require. A prisoner committed shortly before the sessions could lawfully be tried at them. The bench chose instead to delay a capital trial by two weeks so that Jones could prepare his answer. The Council reported this to the Directors, even though the crime was one likely to arouse strong feeling against the accused. It was evidently keen to show London that even a man charged with so grave an offence had received a fair trial before being hanged. The contrast with other capital cases in this series is marked. For Thomas Roper on 14 March 1800 and Thomas McMeines on 2 May 1807, the Council sought royal pardons after the jury recommended mercy. Here there was no such recommendation. The sentence was carried out on the island without any reference to London, in the same way as Richard Brennan's execution for rape, reported on 21 April 1801. The island government held and used the power to put a man to death on its own authority, turning to the Crown only when a jury or its own findings gave grounds for mercy.
136	129	To the Honble Court of Directors &ca Honble Sirs We do ourselves the honor to transmit the proceedings of a General quarterly Sessions held on the 4th October, which John Bowles a Soldier was indicted and tried for Felony and burglary. - The Jury acquitted him of the burglary but found him Guilty of the Felony to the value of Six Shillings as expressed in the indictment, - the crime being therefore considered as falling - under the denomination of Grand Larceny within a House the Sentence of the Law was accordingly pronounced upon the Prisoner. According to Blackstone Vol. 4th Page 240 the benefit of clergy is taken from larcenies committed in the House in almost every instance, which is also corroborated by Burns and Jacobs. We could not however find a case exactly similar to that before us, and upon reference to the M.S. Book of instructions framed for the Guidance of the Governor and Council at the period when the present Court of Judicature was instituted on this Island, we find the following passage "When a Person is "indicted of Burglary and the Jury acquit him "of	The Council sent the Court of Directors the record of a General Quarter Sessions held on 4 October 1809. The letter-book entry carried a note that this letter belonged before the one of 30 April 1810. At the sessions, a soldier named John Bowles was tried for felony and burglary. The jury cleared him of burglary. It convicted him of theft, however, putting the value of the goods at £0 6s 0d, the figure stated in the charge. The court treated the offence as grand larceny committed within a house, and passed the sentence the law laid down for that crime. The Council set out the legal grounds for this decision. Blackstone's Commentaries, in the fourth volume at page 240, stated that thefts from a house were denied benefit of clergy in almost every case. Burn and Jacob's works confirmed this. The Council could not find a precedent exactly matching Bowles's case. It therefore turned to the manuscript book of instructions drawn up for the Governor and Council when the island's present Court of Judicature was founded. That book contained a passage covering a prisoner charged with burglary whom the jury had acquitted of that crime. Interpretations Benefit of clergy decided whether a convicted felon lived or died. Originally it had spared

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		Margin Notes: The following letter should have been entered before that of the 30 April 1810 -	clergymen from the secular courts. By this date it had become a means by which first offenders convicted of many felonies escaped the gallows, usually with branding or transportation instead. Parliament had steadily removed the benefit from particular crimes, making them capital without exception. Several statutes denied it for thefts from houses and shops above set values. The difficulty in Bowles's case was that he was acquitted of burglary, which was itself capital. His conviction for the lesser theft left the question of whether the sum of £10 6s 0d, taken within a house, still fell among the offences for which benefit of clergy had been removed. The answer determined whether he would hang. The Council's reliance on printed authorities shows how the island's lay justices worked without trained lawyers. Blackstone's Commentaries was the standard account of English law. Burn's Justice of the Peace was the working manual for magistrates, and Jacob's Law Dictionary was a widely used reference. None of the justices were lawyers, and on a matter of life and death they justified their reading of the law by citing these books to the Directors. When the printed works offered no exact precedent, the Council fell back on the manuscript instructions issued with the island's charter of justice. This reveals a layered system of authority. English statute and textbooks supplied the general rules, and the Company's own written guidance filled the gaps on how those rules should apply at St Helena.
