

Henry Dundas and Abolition – The Missing Pieces

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OVERVIEW

i. Introduction

A narrative has taken hold about the legacy of Henry Dundas. Many activists and scholars vilify him for what they understand to be his opposition to the abolition of the Atlantic slave trade. Fueled in part by inaccurate information on social media, they allege that Dundas caused a 15-year delay in the abolition of the slave trade. In Scotland, they have persuaded Edinburgh City Council to install a plaque containing factual errors about Dundas's role in the abolition movement. In Canada, they have persuaded Toronto City Council to consider renaming the iconic Dundas Street that runs through the city.

The Henry Dundas Committee for Public Education on Historic Scotland¹ wishes to highlight important evidence that has been ignored – evidence that shows that Dundas was an abolitionist.

A careful review of records of proceedings in Parliament, court documents, biographies of key players, and authoritative publications, points to an important truth: *Henry Dundas was the first parliamentarian in Britain to speak publicly in favour of the abolition of slavery and the slave trade.* Dundas consistently spoke against slavery, and never once voted against abolition, even when he disagreed with the specific proposals. He developed a plan for gradual abolition that could have ended British trafficking of Africans² long before Parliament enacted anti-slave trade legislation in 1807. Behind closed doors, he privately advised abolitionists on strategy.

This Committee supports Black Lives Matters, and agrees that concrete measures are needed to address centuries of vile racism against Black people. We also believe BLM deserves accurate information on which to stake its ground. Unfortunately, much of the information provided on social media about Henry Dundas is inaccurate. The misinformation has prompted anger and a call to action among those who believe the allegations on social media. Our purpose is to assist BLM, and anyone else who cares about these issues, to be informed about the evidence so that their choices for political action are based on a truthful account of history.

Henry Dundas was a moderate, principled, and practical abolitionist. It is time to tell his side of the story.

¹ A collaborative effort of the Henry Dundas Committee for Public Education on Historic Scotland, with members residing in Scotland and Canada. This paper is a work in progress. Earlier versions have been distributed to interested parties. The committee is grateful for the information provided by historians and others who have stepped forward from time to time, allowing us to improve and update our review of the evidence.

² We use “human trafficking” and “slave trade” interchangeably, recognizing that “human trafficking” is a contemporary preference while “slave trade” reflects the historical record.

ii. Analytical framework

The broad facts are not in dispute: Henry Dundas introduced an amendment to a motion for abolition of the slave trade, and his amendment resulted in the House of Commons resolving that the slave trade should be gradually abolished. It is also not disputed that 15 years passed before Parliament enacted the *Anti-Slave Trade Act 1807*. The central issue is whether there is a meaningful connection between those two events, i.e., whether Dundas’s amendment resulted in the delay, and whether this is what he intended.

This paper thus examines two questions:

1. Did Henry Dundas’s amendment, which inserted the term “gradual” into a motion for abolition, cause a 15-year delay in the abolition of the slave trade?
2. Did Henry Dundas intend to obstruct legislation for abolition of the slave trade?

The first question is about *causation*: Did Dundas cause the delay in abolishing the slave trade? In law, causation is proved using the “but for” test. To answer in the affirmative, the evidence here would have to show that William Wilberforce’s motion for immediate abolition would have resulted in abolition of the slave trade in 1792, “but for” Dundas’s amendment for “gradual” abolition.

The second question examines *motive or purpose*, an exercise that is often helpful in resolving competing theories of the facts. Motive is also relevant to a person’s moral culpability. Here, we consider whether Dundas intentionally set out to obstruct the abolition of the slave trade.

I. THE BEGINNING

1. Dundas achieves freedom for a slave in a landmark case

Henry Dundas as a young lawyer in Edinburgh could never have anticipated how he would first make history. In 1776, he was a brilliant young lawyer who had just been appointed as Scotland’s Lord Advocate – the equivalent of an attorney-general in Canada. Members of the Scottish Enlightenment sought him out to take on the case of Joseph Knight – an 18-year-old African man who was fighting for his right to be a free man in Scotland.

Knight had been born to African slaves in Jamaica, and “purchased” as a child by John Wedderburn, a Scottish plantation owner. Wedderburn had recognized in Joseph a certain intelligence. He treated him kindly, educated him, and in some ways treated him as a son. When Wedderburn returned to Scotland, he took Joseph with him, and continued his education while Joseph served the Wedderburn family in the manner of a servant.

Years later, Joseph Knight and the Wedderburns' housekeeper fell in love. They married. When his new wife became pregnant, Knight realized he needed to become a man who could care for his family. He had read about a legal case in England that gave him hope for the right to claim his freedom, so he approached Wedderburn. Could he be paid wages for his work, and could he live in a separate cottage with his new family? Wedderburn refused. He fired the housekeeper.

Knight planned his escape. Wedderburn discovered the plan, and called the police who arrested Knight before he could flee. Joseph, however, was armed with knowledge of the English decision, was determined to fight for his freedom.

When Dundas took up the case of *Knight v. Wedderburn* he was in his mid-20's and was a fellow-traveller with influential members of the Scottish Enlightenment, including Dr Samuel Johnson and Adam Smith.³ He led the team that fought for Knight's right to be freed from the status of a slave. When Wedderburn appealed to the Court of Session, Scotland's highest civil court, Dundas argued that "*Human nature, my Lords, spurns at the thought of slavery among any part of our species.*" No matter what the laws of Jamaica said, Dundas argued that Scottish law did not and could not countenance ownership of any human being.

A decisive majority of the court agreed, and declared that Joseph Knight was a free man.⁴

...the dominion assumed over this Negro, under the law of Jamaica, being unjust, could not be supported in this country to any extent. [...]

My opinion is upon a simple principle: Slavery is abolished by the law, or at least by the manners of this country, although in some places it is permitted from reasons of expediency. All rights of subjects in this country must be regulated by the law of this country [...].⁵

John Boswell was Samuel Johnson's eyes and ears at the hearings. Boswell reported back to him: "I cannot too highly praise the speech which Mr. Henry Dundas generously contributed to the cause of the sooty stranger." He went on to say:

Mr. Dundas's Scottish accent, which has been so often in vain obtruded as an objection to his powerful activities in Parliament, was no disadvantage to him in his own country. And I do declare, that upon this memorable question he impressed me, and I believe all his audience, with such feelings as were produced by some of the most eminent orations of antiquity.⁶

³ Boswell, James (1851). *The Life of Samuel Johnson: Volume III, 1776-1780*

⁴ *Joseph Knight, a Negro, v John Wedderburn, Esq.* [1778] Hailes 776 (15 January 1778) ("*Knight*") <https://www.bailii.org/scot/cases/ScotCS/1778/Hailes020776-0472.html>

⁵ *Knight, supra*

⁶ Lovat-Fraser, J.A., *Henry Dundas, Viscount Melville*, Cambridge University Press, 1916, p. 3 ("*Lovat-Fraser*") <http://ia800903.us.archive.org/32/items/henrydundasvisco00lovauoft/henrydundasvisco00lovauoft.pdf>

The decision in *Knight v. Wedderburn*⁷ marked a critical landmark in Scottish legal history. It declared in unambiguous terms that no one could be a slave on Scottish soil.

Dundas's critics downplay the importance of this case. They argue that Dundas's fight for the freedom of a Black man did not make him an abolitionist, that lawyers are hired guns and what they say in court cannot be taken to represent their personal views. Such arguments do not stand up to scrutiny. *Knight* concerned an issue of significant public importance. At the time Dundas was a newly-elected MP, and had recently been appointed Scotland's chief legal officer for civil and criminal affairs.⁸ He was embarking on a promising political career, and knew that everything he said in public would reflect on him personally.

Dundas's passionate advocacy on behalf of Knight is evidence that he held strong sympathies for the plight of enslaved Black people, and that he was prepared to fight for their freedom. This formative experience early in his legal career increases the likelihood that years later, Dundas was sincerely interested in abolishing the slave trade when he introduced his amendment and his subsequent 12-point plan.

2. Dundas's early support for Wilberforce's campaign

William Wilberforce began speaking publicly about abolition in 1784, before he became the leading parliamentary spokesperson for the cause. A frequently quoted observation of John Boswell, who witnessed Wilberforce addressing a crowd in York, reads:

“I saw,” said Boswell [...] “what seemed a mere shrimp mount upon the table; but as I listened, he grew, and grew, until the shrimp became a whale.”⁹

Historians frequently overlook the source of this passage. Those words were not written by Boswell. They were written by Henry Dundas in a letter to Wilberforce on March 30th, 1784. Dundas reported that he had just spent time with Boswell, and wished to convey Boswell's description of Wilberforce's performance. He went on to say:

I rejoice in the happy prospect of things with you.

Dundas thus demonstrated support and encouragement for Wilberforce's campaign for abolition from the very earliest days.

⁷ Ibid.

⁸ *History of Parliament: British Political, Social and Local History*, (published online by a charitable Trust composed principally of members and officers of both Houses of Parliament.)

<https://www.historyofparliamentonline.org/volume/1790-1820/member/dundas-henry-1742-1811#constituency>

⁹ Robert I. Wilberforce, Samuel Wilberforce, *The Life of William Wilberforce: In Five Volumes*, Volume 1, p. 54.

II. DUNDAS'S PUBLIC RECORD ON ABOLITION

1. Dundas proposes gradual abolition

In early 1792, William Wilberforce – the acknowledged leader of the abolition movement in Britain in the late 18th century – tabled a motion in the House of Commons to abolish the Atlantic slave trade. He faced a monumentally difficult task. A similar motion had gone down to a crushing defeat in 1791 by a vote of 163-88,¹⁰ and powerful opposing forces in Parliament remained.

In 1792, however, the political climate had changed. Hundreds of thousands of British citizens had signed petitions in support of abolition thanks to the tireless campaigning by William Wilberforce, an MP and one of the foremost leaders of the abolitionist movement. Nonetheless, members of Parliament were regularly lobbied by those with financial interests in the slave-based economies in the West Indies (“WI”), who emphasized that the British economy was heavily dependent on West Indian trade and commerce. Many MPs stood to suffer personal financial setbacks from immediate abolition, and the others were heavily lobbied by those with substantial WI investments. Between 40 and 50 members of Parliament were members of the “Society of West India Planters and Merchants”, a lobby group based in London comprised of direct investors, absentee plantation owners and paid agents who were intent on preserving the slave-based economy in the British colonies.¹¹ Several peers in the House of Lords were members of the Society. There was, in effect, a virtual wall of opposition against abolition. Even Edmund Burke, a conservative MP who had previously been an ardent supporter of immediate abolition, lost faith, abandoning the goal of immediate abolition, believing that it was impossible to overcome these obstacles.¹²

Historian Dale H. Porter, author of a definitive text on Britain’s abolition movement, assessed the prevailing forces and wrote that Wilberforce’s anti-slave-trade motion in 1792 was heading for a “resounding defeat.”¹³

¹⁰Cobbett, William, editor, *Cobbett's Parliamentary History - volume 29: Comprising the period from the twenty-second of March 1791, to the thirteenth of December 1792*, (“Cobbett, Vol 29”) “The Debate on a Motion for the Abolition of the Slave-trade, in the House of Commons, April 11, 1791, Reported in Detail,” p 359 <https://digital.bodleian.ox.ac.uk/inquire/p/4667b8fd-88e1-4532-abbc-70945bc99a65>

¹¹ O’Shaughnessy, Andrew J. “The Formation of a Commercial Lobby: The West India Interest, British Colonial Policy and the American Revolution.” *The Historical Journal*, vol. 40, no. 1, 1997, pp. 71–95, at p. 75, www.jstor.org/stable/3020953.