137	130	of the Burglary and find him Guilty of the Felony only the Judgement must be marked upon the indictment as follows viz - "He put himself upon his Country and "they have found him Guilty of the felony only and "acquit him as to the Burglary No Goods or Chattles "let him be burnt in the Hand" &ca Notwithstanding therefore that the Prisoner was convicted of larceny in a house to the value of Six Shillings yet in so serious a case as that of Life and Death we could never think of carrying into execution the Sentence of the Law, even upon the authorities we have quoted whilst a shadow of doubt remained upon our minds more especially as the Jury recommended the Prisoner to mercy. Under all these circumstances we had recourse to the instructions from your Honble Court contained in the 3d Paragraph of your Law Letter dated 16th November 1763, and we have according resolved to suspend the execution of the Prisoner until we can receive further directions for our conduct, and until we shall know whether His Majesty shall be Graciously Pleased to extend to the Prisoner his Royal Mercy. The dwelling House mentioned in the indictment being denominated the residence of Colonel Beatson it appeared that according to the Laws which regard the appointment of Judges in England that there might be an impropriety	The manuscript book of instructions gave a set form for such a case. Where a jury acquitted a prisoner of burglary but convicted him of the underlying theft, the judgment was to be written on the charge sheet. It was to record that the prisoner chose trial by jury, and that the jury found him guilty of theft alone and cleared him of burglary. It was also to note that he had no goods or property to be forfeited. The sentence was that he should be branded on the hand. Bowles had been convicted of theft from a house to the value of £10 6s 0d. Even so, the Council would not carry out the death sentence while any doubt remained in its members' minds, whatever the authorities they had cited. A man's life was at stake, and the jury had also recommended him to mercy. The Council therefore turned to the instructions in the third paragraph of the Court's legal letter of 16 November 1763. Under that guidance it decided to postpone the execution. The delay would last until the Court sent further orders and the Council learned whether the King would grant Bowles a royal pardon. The house named in the charge was the residence of Governor Beatson. Under the English rules on the appointment of judges, this raised a question of propriety about his part in the case. Interpretations Branding on the hand was the mark of a felon who had been granted benefit of clergy. A brand on the thumb showed that he had claimed the privilege once and could not do so again. The prescribed form of judgment therefore assumed that a theft conviction following an acquittal for burglary was not capital. This conflicted with the reading of Blackstone, Burn and Jacob on which the court sentenced Bowles to death. The two authorities pointed in opposite directions. Faced with that conflict and with the jury's plea for mercy, the Council saw its doubt as grounds for holding back the execution. The note that Bowles had no goods or property reflected another consequence of a felony conviction. A convicted felon forfeited his possessions to the Crown, and the judgment had to

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			state what was to be seized. For a common soldier, the entry simply recorded that there was nothing to take. In effect, the forfeiture consequence was noted and then dismissed. The legal letter of 16 November 1763 was the standing authority that allowed the Governor and Council to delay an execution while awaiting orders from London. By relying on it, the Council did not overturn its own sentence. It left the sentence in force but suspended it until the Directors and the Crown could decide. In this way the island's court kept its authority to condemn while passing the final decision on mercy to the King. The difficulty over the Governor's house arose from the rule that no one should sit as judge in a case touching his own interests. Beatson presided over the bench as Governor, and the theft was from his own residence. English practice barred a judge from hearing a case in which he was, in effect, the injured party. On an island where the Governor sat as chief justice, this principle was bound to come under strain.
138	131	impropriety in his presiding at the Trial, for which reason he withdrew from the Bench before the Court was opened on the Commission of Gaol delivery. We have also the honor to forward a Duplicate of our law Letter dated 8 May 1809 together with the Duplicate of We have the Honor &ca St Helena 11 Octr 1809 Signed Alex Beatson C S Broughton W W Doveton Robert Leech To The Honble Court of Directors &ca Honble Sirs, By the present conveyance We have the honor to forward the Proceedings of two General Quarterly Sessions together with Proceedings in regard to the Slave Laws from the 19th February to 2nd July 1810 - We have the honor to be &c St Helena 7 Feby 1811 (Signed) Alexr Beatson Edw. S. Broughton W W Doveton Robert Leech - A duplicate proceedings of a general quarterly Sessions held on the 12th April, the original proceedings of a Sessions on the 12 July and a copy of the record of proceedings in regard to the Slave Laws from the 20th Jany to the 3d July Margin Notes: Gd pr Bath	Governor Beatson recognised that it could be improper for him to preside at Bowles's trial, since the theft took place in his own house. For that reason he left the bench before the court opened its sitting to try the prisoners held in gaol. The Council also sent a duplicate of its legal letter of 8 May 1809, along with the duplicate of [...]. The letter was written at St Helena on 11 October 1809 and signed by Alexander Beatson, E S Broughton, W W Doveton and Robert Leech. In a later dispatch, the Council sent the Court of Directors the records of two General Quarter Sessions. With them went the proceedings under the laws governing slaves for the period from 19 February 1810 to 2 July 1810. This letter was written at St Helena on 7 February 1811 and signed by Alexander Beatson, Edward S Broughton, W W Doveton and Robert Leech. A note entered beneath the letter listed further papers sent with it. These were a duplicate record of the General Quarter Sessions held on 12 April 1810, the original record of a sessions held on 12 July 1810 and a copy of the proceedings under the laws governing slaves from 20 January 1810 to 3 July 1810. Interpretations The commission of gaol delivery was the authority under which a court tried the prisoners held in gaol, emptying it of those awaiting trial. At St Helena this power was exercised at the Quarter Sessions. The Governor's withdrawal before the court formally opened was significant. He did not simply abstain from the verdict. He took no part in the proceedings at all, which kept the conviction free of any objection that the injured party had sat in judgement. The same concern with visible impartiality shaped the duelling trial, in which Doveton and Leech stood aside. Duplicates were a routine safeguard in the Company's correspondence with its outposts. Each important dispatch was sent in two or more copies by different ships, so that the loss of one vessel at sea or to an enemy would not cut off communication. The note listing a duplicate of one sessions and the original of another shows the island sending its records home piecemeal, as ships became available, rather than in single complete packets.