¹² Benedict Der, *Edmund Burke and Africa, 1772-1792*, Transactions of the Historical Society of Ghana , 1970, Vol. 11 (1970), pp 19-20, (“Edmund Burke and Africa”) <http://www.jstor.com/stable/41406356>

¹³ Porter, Dale H., *The Abolition of the Slave Trade, 1784-1807*, Archon Books, 1970, at p. 80

On April 2, 1792, debate in the Commons lasted through the night into the early hours of the next morning. Dundas was one of the last to speak. This was the first time he would speak publicly about the slave trade, although he noted that several MPs already knew from their private conversations that he favoured gradual abolition rather than immediate and “abrupt” abolition:¹⁴

My honourable friends [...] have very known that I have long entertained the same opinion with them as to the Abolition of the Slave Trade, though I have differed from them as to the mode of effecting it. I have felt equally warm with themselves I the pursuit of the general object, and I feel so at the present moment.¹⁵

[...]

My opinion has been always against the Slave Trade. **I will not, therefore, vote against his motion.** I may, however, think it proper to qualify it.¹⁶

Dundas canvassed the reasons for abolishing the trade, and said:

In all of these great leading questions I concur with my Honourable Friend; it may then be asked, Do you not agree then, to the Abolition of the Trade? I answer, that neither do I differ in this opinion. But, the point of difference between us is this: I cannot help doubting as to the prudence or practicability of the mode of abolishing it, as proposed by my friend.

Dundas then spoke specifically about Wilberforce, personally:

If ever there was a heart purer than any other – if ever there was a man that acted upon the purest motives that ever can actuate human nature, I believe I may justly say that my Honourable Friend is that man; but still, with respect to the prosecution of his object, and the manner which prudence would suggest with a view to the practicability of it, he must excuse my stating that there is a shade of difference between us.

Dundas argued that if Britain abolished the slave trade immediately, it would create a void in the trade that other countries would rush to fill. He also said planters would take to smuggling

¹⁴ Cobbett, Vol 29, p. 1104

¹⁵ *The Debate on a Motion for the Abolition of the Slave-trade: In the House of Commons*, April 2, 1792, p. 95.

<https://books.google.ca/books?id=5xHejAhwH0oC&dq=%22Debate%20on%20a%20Motion%20for%20the%20Abolition%20of%20the%20Slave-trade%22&pg=PA94#v=onepage&q=%22Debate%20on%20a%20Motion%20for%20the%20Abolition%20of%20the%20Slave-trade%22&f=false> There is no evidence that Dundas’s account of his personal and private support of abolition was ever contradicted, which suggests that he spoke truthfully when he said that he believed the slave trade should be abolished by gradual means.

¹⁶ *Ibid.*, at pp 97-98 [Emphasis added.]

slaves.¹⁷ He said this would be contrary to the humanitarian goals of abolition. Dundas proposed a compromise – a motion for abolition, but by gradual means.¹⁸

In a radical departure from the approach of Wilberforce and other abolitionists, Dundas proposed an end to hereditary slavery, i.e. an end to the right slave owners to lay claim to the newborn children of their slaves. Black children were to be educated, and after a period of service to the owners, would be emancipated. He anticipated “*the total annihilation of the slavery of these children.*”¹⁹

Dundas also proposed to mitigate financial harm to British citizens who had invested in the trade at the encouragement of Parliament.²⁰

Dundas’s proposal was more, in fact, than a plan for gradual abolition of the slave trade, which was the sole focus of the abolitionist movement at that time. Porter observed that Dundas’s plan was, in fact, a plan for the eventual abolition of slavery.

He meant regulations to improve living conditions and to educate Negro children, so that eventually **a society of educated, able, free and loyal native workers would come into being** in the West Indies. Dundas was looking far into the future, and he appealed to all men of moderate views to join him in realizing his vision. [...]

In a way no abolitionist had dared to do, Dundas had openly explored the long-range prospects of West Indian society. **He accepted emancipation (which Wilberforce feared to mention) as the ultimate goal**, and argued that abolition [of the slave trade] was only one in a series of measures which ought to be taken to realize it.²¹

Dundas’s motion to amend was adopted by the Commons: 192 in favour, 125 opposed. The resulting motion for gradual abolition then passed with an overwhelming majority: 230 in

¹⁷ Cobbett, Vol 29 at p. 1106: <https://digital.bodleian.ox.ac.uk/inquire/p/6dbc262d-083a-43ca-9d49-fec09c34825b>

¹⁸ *The Debate on a Motion for the Abolition of the Slave-trade: In the House of Commons*,

April 2, 1792, at p. 127

<https://books.google.ca/books?id=5xHejAhwH0oC&dq=%22Debate%20on%20a%20Motion%20for%20the%20Abolition%20of%20the%20Slave-trade%22&pg=PA127#v=onepage&q=%22Debate%20on%20a%20Motion%20for%20the%20Abolition%20of%20the%20Slave-trade%22&f=false>

¹⁹ Cobbett, Vol 29 at p. 1106: <https://digital.bodleian.ox.ac.uk/inquire/p/6dbc262d-083a-43ca-9d49-fec09c34825b>

²⁰ Cobbett, Vol 29, *supra*.

²¹ Porter, *supra*, at p. 81 [Emphasis added.]

favour, 85 opposed.²² ²³ For the first time in history, abolition of the slave trade became the official policy of the House of Commons.

Despite this achievement, Wilberforce saw the success of the amendment as a personal defeat:

We carried a motion however afterwards for gradual Abolition, against the united forces of Africans and West Indians, by a majority of 238 to 85. I am congratulated on all hands, yet I cannot but feel hurt and humiliated.

The comment portended the personal power struggle that would continue between Wilberforce and Dundas for the next decade.

2. Dundas presents a 12-point plan for gradual abolition

Three weeks later, Dundas returned to the Commons with 12 resolutions to give effect to the plan for gradual abolition. He began by reiterating his support for abolition in principle:

... Several years ago, he had formed his opinion upon the propriety and justice of the abolition of the trade, and the report of the evidence before the committee of privy council had confirmed him in that opinion.²⁴

Dundas noted his discussions with those on both sides of the debate about the appropriate length of the transition period. He said the abolitionists set their outer limit for complete abolition of the slave trade at 5 years, while the West Indian interests said 10 years was the minimum.²⁵ Dundas settled on January 1, 1800 – 7.5 years from that day.

Opposition leader Charles Fox later confirmed the fact of Dundas's attempts to negotiate with both the abolitionists and West India Planters.²⁶ According to Fox, Dundas warned both groups that whichever side refused to compromise would find itself losing out:

²² Debate on April 2, 1792, *supra*, p. 169.

<https://books.google.ca/books?id=5xHejAhwH0oC&dq=%22Debate%20on%20a%20Motion%20for%20the%20Abolition%20of%20the%20Slave-trade%22&pg=PA169#v=onepage&q=gradual&f=false>

²³ After analyzing the proceedings that day, Porter has calculated that the various factions broke down as follows: 40 abolitionists, 85 anti-abolitionists, and 190 moderates. [Porter, *supra*, at p. 82]

²⁴ *Cobbett, Vol 29, (supra)* at p.1204 <https://digital.bodleian.ox.ac.uk/inquire/p/553bfcda-f828-45c6-8abe-34a19e10011d>

²⁵ *Cobbett, Vol 29, (supra)* at 1208 - <https://digital.bodleian.ox.ac.uk/inquire/p/46c46085-6f4e-435d-b0aa-d761333be237>

²⁶ This comment is significant, as modern historians have criticized the fact that Dundas met with the West Indian interests, with at least one describing those meetings as “secret,” which Fox’s comment demonstrates was not the case. [Stephen Mullen, historian, University of Glasgow, presenting at: “Historians on Dundas and Slavery,” online forum sponsored by the School of History, Classic and Archeology, University of Edinburgh, July 7, 2020] Fox’s comment shows that he participated in such meetings, was aware that Dundas was also meeting with the opposing side, which means they could not have been secret.

I remember great pains to have been taken to hold two different languages to the different parties in this question, to persuade the planters that if they did not accede to terms of gradual abolition an immediate abolition would be effected; and the enemies of the trade, that if they did not accept of their object upon the same terms, there would be no abolition at all.²⁷

Dundas's 12 resolutions included measures to abolish part of the slave trade immediately.²⁸ Within a year, no British person or ship would be able to conduct human trafficking with any foreign territories.²⁹ He explained that this measure alone would immediately eliminate 45% of British involvement in the slave trade.³⁰

Other measures would add to this reduction. No British colony would be able to import slaves from America, causing a further diminishment. Ships or companies not already in the trade would be prohibited from entering it, which would cause reduction by attrition. Those who remained would have to pay higher fees, thereby discouraging the trade.³¹ In addition, conditions on ships were to be improved. Children were to be educated. A particularly controversial resolution was to cut off the trafficking of older Africans, who Dundas said tended to suffer from higher rates of disease and fatality and who were less susceptible to education. The plan proposed upper age limits 20 and 25 (sometimes mistakenly referred to as 16 and 20, which Dundas specifically rejected), although he said this particular measure was not essential.³²

Dundas's plan also included two critical legislative initiatives: (1) the government would set up a commission to address compensation to the West Indian interests;³³ and (2) it would introduce

²⁷ Cobbett, vol. 32, at 882-883, <https://digital.bodleian.ox.ac.uk/inquire/p/bb0e570d-694e-4cd5-b821-2b795593d4b9>

²⁸ Edmund Burke had assisted Dundas in developing some of the resolutions, including making the conditions on ships healthier and more humane. [*Edmund Burke and Africa, supra*, p. 22]

²⁹ Cobbett, Vol 29, p. 1213 <https://digital.bodleian.ox.ac.uk/inquire/p/611244c2-8e89-40cf-a708-a1e362c0ccbd>

³⁰ Ibid., At p. 1206: <https://digital.bodleian.ox.ac.uk/inquire/p/f24545f2-f5eb-434f-8320-ab0561e70027> Dundas noted that in 1791, British slavers trafficked 74,000 Africans across the Atlantic, 34,000 of whom were sold to foreign territories.

³¹ MacFarlane, Charles, "Narrative of Civil and Military Transactions," Chapter 1, *Pictorial History of England, Being a History of the People, as Well as a History of the Kingdom*, Vol III, Charles Knight & Co, London, 1843, at pp 10-11 <https://play.google.com/books/reader?id=th48AQAAIAAJ&pg=GBS.PA10>

³² Cobbett, Vol 29, p. 1206-1208 : <https://digital.bodleian.ox.ac.uk/inquire/p/f24545f2-f5eb-434f-8320-ab0561e70027>. See also <https://digital.bodleian.ox.ac.uk/inquire/p/51ac0037-8501-495e-abdd-715e4cfda55a> Dundas noted that the Parliamentary Commission on the slave trade had found that many of the adults who were trafficked were criminals (although he later acknowledged that he had studied this further and the commission evidence may not have been representative of all those who were sold as slaves). He also said that the loss of access to older Africans, which would also reduce trafficking numbers immediately, would induce planters to improve conditions to ensure the health and productivity of the slaves they had. Wilberforce later proposed an upper age limit of 30.

³³ Cobbett, Vol 29, (*supra*) p. 1208 <https://digital.bodleian.ox.ac.uk/inquire/p/46c46085-6f4e-435d-b0aa-d761333be237>

legislation to provide for enforcement of the new measures.³⁴ These measures were intended to discourage West Indian interests and slave traders from doing an end-run around the legislation.

The final resolution entailed a plea to His Majesty, King George III, to make overtures to other slave-trading countries to enter into treaties for “the final and complete abolition of the slave trade,” and to encourage the passing of regulations in the West Indies that would improve conditions for slaves.

Although the Commons had recently voted decisively in favour of a policy of abolition by gradual means, the MPs who favoured immediate abolition bitterly condemned Dundas’s 7.5-year plan. (Dundas noted in response that these MPs had spent four years examining the issue before proposing a motion, and so it seemed that delay was acceptable when it suited certain purposes.”³⁵) Dundas said a shorter deadline for complete abolition could be considered, as long as it was not too short a time since his plan required cooperation of the West Indian legislative assemblies.³⁶

On May 1, 1792, the resolutions were again before the house, and the “immediate abolitionists” heavily amended the plan. They shortened the transition period, setting a new deadline of January 1, 1796. They dispensed with many of the remaining resolutions and removed any reference to compensation. They also removed the proposal for encouragement of international treaties to ban the slave trade.

Dundas objected to this gutting of his plan. Nonetheless, records of debate show he did not vote against it.³⁷

At least one of the leaders of the abolition movement was disappointed that Dundas’s plan was dismantled. Bishop Beilby Porteus, a member of the House of Lords and a prominent abolitionist, was especially concerned that the shorter deadline may have destroyed the prospect of Parliament abolishing the slave trade:

This alteration I most sincerely regret, as I fear it will occasion the entire loss of the Question. The term of eight years is a reasonable term and would probably have prevented further opposition. Mr. Dundas himself told me that the West

³⁴ *Ibid.*, at p. 1211

³⁵ Cobbett’s, Vol 29 (*supra*) At 1267 <https://digital.bodleian.ox.ac.uk/inquire/p/51ac0037-8501-495e-abdd-715e4cfda55a>

³⁶ *Ibid.*, at 1292. <https://digital.bodleian.ox.ac.uk/inquire/p/902d6d4c-a98f-476e-9a2b-f04eb4ab0c0b>

³⁷ *Ibid.*, at p.1293 <https://digital.bodleian.ox.ac.uk/inquire/p/f774affa-febd-4543-b2b2-0912c976e00a> The Committee also relies on private correspondence from the Archives Officer, Parliamentary Archive, Houses of Parliament, London.

India Planters and Merchants would have acquiesced in the annihilation of the trade in 1800.^{38 39}

As a member of the House of Lords, Porteus was privy to the opinions of the peers. If Porteus believed that Dundas's plan original plan could have survived a vote in the House of Lords, that is good evidence that there were sufficient numbers of moderates among the Lords to make it possible to achieve a successful vote for gradual abolition.

The abolitionists, in their passion to achieve their humanitarian goals, pushed the House of Lords beyond its tolerance for reform. The Lords declined to support the amended plan. They decided they needed to hear evidence. After starting hearings on the issue, they adjourned to the next session and then dropped the matter altogether, effectively quashing it.⁴⁰

3. The onset of war with France

On January 23, 1793, French revolutionaries beheaded King Louis the 16th. Britain expelled the French ambassador, and on February 1st the new revolutionary government in France declared war on Britain. The country was immediately plunged into a world war, and a battle for its very survival.

Wilberforce was undeterred, and continued each year to place new proposals before the Commons for abolition of the slave trade. In late 1795, he again proposed a complete and immediate end to the slave trade.⁴¹ He argued that because Dundas had originally proposed the plan for gradual abolition, he should now, in 1795, support complete abolition of the slave trade by 1 January 1796 (ignoring the fact that Dundas's plan had a target date of 1 January 1800).

Dundas opposed Wilberforce's motion, although he did not vote against it. Britain had now been at war with France for over two years. Dundas noted that with the passage of time and the

³⁸ Hague, William, *William Wilberforce: The Life of the Great Anti-Slave Trade Campaigner*, Harcourt, 2007, at p 236, citing a passage from the diary of Bishop Porteous <https://archive.org/details/williamwilberfor00hagu>.

³⁹ The "Society of West India Planters and Merchants" referred to here was comprised of absentee plantation owners and merchants in London, some of whom sat in the House of Common: Parley, Christer, *White Fury: A Jamaican Slaveholder and the Age of Revolution*, Oxford University Press, Oxford and New York, 2018, at pp 95-96 <https://books.google.co.uk/books?id=i1RuDwAAQBAJ&lpg=PP1&dq=White%20Fury%3A%20A%20Jamaican%20Slaveholder%20and%20the%20Age%20of%20Revolution&pg=PA95#v=onepage&q&f=false>

⁴⁰ Oldfield, J.R., *Popular Politics and British Anti-slavery: The Mobilisation of Public Opinion Against the Slave Trade, 1787- 1807*, Routledge, London and New York, 1998 at p. 185 <https://books.google.ca/books?id=9PtANRpT--8C&lpg=PP1&dq=Popular%20Politics%20and%20British%20Anti-slavery%3A%20The%20Mobilisation%20of%20Public&pg=PA185#v=onepage&q=massive%20petition%20campaign&f=false>

⁴¹ Cobbett, Vol 31, at p. 1321 <https://digital.bodleian.ox.ac.uk/inquire/p/3ce25bd3-d6ad-43c5-83e4-4996bd947f7a>

absence of progress, the former target of January 1, 1796 for gradual abolition was now a target for immediate abolition, which he could not support:

The propriety of abolishing the slave trade he thought no man could doubt; and he thought it equally clear that this was not the period for abolition.⁴²

Dundas noted the perils of being at war:

All the correspondence between this country and the West Indies proved, that the latter were in a situation that required great caution at home, and every danger was to be apprehended from enemies who were anxious to take every means of distressing us.⁴³

Dundas also noted the futility of confronting the well-known opposition to abolition in the House of Lords. A supporter of the bill had argued that that the Lords should be forced to accept the bill. Dundas pointed out the obvious:

He wished to know how the lords were to be forced? The commons might pass a bill, but were the Lords under more obligations to pass that bill than they were to agree to the resolutions formerly set up? Certainly not.⁴⁴

Dundas's detractors have never credibly described any flaw in this reasoning.

Dundas reiterated his support of abolition in principle, and made a point of denouncing the West Indian planters for measures they had taken locally to protect themselves from abolition:

He wished to address himself to the merchants and planters. It was said that they were forming combinations in order to prevent at any time the abolition of this trade. Such policy would not only be injurious to the colonies, but must be fatal to the planters themselves. He trusted they would see their own interest, and, guided by a liberal policy, give their support to the cause of humanity and justice.⁴⁵

Dundas's public denunciation of the WI plantation owners indicates that he opposed their goal of defeating abolition altogether.

4. The potential for economic collapse in the middle of a war

In 1796, Dundas returned to the Commons with financial data to paint a fuller picture of the costs that the abolitionist movement was asking the country to bear. He noted that, at the urging of

⁴² Cobbett, Vol 31, at 1340-41 <https://digital.bodleian.ox.ac.uk/inquire/p/3ca8c767-af0d-4ff9-b08f-3caef647fc62>

⁴³ Cobbett, Vol 31, *supra*

⁴⁴ Cobbett, Vol 31, *supra*. p. 1340

⁴⁵ *Ibid.*

Parliament, Britons had invested £20,000,000 in the West Indian economy,⁴⁶ an amount that would immediately be put in jeopardy as creditors started calling in loans and foreclosing on mortgages. (The Bank of England online inflation calculator shows £20 million as being the equivalent of £2.3 billion today, or \$4 billion CAD.⁴⁷) He noted that 12,000 British seamen and 700 ships were involved in the export of goods from Britain to the West Indies. It was also the case that Britain did not then have an income tax, and the majority of its customs revenue came from the West Indies.⁴⁸

In other words, economic collapse was a virtual certainty in the event of immediate abolition, at a time when Britain was fighting for its life in a war with revolutionary France.

Dundas concluded his remarks with a firm rebuke against those who had accused him of obstructing abolition:

The world must decide upon the conduct of those who took different sides upon this great question. The principles of a man were not shown by having fine speeches in his mouth about humanity and justice; they were shown by his conduct.

He trusted he had as much feeling as those who were perpetually talking about it; and he should treat an insinuation to the contrary with the contempt it deserved.⁴⁹

Dundas's indignant reproach to those who criticized his position went far beyond mere lip service to support for abolition. It shows a man who has lost patience with those who sought to taint his reputation, and to mis-characterize him as an opponent of abolition.

The proposal for Wilberforce's 1796 bill was defeated, 70-74.⁵⁰ Despite the closeness of the vote, Dundas again declined to vote against the bill.

As he did every time he spoke publicly of abolition of the slave trade, Dundas favoured a moderate and incremental approach as the most effective way to achieve abolition. But as a War Secretary whose foremost responsibility was the security of the country, he was unwilling to risk the potentially destabilizing effect of social and economic reform while the country was fighting for its life.

⁴⁶ Cobbett, Vol 32, at p. 878 <https://digital.bodleian.ox.ac.uk/inquire/p/eb10f152-460d-44de-bf5e-282e043066d3>

⁴⁷ <https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator> Other methodologies show the present value of £20 million in 1796 as ranging from £1.9 billion to £171 billion <https://www.measuringworth.com/calculators/ukcompare/>

⁴⁸ Hague, *supra* at p. 119

⁴⁹ *Ibid.*, at p. 881 <https://digital.bodleian.ox.ac.uk/inquire/p/bb0e570d-694e-4cd5-b821-2b795593d4b9>

⁵⁰ *Ibid.*, at 901. <https://digital.bodleian.ox.ac.uk/inquire/p/b63c9c89-c6c3-419a-9de7-d569e86fbc67>

5. Observations on causation

It is apparent that in 1792 Dundas's amendment for gradual abolition was not the cause of delay in the passage of abolition legislation. It was the gutting of his plan that caused it to fail. If Wilberforce had worked with Dundas to implement his 12-point plan, instead of against him, the proposal to abolish the slave trade by the end of the century would have been underway in 1792, before the onset of war. British involvement in human trafficking to foreign territories would have ended, reducing British involvement by over 45%. Britain could have set itself on a course of complete abolition of the slave trade by the end of the decade.

Dundas was not the cause of delay of the abolition of the slave trade. He was a scapegoat. For the abolitionists, making Dundas a scapegoat diverted attention from their own strategic errors. It allowed them to avoid facing up to their own failure to successfully confront the enormous obstacles presented by the King, the Lords, and the war with France.

5. Observations on intention or motive

Every time Dundas spoke publicly about the African slave trade, he denounced it. He agreed with the abolitionists that the trade was contrary to humanity and justice. Although detractors vilify Dundas as being personally opposed to abolition, the documentary record from that period shows otherwise. It bears not a single instance of Dundas speaking against the principle of abolition, or in favour of slavery or the slave trade. Not once did he vote against a motion or bill that was pro-abolition. Dundas was steadfast in his refusal to stand with the slave traders, even when he disagreed with the specific proposals of the abolitionists.

If Dundas was genuinely opposed to abolition in 1792, he did not need to add the word "gradually" to Wilberforce's motion. He did not need to speak at length about the end of hereditary slavery, the prospect of emancipation, and the existence of a free and educated population of Africans in the West Indies. He did not need to develop and then return to the house with his 12-point plan. If Dundas wanted Wilberforce's motion to fail, all he had to do was sit back and watch it go down to defeat. Regardless of how the House of Commons might vote, the House of Lords was certain to defeat the motion. Instead, Dundas leaned into the issue. He developed a multi-faceted incremental approach that would alleviate the conditions of slaves while reducing the numbers trafficked, and set the groundwork for emancipation.

The consistency of Dundas's message throughout the 1790's, and the soundness of his logic, even if one disagreed with him, supports the proposition that Dundas held a genuine intention to work towards gradual abolition of the slave trade. An experienced politician, Dundas knew that substantial reforms take time. They require the building of coalitions, and a willingness to hear from all stakeholders – a reality that is as true today as it was in the late 18th century. Dundas's 12-point plan demonstrated an attempt to respond to multiple stakeholders, while working

towards an achievable goal. Moreover, it is a truism that a time of war not a time for social and economic reform. Dundas had numerous priorities to balance, but his first and foremost duty was to protect the security of his country.