139	132	to the Honorable Court of Directors &c &c &c - Honorable Sirs, By the present conveyance	The Council sent the Court of Directors the records of three General Quarter Sessions, held on 3 October 1810, 9 January 1811 and 24 April 1811. It also enclosed a copy of the proceedings under the laws governing slaves for the period from 3 August

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		We have the honor to transmit the proceedings of three General Quarterly Sessions held on the 3rd October 1810 9th January & 24th April 1811 - together with a Copy of proceedings regarding the Slave laws from the 3rd August to 31st Decr 1810 - We have the honor to be &c (Signed) Alexr Beatson C S Broughton W. W. Doveton Robert Leech St Helena 17th May 1811 To The Honorable the Court of Directors &c &c &c Honble Sirs By the present conveyance we transmit the proceedings of two general Quarterly Sessions held on the 10th July & 2nd October 1811, together with proceedings in consequence of the Slave laws from the 11th January to the 14th June 1811 -	1810 to 31 December 1810. The letter was written at St Helena on 17 May 1811 and signed by Alexander Beatson, E S Broughton, W W Doveton and Robert Leech. In a later dispatch, the Council forwarded the records of two General Quarter Sessions, held on 10 July 1811 and 2 October 1811. With them went the proceedings under the laws governing slaves for the period from 11 January 1811 to 14 June 1811.
140	133	We likewise forward depositions taken before the Acting Magistrate on the subject of Captain Bevill having entered a man upon his passage from the Cape, to this island, contrary to Law as Mr Leech conceives - and therefore thinks Captain Bevill ought to be fined. His opinion with that of the Governor, is entered at the close of the examinations. - St Helena 21st January 1812 We have the honor to be Honble Sirs Your most obedient Servants Alex Beatson C S Broughton W W Doveton Robert Leech To The Honorable the Court of Directors for affairs &c &c Honble Sirs, By the present conveyance we have the honor to transmit the original proceedings of a general quarterly Sessions held on the 8th January 1812, together with the proceedings in regard to the Slave Laws from the 26th July to the 23d December 1811. We have the honor to be &c St Helena 14th March 1812 Signed Alex Beatson C S Broughton W W Doveton Robert Leech Margin Notes: Cd	The Council also forwarded sworn statements taken before the magistrate on duty about Captain Bevill. During his voyage from the Cape to St Helena, Bevill had taken a man into his ship's company. Mr Leech considered this unlawful and believed that Bevill should be fined. Leech's view, together with that of Governor Beatson, was recorded at the end of the examinations. The letter was written at St Helena on 21 January 1812 and signed by Alexander Beatson, E S Broughton, W W Doveton and Robert Leech. In a later letter, the Council sent the Court of Directors the original record of the General Quarter Sessions held on 8 January 1812. With it went the proceedings under the laws governing slaves for the period from 26 July 1811 to 23 December 1811. This letter was written at St Helena on 14 March 1812 and carried the same four signatures. Interpretations Taking a man into a ship's company at sea was a serious matter because it bypassed the controls on who could leave one port and arrive at another. The Company closely regulated movement to and from St Helena, and the Cape was then a British possession with its own restrictions on departure. A man signed on during the passage might be a deserter, a runaway servant or someone without leave to travel. His arrival at the island would then escape the checks the Council imposed on everyone who landed. Leech's call for a fine treated the captain as responsible for whoever came ashore from his ship. The Council sent the Governor's opinion to London alongside Leech's, instead of reaching a single decision on the island. This suggests that the two men did not agree on whether Bevill should be punished. By setting out both views, the Council left the Directors to decide. It did so even though fining a ship's master for breach of island law was the kind of penalty the justices ordinarily imposed themselves.