III. DUNDAS'S PRIVATE SUPPORT FOR ABOLITION

3. Dundas's advice to abolitionists behind closed doors

Evidence of Dundas's private conversations with abolitionists shows that he privately advised them in the 1790s to seek the abolition of slavery, rather than to first seek the abolition of the slave trade first followed by a second campaign to abolish slavery. The Duke of Gloucester referred to these conversations with Dundas in an address to a committee of "The Society for the Mitigation and Gradual Abolition of Slavery Throughout the British Dominions" in 1825:

...it ought not to be forgotten that, in the year 1795, **Lord Melville, then Secretary of State, charged them with beginning at the wrong end in attacking the slave trade first: they should have begun with slavery itself. And Lord Melville was right;** for slavery as the real cause, the root, of the slave trade, and unhappily, and to the disgrace of this country, slavery was just as flourishing now as it was then.⁵¹

The minutes of this meeting were adopted unanimously by the members, among whose names one finds *William Wilberforce*.

The Duke of Gloucester also described Dundas's private advice to seek abolition of slavery in a speech to abolitionists, later published in "The Philanthropist":

...a statesman who has been dead many years, and who certainly was no advocate of our cause, I mean **the late Lord Melville, in the year 1792, 36 years ago, told us that the state of slavery should begin to be abolished within the period of eight years,** now 28 years ago. We were reproached with having begun at the wrong end; **we were told not to talk of abolishing the slave trade, but to begin by abolishing slavery.**⁵²

⁵¹ Anti-Slavery Society: *Second Report of the Committee of the Society for the Mitigation and Gradual Abolition of Slavery Throughout the British Dominions*, Vol 2, p. 69, <https://books.google.ca/books?id=g4LAAAAYAAJ&dq=Minutes%20of%20the%20Society%20for%20the%20Mitigation%20and%20Gradual%20Abolition%20of%20Slavery&pg=PA69#v=onepage&q=melville&f=false> [Emphasis added.] While the Duke referred to Dundas as "no advocate in our cause," he accurately recalled that Dundas supported abolition of the slave trade while the strategy chosen by the leaders of the abolition movement.

⁵² *The Kaleidoscope: or, Literary and scientific mirror*, Volume 9 (July 1828 – July 1829) p. 7: "The Duke of Gloucester on the Abolition of Slavery" as published in "The Philanthropist"

Other evidence corroborates this. In an address to Parliament in 1816, William Wilberforce recalled that Dundas had advocated for an end to hereditary slavery:

The late Lord Melville also, at that time, regretted that he (Mr. W) and his friends had not concerned themselves for the West India slaves, as well as the Africans. [...] He stated what his intention was. It was, that after a certain number of years, all negroes that should be born, should be born free, and then educated by the owner of their parent, whom they should serve for a stipulate number of years, to pay the expense of their education; after which they were to be their own masters – to be entirely free men.⁵³

At the same time Dundas was advising the abolitionists in Britain, he was also advising Lieutenant-Governor John Graves Simcoe in his efforts to obtain the assent of the Legislative Assembly of Upper Canada to abolition of slavery (discussed below). The end of hereditary slavery was the central feature of that legislation.

This evidence regarding private discussions speaks to motive. By providing advice to abolitionists privately, and by overseeing the passage of legislation the first British territory to abolish slavery, Dundas left behind reliable evidence of his personal values and goals, which were to achieve the abolition of slavery, not just the slave trade, and to do so in a pragmatic and achievable manner.

4. Dundas's private conversations with Wilberforce

One of the early biographies of William Wilberforce, written by his sons, also refers to other private conversations in which Dundas was supportive of abolition.⁵⁴

The Life of William Wilberforce provides details of such conversations in 1797. At that time, Wilberforce was trying to organize an international convention of slave-trading countries at which a treaty to end the slave trade would be negotiated.⁵⁵ Wilberforce described numerous meetings with Dundas and Prime Minister Pitt and noted that “Dundas is favourable to it.”⁵⁶ He also said he was “pleased with Dundas’s candour.”⁵⁷

⁵³ 19 June 1816, Parliamentary Debates, XXXIV, at 1156.

<https://hdl.handle.net/2027/osu.32435072655194?urlappend=%3Bseq=602>

⁵⁴ Wilberforce, Samuel, *The Life of Wilberforce*, Revised and condensed, John Murray, London, 1868, p. 162

http://library.mibckerala.org/lms_frame/eBook/Life%20of%20William%20Wilberforce%20-%20Samuel%20Wilberforce.pdf

⁵⁵ It appears Wilberforce was taking to heart Dundas’s warning that immediate abolition of the slave trade would merely create an opportunity for other countries to expand their trade.

⁵⁶ Wilberforce, S., *supra*, p. 162

⁵⁷ *Ibid.*

Little attention has been paid to these passages, likely because the convention and the treaty never materialized. But, in the context of examining what Dundas said privately to abolitionists, this evidence is significant. It corroborates the Duke of Gloucester's recollection that in the 1790s, Dundas gave the abolitionists constructive advice on how to advance their cause.

Dundas also shared his private views with Wilberforce in 1800 about the unreasonableness of the West Indian planters in 1800. Wilberforce's letters from that time indicate that Dundas was involved in discussions with the West Indian interests to reach agreement on a five-year suspension of the slave trade. Wilberforce was optimistic about a favourable outcome until, at a public meeting of the West Indian body, the anti-abolitionists "shook the resolution of the timid converts, and all, except Sir William Young, turned around."

Wilberforce prevailed on Pitt and Dundas to bring the measure forward despite the loss of support among the WI planters:

But the latter [Dundas], though extremely angry at the Jamaica people, who, in a report recently come over, talk big and dispute our right to abolish, and [he] will not, I fear consent to support us now.⁵⁸

This passage reveals that (a) Dundas supported a proposal for a five-year abolition of the slave trade, and (b) he felt strongly enough about abolition to be roused to extreme anger when West Indian planters rejected a reasonable compromise. His response also tends to support the proposition that (c) Dundas genuinely believed that the WI territories had sufficient autonomy to be unilaterally defeat British laws on abolition.

5. Dundas's letter: "damning" evidence or more of the same?

The strongest piece of hard evidence that Dundas's accusers can cite against him is a letter he wrote on February 18, 1796 – the day of an important vote on Wilberforce's latest proposals for immediate abolition. The letter has drawn considerable attention on social media. As of the date of this writing of this paper,⁵⁹ it has not been discussed in scholarly publications, and has not been publicly disclosed in its entirety, although we expect it to be featured prominently in soon-to-be published scholarly work.

The key part of letter is found at its closing, where Dundas wrote:

⁵⁸ Letter from W Wilberforce to the Rev. T Gisborne, June 6, 1800, as quoted in R.I. Wilberforce, S Wilberforce, *The Life of Wilberforce*, Vol II, (London: John Murray, 1838) p. 368

⁵⁹ Nov 10, 2020

I have not time to write more. The time is near five and I must go to oppose on the proposals for abolition of the slave trade.⁶⁰

This line has been repeatedly cited in social media as evidence that Dundas was privately opposed to abolition of the slave trade. This interpretation, however, falls apart upon close examination of the context.

Dundas delivered a speech in the Commons later that same evening. He did indeed criticize Wilberforce's latest proposals for immediate abolition, but *he refused to vote against Wilberforce's proposals*. Dundas began by saying that, as he had stated many times in the last four years, he was opposed to the slave trade as "inexpedient, impolitic and incompatible with the justice and humanity of the British constitution."⁶¹ He also criticized the West Indian planters for opposing abolition too strenuously.⁶²

Dundas then turned to Wilberforce's plan.⁶³ He said the proposed bill would fail to achieve its humanitarian goal, because it would not prevent other countries from moving in to take over the trade. Dundas also said it would endanger the security of Britain by throwing the colonies in the West Indies "entirely into the power of the enemy."⁶⁴ Dundas was War Secretary, the country had been at war with revolutionary France for three years, and maintaining control of the West Indian territories was crucial to Britain's war effort. He asked Wilberforce and his supporters to be patient:

He entreated gentlemen to defer the discussion, until a proper season arrived, which he trusted was not far off.⁶⁵

Despite his criticisms, Dundas also made one thing clear: He would not vote against the proposed legislation for abolition of the slave trade. Instead, he would only vote against closure of the debate so that the House would defer expressing its opinion to a later time.⁶⁶ Dundas lost the vote regarding closure of debate. The speaker called for the vote on the proposed legislation. As promised, Dundas abstained from the vote on the proposed legislation.

⁶⁰The letter appears to be in the possession of Sir Geoff Palmer, an anti-Dundas advocate, and leading proponent of the placement of a new plaque in Edinburgh that blames Dundas for a 15-year delay in the slave trade: <https://twitter.com/SirGeoffPalmer/status/1279542935235805186/photo/1> The letter has also been relied upon heavily by Dr. Stephen Mullen, University of Glasgow historian, Historians' online forum, to support his theory that Dundas was instrumental in delaying the abolition of the slave trade. <https://www.ed.ac.uk/history-classics-archaeology/news-events/events-archive/2020/historians-on-dundas-and-slavery>

⁶¹ Cobbett, vol 32, at p. 751 <https://digital.bodleian.ox.ac.uk/inquire/p/723eb697-7ecb-4177-8e33-75f2656ffeed>

⁶² Ibid.

⁶³ The motion proposed that complete abolition of the slave trade would occur in eight months, a sufficiently short period of time to fall with scope of being "immediate," since gradualist approaches to abolition invariably entailed years, if not decades, of transition.

⁶⁴ Cobbett, vol 32, *supra*, at p. 752

⁶⁵ Ibid.

⁶⁶ Cobbett, Vol 32, at p. 753 <https://digital.bodleian.ox.ac.uk/inquire/p/db07fb65-529b-4b9e-975b-f9801f730fe6>

IV. THE TRUE CAUSES OF DELAY

1. The power of the Crown

The House of Lords answered to the monarch, who at that time was King George III.

King George III was well-known to oppose restrictions on both the slave trade and slavery, and his son, William, Duke of Clarence, was known as “the foremost opponent of abolition.”⁶⁷ In the Duke’s inaugural speech to the House of Lords, he encouraged the Lords to veto the motion for abolition:

An implicit obedience to the House of Commons, much as he respected that house, would render the House of Peers useless, and thus the natural and constituent balance in the constitution would be endangered. This he would never endure. [...]

Another consideration was the great property and the immense commerce that was intimately connected with this trade.⁶⁸

Even without the Duke’s of Clarence’s opposition, it is likely that the plan, as amended by Wilberforce and his supporters, would meet with defeat in the House of Lords. Scottish historian Charles MacFarlane wrote about this in 1843:

Wilberforce always complained that it was to Dundas's fatal appeal to the principle of gradual abolition that he chiefly owed the defeat of his first assault, and the twenty years' continuance of the murderous traffic; but men less enthusiastic in the cause will confess that immediate abolition, if not an impossibility, was a measure which would have been attended with great difficulties and probably with convulsions.⁶⁹

Thomas Clarkson, one of the most ardent advocates of abolition at the time,⁷⁰ noted that much was going on behind the scenes to prevent passage of any abolition law. He made this cryptic statement about the obstacles faced by Prime Minister Pitt:

A difficulty, still more insuperable, presented itself, in an occurrence which took place in the year 1791 but which is much too delicate to be mentioned. The explanation of it, however, would convince the reader that all of the efforts

⁶⁷ Rodriguez, Junius P., *Encyclopedia of Emancipation and Abolition in the Transatlantic World*, Routledge, 2007, p. 90 (“*Encyclopedia of Emancipation*”)

<https://books.google.ca/books?id=DXysBwAAQBAJ&lpg=PP1&dq=Encyclopedia%20of%20Emancipation%20and%20Abolition&pg=PA90#v=onepage&q=Encyclopedia%20of%20Emancipation%20and%20Abolition&f=false>

⁶⁸ Cobbett, Vol 29, *supra*, p. 1349-50 <https://digital.bodleian.ox.ac.uk/inquire/p/7724a5dc-f04d-4154-a879-57a18beea259>

⁶⁹ MacFarlane, *supra*, p. 11 <https://play.google.com/books/reader?id=th48AQAAIAAJ&pg=GBS.PA11>

⁷⁰ Clarkson authored the *History of the Abolition of the African Slave Trade*, and was a founder of the “Society for Effecting the Abolition of the Slave Trade” in 1787. He was instrumental in convincing William Wilberforce to become the movement’s leading advocate.

of Mr Pitt from that day were rendered useless, I mean as to bringing the question, as a minister of state, to a favourable issue.⁷¹

Historians who have examined the context of this statement believe that Clarkson was referring to an intervention against abolition by King George III.⁷² The mysterious matter of delicacy that Clarkson referred to was never openly identified by him or others. It seems likely, though, to have concerned the whispered gossip about Prime Minister William Pitt's sexual preferences, and his close friendships with certain men.

Stephen Fuller, the British agent for Jamaica at the time and a sitting MP, was more direct in noting the influence of the king. He wrote that “more was owed to the king than was generally realized in securing ‘the defeat of the absurd attempt of abolishing the slave trade.’”⁷³

Even Wilberforce “knew that there was no possibility of immediate abolition passing the Lords in April 1792.”⁷⁴

It is apparent that the Lords and the King posed insurmountable obstacles to the immediate abolition of human trafficking in 1792, and the years that followed. Delay was inevitable. Dundas could not have caused something that was inevitable. On the contrary, his strategy for gradual progress towards abolition was the only option, at the time, that had any chance of success.

2. The rule of law, and the constitutional powers of the West Indian territories

Dundas argued that no plan for abolition of the slave trade could succeed without the cooperation of the West Indian planters who controlled the colonial legislative assemblies.⁷⁵ British colonies in the West Indies had managed their internal affairs through their own legislative assemblies, and had the constitutional prerogative to pass their own legislation and regulations.⁷⁶ The likelihood that white plantation owners would find alternative ways to import slaves if Britain abolished the Atlantic slave trade was substantial.

The supporters of immediate abolition largely avoided the constitutional question of whether Britain could successfully impose its will regarding the slave trade on the colonial governments

⁷¹ Thomas, Hugh, *The Slave Trade*, Simon and Schuster, New York, 1977, at p. 507.

⁷² Thomas, *supra*, , p. 845

⁷³ *Ibid.*, at p. 507

⁷⁴ “The Glasgow Sugar Aristocracy” – University of Glasgow historian, Dr. Stephen Mullen, Twitter, June 16, 2020.

⁷⁵ Cobbett, Vol 29, at p. 1204

<https://digital.bodleian.ox.ac.uk/inquire/Discover/Search/#/?p=c+0,t+,rsrs+0,rsps+10,fa+,so+ox%3Asort%5Easc,sci ds+,pid+ad5f433d-c743-4014-8610-3632063b9d10,vi+553bfcda-f828-45c6-8abe-34a19e10011d>

⁷⁶ Helen Taft Manning, *British colonial government after the American Revolution, 1782-1820* (Hamden, Conn, 1966), esp. pp. 108-9, 128-9

of the West Indies. Opposition leader Charles James Fox, for example, resorted to rhetoric rather than substance when he responded to Dundas's argument that the West Indian colonies would resist forcible measures:

...as to the idea of meddling with internal regulations in the islands, he thought that an affair in which there might be some little danger, and from [which] no adequate degree of good was likely to arise. If their own sense of duty, as well as their own interest in improving the population by good usage of the present negroes, would not be a sufficient inducement to the provincial legislatures, he had no idea that a recommendation from this country would have any great weight.⁷⁷

Wilberforce and Fox kept their focus on the immorality of the slave trade, sidestepping the constitutional challenges that would compromise the simplicity of their message.

Was Dundas's assertion regarding West Indian constitutional autonomy legitimate? The evidence relied upon by historians who have addressed this question suggests it was. Christopher Brown, a leading scholar in the history of the Atlantic slave trade, wrote that the American Revolution "reinforced long-standing limits on Parliament's power to intervene in the internal affairs of the British settlements in the western Atlantic."⁷⁸ Christer Petley observed that while British colonies were subject to British parliamentary supremacy, their power to control local affairs was formidable:

These legislatures framed local laws, raised local taxes and frequently came into conflict with Royal Governors, who were the local representatives of the Crown and heads of the executive branch of colonial government. [...] [P]roperty-holding Englishmen in the colonies argued that they had the same rights as their counterparts in England to self-representation, the rule of law and government by consent, defending those principles with 'astonishing intensity and determination.'⁷⁹

The Lord Chancellor at the time, Edward Thurlow, served as head of the entire judiciary of Britain, expressed a similar opinion. He, too, believed that any plan for abolition of the slave trade would need the support of the elected members of the colonial legislative assemblies.⁸⁰

⁷⁷ Cobbett, Vol 29, at p. 1219 <https://digital.bodleian.ox.ac.uk/inquire/p/edb23738-dc3a-461e-a2a6-a5c45cc8c6be>

⁷⁸ Brown, Christopher L. "Empire without Slaves: British Concepts of Emancipation in the Age of the American Revolution." *The William and Mary Quarterly*, vol. 56, no. 2, 1999, 206306, p 306. www.jstor.org/stable/2674120

⁷⁹ Petley, Christer (2018) "Slaveholders and revolution: the Jamaican Planter Class, British imperial politics, and the ending of the slave trade, 1775–1807", *Slavery & Abolition*, 39 (1), 53-79 <https://eprints.soton.ac.uk/410072/>

⁸⁰ Cobbett, Vol 29, at p. 1354 <https://digital.bodleian.ox.ac.uk/inquire/p/aa4254d3-89d3-4c90-bd4a-334f72b22c6c> Thurlow is generally considered an ally of the West India interests; nonetheless as the most eminent jurist in Britain, his legal opinion carries considerable weight.

These facts tend to advance the proposition that Dundas genuinely believed that the West Indian assemblies had sufficient constitutional autonomy to obstruct any efforts to impose abolition of the slave trade on them.

3. “Presentism” and the art of the possible

When grappling with these issues it is important to consider what it meant to engage in the “art of the possible” in the late 18th century.

An important distinguishing feature of that time was that Britain was not then a representative democracy. The monarch held the ultimate power, fewer than 3 per cent of adults had the vote, elections often occurred in public by a show of hands, and while some constituencies had more than 10,000 voters, at least one had as few as a dozen. Bribery was common. Most MPs were largely immune to public opinion. The House of Lords was even more remote from public accountability. In such an environment, appeals to MPs and the House of Lords to vote according to humanitarian principles were bound to have far less effect than they do today.

Oxford scholar Brian Young, an expert in intellectual history in the 18th century, has specifically commented on Dundas’s political and philosophical outlook in light of the standards of the day. He notes that Dundas took a politically progressive approach:

By the standards of his own times, Dundas was a progressive, scientific Whig who ensured that Britain defeated Napoleon’s attempt at European hegemony and who reformed British imperialism in an intelligent and humanitarian manner.⁸¹

If Britain had tried to force immediate abolition on the West Indian colonies, the potential for backlash from planters and merchants was real. Professor Young says Dundas was well-suited to the task of brokering a moderate and effective approach:

Dundas was a product and a proponent of the Scottish Enlightenment, and that entailed his support for progressive politics; war with France made that cause more difficult to achieve, but Dundas had exactly the right personal and intellectual qualities to make it possible to address corruption in British India, to ensure that Scotland played a prominent role nationally and internationally, and to encourage the cause of abolition of slavery.⁸²

In the late 18th century, Dundas’s moderate approach to abolishing the slave trade was, in fact, the approach most likely to succeed.

⁸¹ Letter of Professor Brian Young, Christ Church, Oxford University, whose area of expertise concerns the “Intellectual and religious history of Britain in the eighteenth and nineteenth centuries.” <https://medium.com/@bobbymelville1/if-we-pervert-the-facts-of-history-how-can-we-progress-in-our-future-3f07eea5d762>

⁸² Young, *supra*

V. SETTING THE RECORD STRAIGHT

1. Error in logic marks the campaign against Dundas

The current controversy over the use of the Dundas name on public spaces is largely the result of a five-year campaign by Scottish human rights activist Sir Geoffrey Palmer – Britain’s first black professor, a professor *emeritus* in natural sciences at Heriot-Watt University and an expert in brewing and the barley abrasion process.⁸³

Professor Palmer’s position is that Dundas intentionally obstructed the abolition of the slave trade by proposing the amendment for gradual abolition, and that he thereby caused a delay of 15 years in the passage of legislation. He accuses Dundas of being responsible for the additional 500-650,000 Africans who were taken into slavery during that time.⁸⁴ He apparently (and mistakenly) believes that the Wilberforce motion for immediate abolition in 1792 would have become law, if only Henry Dundas had not proposed the amendment for gradual abolition.

This is the same criticism advanced by those who sponsored the petition demanding that the City of Toronto change the name of Dundas Street.

The essential facts that Palmer relies on to reach his conclusions include the following:

- Wilberforce introduced a motion for abolition of the slave trade in 1792.
- Dundas introduced an amendment to the motion, recommending a policy of “gradual” abolition of the slave trade, which was adopted by the House.
- The House of Lords declined to decide the issue, effectively quashing it.
- There was then a delay of 15 years before Britain abolished the slave trade.
- During that 15 years, 500,000-650,000 Africans were taken into slavery.

Palmer’s belief that Dundas caused a half a million Africans to be taken into slavery rests on a logical fallacy. He has confused correlation with causation. Dundas’s amendment may have occurred before the House of Lords quashed the entire plan, but the amendment had nothing to do with the Lords’ decision. Palmer also ignores the fact that the abolitionists had already amended Dundas’s plan for gradual abolition beyond recognition by the time it reached the Lords, and it was the abolitionists’ plan that the Lords rejected. Moreover, if the Lords could not accept the plan for abolition by 1796, they would certainly have rejected Wilberforce’s original motion.

⁸³ Profile of Geoffrey Palmer: <https://www.hw.ac.uk/news/articles/2017/life-and-work-of-university-emeritus.htm>

⁸⁴ <https://www.express.co.uk/comment/expresscomment/1295307/black-lives-matter-activists-pull-down-statues-britain-colonial-past>

The truth is, the Commons was bound to defeat Wilberforce's plan, and delay was inevitable, as long as the House of Lords and the King opposed abolition.

Palmer has made other false statements about Henry Dundas, including regularly referring to him as a "slaver" without a shred of supporting evidence.⁸⁵ Dundas had no investment of any kind in the slave trade, the sugar trade, or any commerce involving the West Indies. Palmer also regularly accuses Dundas of wanting to "breed slaves," although Dundas only spoke of improving conditions of slaves, and increasing their health, longevity and the overall population.

In fact, surprisingly, it was Wilberforce who had encouraged the idea of breeding of slaves. Wilberforce told the Commons that by abolishing the slave trade, the plantation owners would have to resort to breeding of slaves to ensure they sustained their slave population:

All hopes of supplies from the coast being cut off, **breeding would henceforth become a general object of attention**, the effects of which would not be confined merely to those greater articles of better feeding and milder discipline, but would extend to innumerable other particulars.... [I]t was plain too many had gone upon the system of working out their slaves in a few years, and recruiting their gangs with imported Africans. The abolition would give the death blow to the system. [...]

Managers would henceforth be forced to make breeding the prime object of their attention; and every non-resident owners would [...] "consider it as the fault of the manager if he did not keep up the numbers."⁸⁶

Palmer's campaign to vilify Henry Dundas and blame him for the enslavement of more than half a million people is ill-founded. It has nonetheless attracted the attention and support of Black Lives Matter and its supporters, including in Canada. Not surprisingly, given Palmer's stature as an academic and human rights activist, his account of history has been accepted at face value. His views have been repeated so frequently they are, unfortunately, taken as fact.