141	134	To The Honorable the Court of Directors Honorable Sirs. By the present conveyance We forward the Proceedings of Two General Quarterly Sessions held on the 8 April and 8 July 1812 together with a Copy of the Records of Proceedings regarding the Slave Laws from the 13 January to the 29th June last - We have the honor to be &c	The Council sent the Court of Directors the records of two General Quarter Sessions, held on 8 April 1812 and 8 July 1812. It also enclosed a copy of the proceedings under the laws governing slaves for the period from 13 January 1812 to 29 June 1812. The letter was written at St Helena on 21 August 1812 and signed by Alexander Beatson, E S Broughton, W W Doveton and Robert Leech. In a later dispatch to the Court of Directors of the United East India Company, the Council forwarded

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		St Helena 21st August 1812 (Signed) Alex Beatson C. S. Broughton W. W. Doveton Robert Leech To The Honorable the Court of Directors for Affairs of the United East India Company Honble Sirs By the present conveyance we have the honor to transmit the proceedings at two General Quarterly Sessions that held on the 7 Octr contains the trials of James Bucknell and Thomas Bates, the former was indicted for a fraud	the record of the General Quarter Sessions held on 7 October 1812. This record included the trials of James Bucknell and Thomas Bates.
142	135	fraud, found guilty and was sentenced to stand two hours in the pillory, which was put into execution - the latter indicted for grand Larceny was acquitted. At the Sessions held on the 13th January an action was tried wherein Casar a free black man was Plaintiff and the Executors of the late Mrs Ann Seale and the Administrators of the late Lieut Stephen Young were defendants: the point at issue was the property in a Slave woman named Susan, and two Children Mary & Charlotte. A verdict was found for the Plaintiff - Upon this result arises a question which we humbly submit to the decision of your Honble Court - By your orders dated 12 February 1724 par 46 no Black can be the proprietor of a Slave, and by the Code of Slave Laws now in force, no Slave can become free unless a bond for £100 0s 0d shall be deposited with the Church Wardens to indemnify the Parish from expence: It is well known that Casar has not the means of complying with the above obligation were he desirous that Susan & her two Children should be free, and from the many instances on record of your Honble Courts humane disposition and of your wishes to check Slavery we need hardly state our belief that in the present case you will pronounce the freedom of Susan and her Children may	James Bucknell was convicted of fraud and sentenced to stand in the pillory for two hours, and the punishment was carried out. Thomas Bates faced a charge of grand larceny and was acquitted. At the sessions held on 13 January 1813 the court heard a civil action brought by Caesar, a free black man. The defendants were the executors of the late Mrs Ann Seale and the administrators of the estate of the late Lieutenant Stephen Young. The dispute concerned ownership of a slave woman named Susan and her two children, Mary and Charlotte. The jury found in Caesar's favour. The verdict raised a question that the Council placed before the Court for decision. Under the Court's orders of 12 February 1725, in paragraph 46, no black person could own a slave. Under the code of laws governing slaves then in force, no slave could be freed unless a bond of £100 0s 0d was lodged with the churchwardens. The bond protected the parish from having to support the freed person. It was common knowledge that Caesar lacked the means to provide such a bond, even if he wished to free Susan and her children. The Council pointed to the many recorded instances of the Court's humane outlook and its wish to restrict slavery. On that basis it was confident that the Court would declare Susan and her children free. Interpretations The verdict created a legal deadlock. The jury decided that Caesar had the stronger claim to Susan and her children, but the Court's order of 1725 barred any black person from owning a slave. He could not keep them as property. The usual way out would have been to free them. The slave code, however, made freedom depend on a £100 0s 0d bond that Caesar could not raise. Neither lawful ownership nor lawful release was open to him. Only the Directors, as the authority behind both rules, could cut through the conflict, and the Council proposed that they do so by declaring the three free outright. The bond lodged with the churchwardens reveals the financial logic behind the island's rules on freeing slaves. A freed slave who fell into poverty would become a charge on the parish, which was funded by the inhabitants. The bond shifted that risk to the former owner. In practice it made freeing a slave an expense only the well-off could bear. It limited the growth of the free black population as much as it protected the parish purse. Caesar's case shows the rule working against a free black man who had won his claim in court. The pillory exposed an offender to public shame and to whatever the crowd chose to throw. It was used chiefly for offences of dishonesty such as fraud and perjury, where the aim was to mark a man's

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			character before the community. On an island as small as St Helena, the lasting stigma of public exposure probably counted for more than the two hours' physical ordeal. Lieutenant Stephen Young was the officer killed in the duel of March 1809. His estate was still being administered some four years later, which shows how slowly such affairs were settled on the island. It also shows that slaves formed part of the property passing through the estates of the island's officers and settlers.