Black Lives Matter and their supporters deserve to have a factual, evidence-based account of Henry Dundas's record.

3 Hindsight – Dundas's warnings were correct

Later evidence shows that Dundas was correct when he predicted that immediate abolition would not be effective, and that a gradual process was required for successful abolition of the slave

⁸⁵ See, e.g.: <https://twitter.com/SirGeoffPalmer/status/1298157569245089792?s=20>
<https://twitter.com/SirGeoffPalmer/status/1244036937914159109?s=20>

⁸⁶ Cobbett, Vol 29, at 275 <https://digital.bodleian.ox.ac.uk/inquire/p/4ce9b46c-cde4-4f72-9539-7d02b7afd45b>
[Emphasis added.]

trade. In March of 1807, Parliament enacted legislation to abolish the slave trade. Successful enforcement proved to be elusive, just as Dundas had predicted. Slave traders found ways to circumvent the law:

Slave ships were regularly fitted out in British ports like Liverpool or Bristol. In fact, until 1811 carrying slaving equipment like shackles was not considered proof of involvement in the slave trade. Even after it became impossible for slave ships to be fully equipped in British ports, ships continued to fit out there and load their slaving gear just outside British waters.

Often the law was evaded by British ships operating under the Spanish or Portuguese flag, since neither country had yet outlawed the trade. While Britain, and later other nations, supported an Anti-Slaving Squadron to catch slavers off the West African coast, many of the ships they confiscated were re-sold to known slavers. [...] Millions of Africans were exported as slaves after 1808, many of them carried in ships financed, built, or equipped in Britain.⁸⁷

It would be another four years following the enactment of *An Act for the Abolition of the Slave Trade* before the British slave trade would be decisively eradicated.⁸⁸

The fact that Dundas correctly anticipated the response of slave traders lends credence to the view that he had valuable insight into the obstacles facing abolition, and genuinely believed that the most effective way to end the slave trade was to proceed gradually.

VI. THE CANADIAN CONNECTION

1. John Graves Simcoe and the naming of Dundas Street

Henry Dundas played a direct role in the appointment and oversight of the man who inspired Upper Canada (now the Province of Ontario), to enact the first abolition legislation in the entire British empire.

Britain enacted the *Canada Constitutional Act* in June, 1791.⁸⁹ Dundas was appointed Home Secretary that year and assumed responsibility for the new British colonies. In September of 1791, he commissioned John Graves Simcoe – a dedicated abolitionist and friend of William

⁸⁷ “Origins: Current Events in Historical Perspective,” *After Abolition: Britain and the Slave Trade Since 1807*, by Marika Sherwood (I.B. Tauris, 2007), Review by Stephen Shapiro. <http://origins.osu.edu/review/after-abolition-britain-and-slave-trade-1807>

⁸⁸ Hague, *supra*, at 391

⁸⁹ “Britain from 1783 to 1815,” *Encyclopedia Britannica*, Patrick Joyce, William Ravenhill et al (contributors), July 26, 2020 (“*Encyclopedia Britannica*”) <https://www.britannica.com/place/United-Kingdom/Britain-from-1754-to-1783#ref44907>

Wilberforce – to take up the post of Lieutenant-Governor of Upper Canada.⁹⁰ Simcoe departed immediately, and after over-wintering in Montreal arrived in Upper Canada on July 1, 1792. He was joined by Upper Canada's first Chief Justice, William Osgoode, another known abolitionist.⁹¹ In addition to his judicial appointment, Osgoode would also hold the position of speaker of the Legislative Council (parliament's upper house), and chairman of the Executive Council (analogous to Privy Council, advising the Lieutenant-Governor).⁹²

Upon his arrival in Upper Canada, one of Simcoe's first acts was to propose the immediate abolition of slavery. That year the Legislative Assembly (the lower house of the new parliament), dominated by slave owners and others with close associations with slavery, opposed his plan, and refused even to advance the bill past first reading.

Soon after this early defeat, a scandal arose regarding the sale of a local female slave to an American. Chloe Cooley was a mother of three young children, whose owner feared that abolition would soon be enacted. The owner, known only as Vrooman, decided to sell her to an American in New York State. Cooley fought bitterly against this forced separation from her children, and screamed endlessly as Vrooman forcibly bound her and pushed her onto the boat. Her screams were heard long after the boat left the bank of the St Lawrence River and disappeared from sight. Her story became notorious, and stirred widespread public sympathy for the cause of abolition.⁹³

Simcoe seized this moment. He reignited the abolition issue in the parliament of Upper Canada, and proposed a new piece of legislation for abolition of slavery. This time he scaled back the legislation to ensure its success. He proposed abolition by gradual means, mostly through the eradication of hereditary slavery.⁹⁴

⁹⁰ Commission to John Graves Simcoe as Lieutenant Governor of Upper Canada, September 12, 1791, (per Henry Dundas) Document 55, Dominion of Canada, "Documents Relating to the Constitutional History of Canada 1791-1818", Sessional Papers [No. 29c] (1914) <https://primarydocuments.ca/documents-relating-to-the-constitutional-history-of-canada-1791-1818/>

⁹¹ Presumably commissioned by Henry Dundas, in his capacity as Home Secretary responsible for British territories including Upper Canada, empowered with oversight of the division and constitutional compliance of Upper and Lower Canada: Dominion of Canada, "Documents Relating to the Constitutional History of Canada 1791-1818", Sessional Papers [No. 29c] (1914) Document 3, "Order in Council Dividing the Province of Quebec into the Provinces of Upper and Lower Canada," 1 At the Court of St James's, the 24th of August, 1791. <https://primarydocuments.ca/documents-relating-to-the-constitutional-history-of-canada-1791-1818/>

⁹² Colgate, W., "William Osgoode, Chief Justice," *The Canadian Bar Review*, Vol XXXI 270, 1953, Toronto

⁹³ "The Slave in Canada," *The Journal of Negro History*, Jul., 1920, Vol. 5, No. 3 (Jul., 1920), pp. 316-339, at 317

⁹⁴ <https://www.heritagetrust.on.ca/en/pages/our-stories/exhibits/john-graves-simcoe>
<https://www.thecanadianencyclopedia.ca/en/article/john-graves-simcoe>

Among his supporters was the newly-appointed attorney-general, John White, responsible also for drafting legislation for the Assembly, and Chief Justice Osgoode.⁹⁵ The three of them worked together – Simcoe persuading elected members and the upper house to support the bill, White drafting the legislation and moving it through 1st, 2nd and 3rd reading, and Osgoode refining it in the legislative council.⁹⁶

On July 9, 1793, the “Anti-Slavery Bill” became law. Upper Canada thus became the first British territory to adopt legislation to abolish slavery.⁹⁷

The statute stated that the intention of Parliament was “to prevent the continuation of Slavery within this Province.”⁹⁸ It banned the importation of slaves and provided that anyone newly arrived in Upper Canada had the status of a free person. A central feature was the eradication of hereditary slavery. Children born of slaves would achieve their freedom at the age of 25. Failure to register children of slaves was an offence with monetary penalties, which meant that a person who claimed ownership of such children after having failed to register them could be prosecuted. Grandchildren of existing slaves were free from birth. Emancipation of existing slaves was also made possible through recognition of manumission or payment for freedom.⁹⁹

The provisions appeared to anticipate a protracted process of eliminating slavery from Upper Canada. In practice, however, slavery declined quickly as the stigma associated with slavery grew. Owners became reluctant to register the children of slaves, thereby freeing them through their inaction. After 1806 there were no further records of sales of slaves. By 1830, only two people were known to be slaves in Upper Canada.¹⁰⁰ Britain, however, had yet to pass its own anti-slavery legislation.

As lieutenant-governor, Simcoe was the Crown’s representative. Any legislation he proposed was subject to approval by the Crown and, for him, the voice of the Crown was Henry Dundas, the Home Secretary. When Simcoe proposed a bill to abolish slavery immediately, he required Dundas’s approval. When he came up against a wall of opposition in 1792, he needed Dundas’s support to pursue an alternative. The inevitable inference is that Dundas understood and approved of Simcoe’s and Osgoode’s actions in pursuing the abolition of slavery.

⁹⁵ Colgate, W., *supra*

⁹⁶ Riddell, William Renwick. "Upper Canada-Early Period." *The Journal of Negro History* 5, no. 3 (1920): 316-39
www.jstor.org/stable/2713625

⁹⁷ Riddell, *supra*. The specific provisions of the bill are described at pp 319 – 320.

⁹⁸ *An Act to Prevent the further introduction of Slaves and to limit the Term of Contracts for Servitude, Statutes of Upper Canada*, 33 George III, Cap. 7, 1793 (“Anti-Slave Trade Act”), at para III
http://www.archives.gov.on.ca/en/explore/online/alvin_mccurdy/big/big_03_anti_slavery_act.aspx
http://www.archives.gov.on.ca/en/explore/online/alvin_mccurdy/big/big_03a_anti_slavery_act.aspx

⁹⁹ *Anti-Slave Trade Act*, *supra*, para III

¹⁰⁰ Riddell, *supra*

Soon after passage of the *Anti-Slave Trade Act*, William Osgoode petitioned Dundas and Prime Minister Pitt for a transfer to the position of Chief Justice of Lower Canada (now Quebec). Dundas approved his appointment for the following year, stating: “I feel great satisfaction in His Majesty's appointment of Mr. Osgoode to be Chief Justice of Lower Canada.”¹⁰¹

That same year, Simcoe also initiated the building of new infrastructure to provide protection from American aggression. He put together a military party to chart an inland east-west military road that would be safe from “Yankee marauders.” First named Governor’s Road, a few months later Simcoe renamed it after Henry Dundas, the person with primary oversight of his legislative initiatives in Upper Canada.

To this day, the man who sponsored the law for gradual abolition in Upper Canada is honoured as the man who ended slavery in what is now Ontario. The chief justice who assisted him is seen as a hero in Ontario’s legal history. Henry Dundas, however, who approved Simcoe’s mandate to pursue abolition, who was responsible for choosing the chief justice, and who supported gradual abolition in Britain, is now being vilified in the same province.

2. Dundas stands up for Black Loyalists

While the abolition debate raged on in Britain, Dundas quietly showed a commitment to fair treatment of Africans in another area that has drawn little attention.

During the American Revolution, British battalions included thousands of former slaves whose freedom had been purchased by the British, or who had been recruited from the rebels. They were known as the Black Loyalists. In return for their service, they were offered the opportunity after the war to settle in British colonies, including Nova Scotia and New Brunswick, as well as Sierra Leone.¹⁰² Britain promised to provide them with freedom, equal rights, and land. After Britain lost the war, nearly 4000 Black Loyalists traveled north to live in the Canadian colonies.