143	136	Mary & Charlotte, without requiring from Caesar the usual bond for £100 0s 0d - We have also the honor to forward Copy of the Record of proceedings in consequence of the Slave laws, from the 13th July 1812 to the 4th January 1813. We have the honor to be &c Signed St Helena 1813 A Beatson C S Broughton W W Doveton R Leech To the Honble the Court of Directors for affairs of the United East India Company - Honble Sirs We have the honor to forward the proceed- -ings of a general quarterly Sessions held on the 28th of April at which Wm Alexander Solvin was capitally convicted and has suffered the sentence of the law for break- -ing open and stealing a trunk of boots and Shoes that had been landed on the quay from the Extra Ship Sovereign. We have the Honor to be &c St Helena - June 1813 Signed A Beatson C S Broughton W W Doveton R Leech	The Council asked the Court to free Susan and her children, Mary and Charlotte, without requiring Caesar to provide the usual bond of £100 0s 0d. It also enclosed a copy of the proceedings under the laws governing slaves for the period from 13 July 1812 to 4 January 1813. The letter was written at St Helena in 1813 and signed by A Beatson, E S Broughton, W W Doveton and R Leech. In a later letter to the Court of Directors of the United East India Company, the Council forwarded the record of the General Quarter Sessions held on 28 April 1813. At that sitting William Alexander Sol[...] was convicted of a capital crime. He had broken open a trunk of boots and shoes that had been landed on the quay from the extra ship <i>Sovereign</i>, and stolen it. He was put to death under the sentence of the law. This letter was written at St Helena in June 1813 and carried the same four signatures. Interpretations The execution shows how seriously the island treated theft from cargo landed on the quay. Almost everything St Helena consumed arrived by sea and passed across the landing place before reaching the stores or private buyers. Goods left on the quay were exposed and hard to guard. A theft there threatened the whole system by which the island was supplied and by which ships' officers sold their private trade to the inhabitants. The Council reported the hanging without any plea for mercy. In the case of John Bowles, reported on 11 October 1809, doubt over the law and the jury's recommendation led it to hold back a death sentence for a theft of £0 6s 0d. Here, with the crime plainly capital and no recommendation from the jury, the sentence went ahead as a warning.
144	137	To The Honorable the Court of Directors &c &c &c Honorable Sirs By the present dispatch we have the honor to forward the Proceedings at a General Quarterly Sessions held on the 14th July. We have the honor to be &c Signed A Beatson T Skelton W W Doveton Robt Leech St Helena 21st Augt 1813 To The Honorable the Court of Directors &c &c &c Honorable Sirs By the present conveyance we transmit the proceedings of two general Quarterly Sessions held on the 6th & 7th Octr and on the 12th Jany last. A female Slave belonging to Capt Brabazon of this establishment having died after a short illness on the 29th August, some circumstances regarding the appearance of the body came to the knowledge of the Coroner who three days after the funeral had the corpse taken up - the verdict of the Inquest held on that occasion charged Mrs Brabazon with the crime of wilful	The Council sent the Court of Directors the record of the General Quarter Sessions held on 14 July 1813. The letter was written at St Helena on 21 August 1813 and signed by A Beatson, J Skelton, W W Doveton and Robert Leech. In a later letter, the Council forwarded the records of two General Quarter Sessions. The first sat on 6 and 7 October 1813, and the second on 12 January 1814. 2: A slave woman owned by Captain Bra[...], an officer in the island's service, died on 29 August 1813 after a brief illness. Reports about the state of her body then reached the coroner. Three days after her burial, he had the body dug up. The inquest that followed returned a verdict of wilful murder against Mrs Bra[...]. The grand jury then found that she should stand trial on the same charge. Interpretations The case shows that the killing of a slave was treated as murder at St Helena, with the full machinery of the criminal law brought to bear. The coroner acted on reports alone, after the woman was already buried, and ordered her body raised for examination. The grand jury then sent the accused for trial. The accused was the wife of a Company officer, a woman of standing in the island's small society. The prosecution of a member of the officer

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		murder and an Indictment to the same effect was found by the Grand Jury - upon the Trial Margin Notes: Ed	class for the death of her own slave marked the island's slave code as law that bound owners as well as slaves. Exhumation was a drastic step in a close community. It suggests the reports about the body were specific and serious, probably pointing to injuries inconsistent with the illness given as the cause of death. The coroner's willingness to reopen a grave on such information shows that his office functioned as a real check on the treatment of slaves. It could look behind the account an owner offered to the authorities.
145	138	Trial however (which exhibited much contradictory evidence) the prisoner was declared not guilty. A true Bill was also found against Capt Brad, for a misdemeanor in neglecting to prevent the illtreatment of two his Slaves and the Petit Jury brought in a verdict of guilty. Both of these verdicts appeared to us a necessary consequence of the Evidence, because whatever disgraceful acts of cruelty were committed by Mrs Brad it was not nevertheless established upon the trial that those acts did did occasion the death of the deceased & consequently the Jury could not legally have convicted the prisoner even of Manslaughter. In regard to Captn Brad altho he did not appear to have been personally concerned or even to have countenanced any sort of cruelty yet as he had not taken effectual measures for the protection of the Slaves in his house such neglect was very properly regarded in a criminal light by the Jury - and the punishment awarded by the Bench was a fine of £75 0s 0d. Having thus reported to your Honble Court the leading circumstances of these trials, it is incumbent on us to state that instances of improper severity towards Slaves on this Island are rare a fact which is abundantly proved by an inspection of the Records of Proceedings relating to the present excellent code of Slave Laws. In few cases have masters incurred fines and those fines have been most commonly awarded in consequence of chastisement	At Mrs Bra[...]'s trial the witnesses gave widely conflicting accounts, and the jury acquitted her. 3: The grand jury also sent Captain Bra[...] for trial on a lesser charge. He was accused of failing to prevent the ill-treatment of two of his slaves. The trial jury convicted him. 4: The Council considered that the evidence required both verdicts. Whatever shameful cruelty Mrs Bra[...] had inflicted, the trial did not prove that her acts caused the woman's death. Without that proof, the jury had no lawful ground to convict her even of manslaughter. 5: Captain Bra[...] did not seem to have taken part in any cruelty himself or to have approved of it. He had, however, failed to take proper steps to protect the slaves in his household. The jury was right, in the Council's view, to treat that failure as a crime. The bench fined him £75 0s 0d. 6: Having set out the main facts of these trials, the Council felt bound to assure the Court that excessive harshness towards slaves was very rare on the island. The records of proceedings kept under the island's slave code, which the Council regarded as excellent, amply bore this out. Owners had been fined in only a few cases, and those fines mostly arose from the physical punishment of slaves. Interpretations Mrs Bra[...] 's acquittal turned on the rule that a killing charge required proof that the accused's acts caused the death. The jury could accept that she had treated the woman cruelly and still be bound to acquit her. The slave had been ill before she died, and the conflicting evidence left open whether illness or ill-treatment killed her. Manslaughter needed the same link between act and death as murder. With that link unproven, cruelty alone could not support a conviction for either. The Council's defence of the verdict shows that it applied the ordinary rules of English criminal law to the death of a slave, without lowering the standard of proof in either direction. Captain Bra[...] 's conviction rested on a different principle, one particular to the slave code. An owner was held criminally responsible for how slaves in his household were treated, even where he had not inflicted or approved the cruelty himself. The duty to protect them was his, and failing in it was an offence. The fine of £75 0s 0d was a substantial sum. It made the head of a household answerable for violence within it, a responsibility English law did not generally impose on a master for the acts of his wife. The Council's closing assurance was aimed at readers in London, where by 1813 the slave trade had been abolished and the treatment of slaves in British colonies was under close public scrutiny. The Council offered its own records as proof that cruelty was rare. The Directors had already been told on 21 April 1801 of an execution for rape and on 17 May 1802 that slave complaints had fallen. Here the Council set a scandalous case against the evidence of routine enforcement, in order to present it as an exception rather than a sign of general abuse.

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146	139	chastisement being inflicted in a different mode perhaps with less severity than what is permitted The Governor's sentiments on these & other points connected with the above trials are comprized in his charge to the Grand Jury of which a copy is inserted in the St Helena Monthly Register for October. The Proceedings of Sessions held on the 12th Jany contains the indictment and acquittal of James Benson for Larceny. We likewise forward two sets of the Proceedings in regard to the Slave laws, one from the 10th Jany to 12th July 1813 - the other from July to 3d Jany 1814 - We have the honor to be &c Signed Mark Wilks T Skelton W W Doveton R Leech. St Helena 21st Feby 1814	The fines imposed on owners mostly arose where a slave was punished in a manner other than the law allowed, sometimes perhaps less harshly than the permitted punishment. Governor Wilks set out his views on these matters and others arising from the trials in his address to the grand jury. A copy was printed in the October issue of the St Helena Monthly Register. 7: The record of the sessions held on 12 January 1814 included the trial of James Benson on a charge of theft. He was acquitted. 8: The Council also forwarded two sets of proceedings under the laws governing slaves. The first ran from 10 January 1813 to 12 July 1813, and the second from July 1813 to 3 January 1814. The letter was written at St Helena on 21 February 1814 and signed by Mark Wilks, J Skelton, W W Doveton and R Leech. Interpretations The Council's remark about the manner of punishment shows how closely the slave code regulated physical discipline. It did not simply cap how severe a punishment could be. It prescribed the form punishment had to take. An owner who beat a slave in an unauthorised way could be fined even where the harm done was less than the law would have permitted. The rule served to keep punishment within fixed, recognisable limits that magistrates could check. It also took from owners the freedom to invent their own penalties. By pointing out that most fines were for irregularity of form rather than cruelty, the Council strengthened its claim that serious abuse was rare. The Governor's address to the grand jury was his formal statement of the law and of the court's concerns at the opening of the sessions. Printing it in the St Helena Monthly Register carried it beyond the courtroom to every literate inhabitant. After the Bra[...] trials, the address probably served to state publicly how owners were expected to treat their slaves. Publication turned a judicial address into a proclamation of government policy. It also let the Council point the Directors to a public record of its stance.