The lieutenant-governors of Nova Scotia and New Brunswick failed to respect Britain’s promises.¹⁰³ They refused to provide the Black Loyalists with the land that was their due, and

¹⁰¹ Sessional Paper No. 29c, “Dundas to Dorchester, Whitehall, 11 May 1794,” Canadian Archives, Q. 77, p 123

¹⁰² James W. St. G. Walker, *The Black Loyalists: The Search for a Promised Land in Nova Scotia and Sierra Leone*, (“*The Black Loyalists*”), at p. 57 and following. <http://www.jstor.com/stable/41298659>

¹⁰³ <https://lt.gov.ns.ca/history/lieutenant-governors-colony-nova-scotia-1786-1867> ; <https://www.thecanadianencyclopedia.ca/en/article/thomas-carleton> ; <https://www1.gnb.ca/0007/culture/heritage/vmc/display-image.asp?id=143> ; <https://mynewbrunswick.ca/history-of-new-brunswick/>

refused them the right to vote or to receive equal justice. They stood by passively while white settlers shamelessly exploited the Black Loyalists as cheap labour.¹⁰⁴

Dundas learned of the plight of the Black Loyalists in 1791 when he received a petition from Thomas Peters, a Black Loyalist living in New Brunswick who appealed to the Home Secretary to intervene on behalf of his community.¹⁰⁵ Dundas ordered the lieutenant-governors to honour Britain's promises and to provide the loyalists with good land as soon as possible. He specifically ordered them to ensure that the land grants compensated the loyalists for the delay:¹⁰⁶

I am therefore to desire [...] that you give directions that the full proportions of Land promised to them may immediately be located and in a Situation so advantageous as may make them some atonement for the injury they have suffered by this unaccountable Delay : and I must desire to receive from You as soon as possible a particular Account of your proceedings in consequence.¹⁰⁷

Dundas also offered the loyalists the alternative of passage to British controlled territory in Sierra Leone, where they were to be given land, citizenship on equal footing as other citizens, and equal status in the justice system. Some 1200 accepted and made their way back to Africa.¹⁰⁸

This is not to suggest these events went on to result in a happy ending. What these events reveal is that Dundas believed in honouring the rights of Africans on British territory. When Dundas learned that former slaves had been treated unfairly, he sought to rectify the situation with a direct and unambiguous order to the situate lieutenant-governor. He also committed British naval resources to achieving a just solution by providing passage halfway around the world to more than a thousand former slaves. In an indirect way, this speaks to his intentions regarding slavery. He was a man who saw Africans as human beings deserving of respect, and deserving of respect for their rights.

¹⁰⁴ *The Black Loyalists*, supra, at p. 65

¹⁰⁵ Petition of Thomas Peters, [n.d.], Brinley Town, "Black Loyalists in New Brunswick, 1783-1854," *Atlantic Canada Virtual Archives*, diplomatic rendition, document no. Peters_Thomas_1790_02. RS 108: Index to Land Petitions: Original Series, 1783-1918, , Provincial Archives of New Brunswick, Fredericton, New Brunswick. https://preserve.lib.unb.ca/wayback/20141205151334/http://atlanticportal.hil.unb.ca/acva/blackloyalists/en/petitions/browse/view.php?id=Peters_Thomas_1790_02&mode=img

¹⁰⁶ *The Black Loyalists*, p. 66

¹⁰⁷ Letter from Henry Dundas to Thomas Carleton, 6 August 1791, "Black Loyalists in New Brunswick, 1783-1854," *Atlantic Canada Virtual Archives*, diplomatic rendition, document no. Dundas_Henry_letter. RS 108: Index to Land Petitions: Original Series, 1783-1918, , Provincial Archives of New Brunswick, Fredericton, New Brunswick. https://preserve.lib.unb.ca/wayback/20141205151334/http://atlanticportal.hil.unb.ca//acva/blackloyalists/en/petitions/browse/view.php?id=Dundas_Henry_1791_01&mode=dpl

¹⁰⁸ St. G. Walker, James W. "Blacks as American Loyalists: The Slaves' War for Independence." *Historical Reflections*, vol. 2, no. 1, 1975, at p. 66. www.jstor.org/stable/41298659.

3. Respect for francophone rights

After the division of Upper and Lower Canada, the French majority in the Legislative Assembly pressed for the right to enact laws and record proceedings in French. The English minority resisted, insisting that British subjects had the right to be governed in English. Henry Dundas resolved the impasse by clarifying the position of the British government:

He saw no objection to a permanent rule that “bills relative to the laws, customs, usages and civil rights of the province be introduced in French, ‘to preserve the unity of the texts,’ as long as the laws proposed were also drafted in English; conversely bills tabled in English could be accompanied by a French translation.¹⁰⁹

This was the obvious solution, perhaps, but France had declared war on Britain just a few months earlier, and many would have been tempted to issue a harsher response. This evidence demonstrates that Dundas respected rights of minorities.

4. Defence of Indigenous rights

A little-known fact about Henry Dundas is that he defended the rights of indigenous people in British North America.

From the 1780’s until the onset of the war of 1812, United States’ armed forces were engaged in hostile forays into certain regions of what are now Ontario and Quebec, with a particular view to acquiring indigenous-controlled lands. Dundas, as Secretary of State for Home Affairs, directed Sir Guy Carleton, the first Baron Dorchester and Canadian Governor in September of 1791 to effect “a speedy termination of the war.” He told the governor that the Crown wished “*to show every consistent mark of attention and regard to the Indian Nations.*” Dundas also told Dorchester that his diplomatic overtures should protect the interests of the Indian Nations:

...securing to them the peaceable and quiet possession of the Lands which they have hitherto occupied as their hunting Grounds, and such others as may enable them to procure a comfortable subsistence for themselves and their families.¹¹⁰

Dundas thus showed a keen perception of the rights and needs of Indigenous peoples, and honoured their status as “nations.” This evidence weighs against contemporary allegations that Dundas was a “white supremacist.”

¹⁰⁹ Dorland, Michael and Charland, Maurice René, *Law, Rhetoric and Irony in the Formation of Canadian Civil Culture*, University of Toronto Press, Toronto, 2002, p. 102

¹¹⁰ “Right Hon. Henry Dundas to Lord Dorchester” #36. (Canadian Archives, Series Q., Vol. 52, p. 206.) (No. 1.) Whitehall, 16th Sept. 1791.

VII. PERSPECTIVES ON GRADUAL vs. IMMEDIATE ABOLITION

1. Gradual abolition – a familiar concept

In 1791, Wilberforce introduced a motion in Parliament for “immediate and complete abolition.”¹¹¹ He was soundly defeated by opponents of abolition of any kind, as well as those who were fearful of the economic effects of “immediate and complete” abolition. In the ensuing debate, many MPs said they would prefer to proceed gradually:

- Rowland Burdon: "He wished to go gradually, and not so much at once, to the question of abolition."¹¹²
- George Sumner: "...declared himself against the immediate and unqualified abolition, [...] but a gradual abolition he would much wish to see."¹¹³
- Sir William Young: on the question "That there should be an immediate and unqualified abolition of the slave trade." That question has my decided negative."¹¹⁴
- Alderman Watson: "He recommended it to the committee to soften the rigours of slavery by wholesome regulations but not to adopt such rash a conduct as to vote the immediate abolition of the trade."¹¹⁵

Professor Dale Porter noted that, when the issue was again before Parliament in 1792, “*the obvious compromise was a gradual abolition*”:

By far the most popular plan for gradual abolition involved a tax on imported slaves, to be increased each year until it became prohibitive. The revenue gained would be given as subsidies for raising creole children. The slave trade to foreign colonies would also be stopped. [...] Several members of Parliament had expressed their hope for a gradual abolition and even the City of Bristol agreed in principle.¹¹⁶

In the following year, Wilberforce’s strategy responded to these preferences. He proposed a motion that was “designed to conciliate his more moderate opponents.”¹¹⁷ He instructed his supporters to circulate petitions that avoided mentioning “immediate” abolition:

The terms of your petition ought to be such as to allow of a man’s signing it who rather recoils from the idea of immediate abolition.¹¹⁸

¹¹¹ Cobbett, *Vol 29 (supra)* at p. 250. <https://digital.bodleian.ox.ac.uk/inquire/p/aa8769f9-f0ac-41f8-8035-06cd3a732c63>

¹¹² *Ibid.*, at p. 250. <https://digital.bodleian.ox.ac.uk/inquire/p/0c28d9e8-cac6-417f-ae69-85270e2273e1>

¹¹³ *Ibid.*, at p. 357. <https://digital.bodleian.ox.ac.uk/inquire/p/6873646b-fbc8-42d1-9055-0661efed6d05>

¹¹⁴ *Ibid.*, at p. 314. <https://digital.bodleian.ox.ac.uk/inquire/p/c28867c0-a570-48db-8d57-29f966f8f7d3>

¹¹⁵ *Ibid.*, at p. 343 <https://digital.bodleian.ox.ac.uk/inquire/p/4fc3bab0-f029-489f-b564-f6f483d3bda8>

¹¹⁶ Porter, *supra*, at p 79

¹¹⁷ Porter, *ibid.*

The Parishioners of West Calder were among those who signed a petition, reported in the Edinburghshire log of 1792, advocating gradual abolition:

And farther, if a gradual emancipation of the Slaves in the West Indies cannot with safety be attempted at present (**till that be found practicable, and with a view to prepare for it**), their earnest prayer is, that their circumstances, in the mean time, may be rendered more tolerable by being brought to fully under the equal and vigilant eye of public justice, as that they shall be protected from lawless violence; and by providing means for their religious instruction, that, if it must be their hard lot in this world to suffer bodily bondage, their minds being emancipated from spiritual slavery...¹¹⁹

Wilberforce later ensured that the words “immediate” and “complete” were excluded from the motion he presented to the House of Commons on April 2, 1792, although he acknowledged in debate that immediate abolition was still his preferred policy. This time, his motion sought “leave to bring a bill for the Abolishing of the Slave trade,” without specifying a time for abolition. He reassured the House that the motion did not commit them to a deadline, and the time for abolition would be determined later.¹²⁰

In effect, Wilberforce was holding out the possibility of gradual abolition as a way to generate votes in support of his motion in 1792. When Henry Dundas proposed the amendment for “gradual” abolition in 1792, he made explicit what Wilberforce held out as a possibility.

2. The comparative values inherent in gradual and immediate abolition

An extensive body of scholarship discusses two broad conceptual approaches to abolition that were apparent in the abolition debates among slave trading nations in the late 18th and early 19th centuries.

Immediate abolition, or “immediatism” as it was known, was generally preferred by those who saw the issue strictly as a moral question, frequently with religious overtones. They rejected abolition by incremental means as being the equivalent of tolerating murder, torture, rape, etc., *i.e.* a state of sin that could not be endured for any reason. Others favoured “gradualism” – an approach that tended to attract consequentialists who were more concerned with achievable results, even if they involved an uncomfortable degree of compromise. Gradualists were

¹¹⁸¹¹⁸ Wilberforce, Robert I and Samuel, eds., *The Life of Wilberforce*, I, London, 1838, at p 333, citing a letter to abolitionist Thomas Gisborne.

¹¹⁹ West Calder Slave Trade Petition, March 15, 1792, reported in the Edinburghshire log of 1792.

<https://enacademic.com/dic.nsf/enwiki/9602162/West>

¹²⁰ Cobbett, William, editor, *Cobbett's Parliamentary History - volume 29*, at 1073

prepared to accept incremental progress as being preferable to no abolition all. Within those broad categories were numerous sub-categories, as well as some blurring of the boundaries.¹²¹

An analysis of the virtues of immediatism vs. gradualism, and how it applied to abolishing the slave trade vs. slavery, is beyond the scope of this paper. Our purpose in noting this body of scholarly commentary is to point out that principled people who opposed slavery tended to divide along well-recognized philosophical lines. This helps to explain the conceptual differences between Wilberforce and Dundas, and their proposals for ending human trafficking:

- Wilberforce was an evangelical Christian who saw his life purpose as the abolition of slavery. He was thus naturally inclined to see slavery as a sin, and to adopt the idealism inherent in immediatism. As a backbench MP, he was also unconstrained by competing priorities in government.
- Dundas was a proponent of the Scottish Enlightenment – a movement that valued rational thought and consequentialism over religious fervour. He was also a lawyer trained in developing results-based argument. These qualities naturally inclined him to a greater affinity for gradualism. Also, as Home Secretary and then War Secretary, he had a duty to prioritize Britain’s security and success in the war effort, and was not free to focus his entire attention on the issue of abolition.