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148	141	Blank page	
149	142	Blank page	
150	143	Honble Sirs By the present conveyance we transmit the Proceedings at a two general Quarterly Sessions held on the 6th & 7th October and on the 12 Jany last Some circumstances regarding the appearance of the body of A female Slave belonging to Captain Braid of this establisht having died on after a short illness on the 29th August, some appearance circumstances regarding the appearance of the body came to the knowledge of the Coroner who three days after the funeral, had the corpse taken up, and The verdict of the Inquest held on that occasion charged Mrs Braid with the crime of Wilful Murder and an Indictment to the same effect was found by the Grand Jury. - Upon the trial however (which exhibited much contradictory evidence) the Prisoner was declared Not Guilty. A true bill was also found against	1: The Council sent the Court of Directors the records of two General Quarter Sessions. The first sat on 6 and 7 October 1813, and the second on 12 January 1814. Start of crossed out section 2: The paragraph first opened with the reports about the state of the body. End of crossed out section 2: A slave woman owned by Captain Beard, an officer in the island's service, died on 29 August 1813 after a brief illness. Reports about the state of her body later reached the coroner. Three days after the funeral, he ordered the body to be dug up. The inquest that followed returned a verdict of wilful murder against Mrs Beard. The grand jury then sent her for trial on the same charge. The evidence at the trial was highly contradictory, and she was acquitted. 3: The grand jury also returned a further bill of indictment.
151	144	against Captain Braid for a misdemeanor in neglecting to prevent the illtreatment of two of his Slaves,	3: The grand jury also sent Captain Beard for trial on a lesser charge of failing to prevent the ill-treatment of two of his slaves.

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		and altho he did not appear to have been personally concerned or even to have countenanced any acts of cruelty yet and the Petit Jury brought in a Verdict of Guilty. Both [...] of these verdicts we have to express our entire concurrence, because, whatever disgraceful acts [...] [...] upon the trial, that such acts of disgraceful acts of cruelty were might be committed by Mrs Braid, yet those acts, did not were [...] connected [...] with any circumstances, which [...] occasioned the death of the deceased, and consequently the Jury could not legally with propriety have convicted the Prisoner been found a verdict even of manslaughter. In regard to Capt'n Braid altho he did not appear to have been personally concerned in or even to have countenanced any sort of cruelty, yet as he had did not taken Margin Notes: & of cruelty were committed by Mrs Braid, & was not [...] established those acts did [...]	Start of crossed out section The draft at first added that, although he did not seem to have been personally involved in any cruelty or to have approved of it, the trial jury still convicted him. End of crossed out section The trial jury found him guilty. Start of crossed out section 4: The Council first wrote that it agreed wholeheartedly with both verdicts. In its view, the trial clearly showed that Mrs Beard might have committed shameful acts of cruelty, yet those acts had no connection whatever with anything that could have caused the woman's death. The jury therefore could not properly have returned a verdict of manslaughter. End of crossed out section 4: The Council agreed with both verdicts. Whatever shameful cruelty Mrs Beard had committed, the trial did not prove that her acts caused the woman's death. The jury therefore had no lawful ground to convict her even of manslaughter. 5: Captain Beard did not seem to have taken part in any cruelty himself or to have approved of it. Interpretations The revisions to paragraph 4 change the Council's position in a telling way. The first draft cleared Mrs Beard more fully than the evidence allowed. It claimed the trial had shown her cruelty to be entirely unconnected with the death. The corrected text claimed only that the connection had not been proved. This was a far narrower statement, and it matched the contradictory evidence the Council itself described. The change turned an assertion of her innocence into an acknowledgement of reasonable doubt. It also avoided implying to the Directors that the island's government regarded proven cruelty to a slave as irrelevant to her death. The clause about Captain Beard's lack of personal involvement was struck from paragraph 3 and moved to paragraph 5. There it no longer stood next to the report of his conviction, where it might have suggested the jury had convicted an innocent man. Instead it became the first step of an argument that his offence was neglect of a duty to protect his slaves, not participation in their abuse.
152	145	effectual measures for the protection of the Slaves in his house, such neglect was very properly regarded in a criminal light by the Jury and the punishment awarded by the Bench was a fine of £75 0s 0d. Having thus reported to your Honble Court the leading circumstances of these trials, we feel it is incumbent on us to state that instances of improper severity cruelty towards Slaves on this Island are rare; indeed a fact which is have been unknown for so many years past they have been [...] abundantly proved by an inspection of the Record of Proceedings relating to the present excellent code of Slave Laws. - In few cases, have Master incurred a fines, and those fines have been most commonly awarded for a breach of the letter in consequence of chastisement being inflicted rather than the spirit of the law which in a different mode, tho' probably perhaps prescribes the extreme limits as the with less severity than what is permitted only the by the law. The Governors sentiments on	Captain Beard had failed to take proper steps to protect the slaves in his household. The jury rightly treated that failure as a crime, and the bench fined him £75 0s 0d. 6: Having set out the main facts of these trials, the Council felt bound to assure the Court that excessive harshness towards slaves was rare on the island. Start of crossed out section The draft first described the problem as cruelty rather than excessive harshness. It went on to claim that such cases had been unknown on the island for many years. End of crossed out section The records of proceedings under the island's slave code, which the Council regarded as excellent, amply bore this out. Owners had been fined in only a few cases. Start of crossed out section The draft first explained that these fines were mostly imposed for breaking the letter of the law rather than its spirit. It referred to the law's setting of the utmost limits of punishment, with the owner probably [...]. End of crossed out section The fines mostly arose where an owner punished a slave in a manner other than the law allowed, sometimes perhaps less harshly than the permitted punishment. The Governor set out his views on

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		this & other points connected with the above trials subject are comprized in his charge to the Grand Jury, of which [...] a copy [...] is inserted in the St Helena [...] We likewise forward by the present [...] a copy of the Record of Proceedings in regard to the Slave [...] Margin Notes: appeared [...] a [...] [...] of the evidence [...]	these and other matters arising from the trials in his address to the grand jury. Start of crossed out section The draft first stated that the Governor had sent a copy of the address in the packet [...]. End of crossed out section A copy of the address was printed in the St Helena Monthly Register. Start of crossed out section [...] End of crossed out section The Council also forwarded a copy of the record of proceedings under the laws governing slaves. Interpretations The corrections to paragraph 6 show the Council trimming its claims to what it could defend. The first draft said that cruelty towards slaves had been unknown on the island for many years. After the Beard case, that statement would have been hard to sustain before the Directors. The final text substituted the milder "improper severity" and called such cases rare, not absent. Since the Council was relying on its records as proof, it limited its claim to what those records could show. The struck phrase about the letter and the spirit of the law pointed the same way. The Council first proposed to excuse the fined owners as men who had broken a technicality while respecting the law's purpose. It replaced that argument with a plain factual account, that punishment had been given in an unauthorised form, perhaps less severe than permitted. The revised wording let the facts carry the point, and avoided an open plea that the law was being enforced too strictly against owners.
153	146	We likewise forward by the present dispatch the Proceedings of The Proceedings of a general quarterly Sessions held on the 12 Jany by which it will be perceived that James Benson in containing the Indictment & acquittal of James Benson for Larceny We likewise forward the two 2 sets of the Proceedings in regard to the Slave laws one from the 10 Jany to the 12 July 1813 - the other from July to 3 Jany 1814. We have the honor St Helena 21 Feby 1814 The Lieut Govr Law Letters [...] Margin Notes: [...]	Start of crossed out section The Council first wrote that it was also forwarding the proceedings in the present dispatch. End of crossed out section 7: The record of the General Quarter Sessions held on 12 January 1814 included the charge against James Benson for theft and his acquittal. Start of crossed out section The draft first said the record would show that James Benson was [...]. End of crossed out section 8: The Council also sent two sets of proceedings under the laws governing slaves. The first ran from 10 January 1813 to 12 July 1813, and the second from July 1813 to 3 January 1814. The draft was dated at St Helena on 21 February 1814. It was headed as the Law Letter and bore a note referring to the Lieutenant Governor. Start of crossed out section [...] End of crossed out section Interpretations The heading Law Letter marks this as part of a distinct series in the correspondence between St Helena and London. Judicial business, including court records, trials and questions of law, travelled separately from the general letters on trade, stores and administration. The Council's legal letter of 8 May 1809 and the Court's own legal letter of 16 November 1763 belonged to the same series. That 1763 letter was the authority the Council relied on to delay John Bowles's execution. Keeping legal matters apart allowed the Directors to pass them straight to their legal advisers. It also gave both sides a continuous record of rulings and instructions that could be cited as precedent decades later.
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<u>158</u>	151	EAP 1364 St Helena Document Name and Date Out Letters Judicial Department 1762 - 1814 Dimensions (h x w x depth) (cm) (H) 39 cm x (W) 26.5 cm (D) 3 cm No. written pages 141 No. blank pages 6 Spine and cover Good condition. Recently rebound. Inside pages Good condition. This volume is very tightly bound, which did make some of the left hand pages difficult to hold down. Additional comments Foxing present throughout. Time taken to photograph (hours) 2 hours.	