Nonetheless, even Wilberforce’s commitment to immediatism had its limits. Wilberforce helped to found the “Society for the **Mitigation and Gradual Abolition** of Slavery throughout the British Dominions” in 1823. His campaign culminated in passage of the *Abolition of Slavery Act* in 1833 – legislation that would emancipate slaves by 1838 following a period of apprenticeship, another concession to gradualism.¹²²

Wilberforce had actually resisted the idea of immediate abolition of slavery (as opposed to the slave trade) from the earliest days of his campaign. His view was that those enslaved in the West Indies were ill-equipped to handle personal freedom.¹²³ As late as 1814, he opposed the immediate emancipation of slaves, even those trafficked illicitly to British territories, stating “*our object and our universal language was and is to produce by abolition a disposition to breed instead of buying.*”¹²⁴

¹²¹ Brion-Davis, David, “The Emergence of immediatism in British and American Antislavery Thought,” *Mississippi Valley Historical Review*, vol. 49, no. 2, 1962, pp. 209–230. <https://www.jstor.org/stable/1888627>. See also:

¹²² *Encyclopedia of Emancipation*, *supra*, p. 101

¹²³ Cobbett, Vol 29, p. 274 <https://digital.bodleian.ox.ac.uk/inquire/p/0afcb0-9334-4083-9505-7fa1b3866971>

¹²⁴ Parl. Deb., Vol XXXIV, 1814, p 803

VIII. TRIAL AND REDEMPTION

1. Abolitionists pursue impeachment

Detractors of Henry Dundas frequently try to discredit him by referring to an impeachment proceeding in the House of Commons in 1805. This episode was unrelated to the abolition debate, except to the extent that those who blamed Dundas for the failure of the movement for immediate abolition were also at the forefront of the impeachment initiative.

In 1801, irregularities were discovered in the financial records of the British Navy while Dundas was Treasurer. Investigations by a Parliamentary commission uncovered evidence of misappropriation by the navy's Pay Master - Alexander Trotter – under Dundas's watch. In 1805, after a lengthy examination of the evidence, the House of Commons voted 216-216 to impeach Dundas, *i.e.* to subject him to a trial on allegations of financial mismanagement and misappropriation. The speaker broke the tie, and the motion for impeachment carried. The matter was set for trial in the House of Lords the following year.

Oxford historian J.A. Lovat-Fraser commented that the House of Commons was conducting a judicial proceeding when it was deciding whether to impeach Dundas (now Viscount Melville) and compel a trial. He said MPs “should have preserved a judicial spirit.”¹²⁵ After reviewing the records of the impeachment proceeding, Lovat-Fraser noted an absence of due process:

The Opposition, however, seemed rather to regard themselves as the hunters with Melville as the fox, and pursued and hounded him with savage bitterness.¹²⁶

Lovat-Fraser noted that even the King, whom he notes was no friend of Dundas's, was disgusted by the conduct of parliamentarians.¹²⁷

Dundas offered up his resignation from cabinet and the Privy Council,¹²⁸ although he maintained his seat as a peer in the upper house.

After a 16-day trial, Dundas was acquitted of all charges. Lovat-Fraser says public sentiment immediately began to turn back in his favour:

¹²⁵ Lovat-Fraser, *supra*, at p. 95

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*, at p. 97

¹²⁸ The Privy Council provided advice to the King, and was comprised of senior politicians, both present and past members of the House of Commons or the House of Lords.

If the impeachment of Melville produced grief in Scotland, the dismissal of the charges against him cause the utmost delight. The joy of his friends and supporters was irrepressible...¹²⁹

Even the MP who had led the prosecution, Samuel Whitbread, later confided that he never suspected that Dundas had enriched himself with public funds.¹³⁰

2. Political turnaround

After the acquittal, Dundas returned to active political life, and participated in debates in the House of Lords.¹³¹ In a remarkable reversal of fortune, Dundas was invited to rejoin the Privy Council in 1807. By the end of that year, he was again in a position to influence key political appointments, and one of his peers in the House of Lords observed that “more than ever he was Minister *de facto* in Scotland.”¹³²

In 1809, Prime Minister Spencer Perceval offered Dundas an earldom, which he declined.

3. A rift mended

On June 14, 1810, Dundas made his last speech in the House of Lords.¹³³ Around this time, he and Wilberforce had a chance meeting in London. Despite Wilberforce’s bitterness towards Dundas in the recent past, the two men shared a moment in which their earlier affection for each other resurfaced:

About a year before he died, we met in the stone passage which leads from the Horse Guards to the Treasury. We came suddenly upon each other, just in the open part where the light struck upon our faces. We saw one another, and at first I thought he was passing on, but he stopped and called out, ‘Ah Wilberforce, how do you do?’ And gave me a hearty shake by the hand. I would have given a thousand pounds for that shake. I never saw him again.¹³⁴

Dundas died the following year, on May 28, 1811.

¹²⁹ Lovat-Fraser, *supra* at p. 107

¹³⁰ *Ibid.*, at pp. 103-104

¹³¹ *Ibid.*, at p. 110

¹³² *Ibid.*, at p. 111, citing instances of Dundas’s renewed influence, and referring to a letter written in November of 1807, by Lord Henry Petty.

¹³³ *Parliamentary Debates, Official Report*, T.C. Hansard, Vol.

<https://books.google.ca/books?id=Lps9AAAACAAJ&lpg=RA2-PA643&ots=5Xc1E5cohj&dq=%22scotch%20judicature%20bill%22%201810&pg=RA2-PA643#v=onepage&q=%22scotch%20judicature%20bill%22%201810&f=false>

¹³⁴ Furber, Holden, *Henry Dundas: first viscount Melville, 1741-1811, political manager of Scotland, statesman, administrator of British India*. London: Oxford University Press, H. Milford (1931) at pl 301-302
<https://archive.org/details/cu31924028005027>

IX. ASSESSING THE WEIGHT OF TOTALITY OF THE EVIDENCE

1. The evidence - for and against

Fifty years ago, Professor Dale Porter observed in his authoritative text on the slave trade that he saw no end to the debate over whether Dundas was a genuine advocate of abolition of the slave trade:

The question of his [Dundas's] sincerity will never be settled. Despite the bitter attacks of abolitionists and the rejoinder from Dundas's biographers, there is little evidence on which to base an objective conclusion.¹³⁵

Porter had a point, at least to the extent that there was at that time no “smoking gun” that could irrefutably settle the question. In recent years, however, the availability of new archival material online has expanded the scope of evidence to which historians have ready access. Moreover, the scholarship at that time had ignored Dundas's involvement in the policies of the newly-constituted Canadian colonies, where abolition and the rights of Africans were also in issue.¹³⁶ It is now possible to make more definitive findings regarding Dundas's opinions and intentions in the early 1790's.

The questions posed at the beginning of this paper may be answered as follows:

Did Henry Dundas's amendment, which inserted the term “gradual” into a motion for abolition, cause a 15-year delay in the abolition of the slave trade?

Wilberforce's motion was heading for near-certain defeat, and so Dundas's amendment did not cause it to fail. In the unlikely event that Wilberforce's motion had won support in the Commons, it would nonetheless never have become law. The following factors posed insurmountable obstacles:

- 1) the House of Lords, who steadfastly blocked proposals for abolition of the slave trade during the 1790s;
- 2) King George III, who opposed abolition;
- 3) the all-consuming war with France that started in early 1793, making the security of the British people and British territories take precedence over humanitarian reforms;
- 4) Britain's heavy economic reliance on the West Indies, which raised the spectre of economic collapse in the middle of a war.

¹³⁵ Porter, *supra*, p. 81

¹³⁶ *Constitutional Act (1791)*; <https://www.uottawa.ca/clmc/constitutional-act-1791>

- 5) Prevailing fears about the “Age of Rebellion” in the late 18th century, specifically that West Indian planters and merchants would rebel against British control and, following the example of the Americans, seek independence;

It is apparent that numerous circumstances contributed to the delay, and the weight of these factors combined was enormous. If Dundas had simply remained silent, Wilberforce’s motion would still have gone down to defeat. On the other hand, if Wilberforce had joined forces with Dundas, the slave trade could have been abolished by the end of the century, and slavery itself could have been phased out long before Britain abolished slavery in 1833.

The second question, concerning intention (or *mens rea*) is:

Did Henry Dundas intend to obstruct legislation for abolition of the slave trade?

The evidence that constitutes proof regarding Dundas’s motives includes the following:

- 1) His passionate representation of Joseph Knight, resulting in a declaration by Scotland’s highest court that no person could be a slave on Scottish soil;
- 2) His first public speech on the abolition of the slave trade, in which he revealed a multi-faceted plan for the end to slavery itself, including by way of the eradication of hereditary slavery;
- 3) His contemporaneous oversight of John Graves Simcoe’s campaign to bring abolition of slavery to Upper Canada, primarily by way of the eradication of hereditary slavery;
- 4) His consistent opposition to the slave trade in all of his public speeches throughout the 1790s;
- 5) His refusal to vote against abolition measures, even when he disagreed with the specific strategies for abolition;
- 6) The reasonable need to prioritize national security in the middle of a war, a goal of such over-riding importance that it cannot be taken to negate his support for abolition;
- 7) His respect for the rights of Africans, as shown by his treatment of Black Loyalists;
- 8) His private assistance to abolitionists, to whom he provided advice behind closed doors;
- 9) His fury when, in 1800, WI planters backed out of a tentative agreement to suspend the slave trade for five years;

- 10) His belief, held on reasonable grounds, that the West Indian colonies had sufficient constitutional autonomy to defeat British abolition laws;
- 11) His public denunciations of the obstructive tactics of the WI interests;
- 12) His belief, held on reasonable grounds, that slave traders would circumvent any law for immediate abolition of the slave trade;
- 13) His duty to ensure that WI planters did not develop a revolutionary spirit – a tangible risk given the revolutionary spirit that had overtaken France, and that had recently led to British losses in the American Revolution;
- 14) His support for minority rights throughout his public career, including the rights of Catholics, indigenous people in Canada, and francophones in Canada;
- 15) His long experience as a successful politician who knew how to get things done, and reasonableness of his belief that abolition was more achievable if the opposing sides could be brought together to support legislation for a gradual process.

Such evidence supports the conclusion that Henry Dundas genuinely supported gradual abolition of slavery and the slave trade. It demonstrates that when he argued that gradual abolition was the only effective method to pursue this end, he genuinely believed that to be the case.

The evidence that supports the opposite view falls into four broad categories:

- i. Dundas was on friendly terms with those who represented West Indian interests, from which one might infer that he was also advancing their interests,
- ii. he wrote a letter in 1796, in which he indicated an intention to oppose certain proposals for abolition,
- iii. Wilberforce (and others) blamed Dundas for the failure of their proposals to win the support of both houses of Parliament,
- iv. Dundas was the War Secretary during the war with France, during which time British forces were concentrated on maintaining and expanding British control of the West Indies and brutally suppressed uprisings among the Black populations of the West Indian islands.

The first two factors are addressed elsewhere in this paper. However, with regard to the first we also note that while those with vested interests in the West Indies appear to have been on good terms with Dundas, this is consistent with the respectful dialogue and consultation that a secretary of state ought to have with power brokers in all territories of the empire. It was Dundas's responsibility to ensure that revolutionary spirit did not take hold among the leaders of

the West Indian colonies, some of whom were known to favour independence from Britain. It may be noted that Dundas also cultivated respectful dialogue with the abolitionists.

Regarding the third category, the fact that Wilberforce and other militant abolitionists lashed out at Dundas from time-to-time reflects little more than their frustration that he refused to support an approach that he saw as ineffective and misguided. To them, that made him an opponent. Their personal feelings, however, are not evidence. Moreover, it is likely that they knew that there was a political advantage to treating Dundas as a foe. He was a prominent and controversial figure, whose approach to seditionists had already angered a significant sector of the British public. Dundas made a convenient scape goat, and it was more convenient to blame him for their failed initiatives than to consider the possibility that a policy of gradual abolition was more likely to succeed.

As for the fourth category concerning military action in the West Indies, it is apparent that critics have oversimplified the complexities of mutual aggression in a region where the British and French both had much to gain and much to lose. Britain's economy was heavily dependent on the West Indies. It strains credulity to suggest that Dundas had a specific policy during the war of preserving a slave-based economy because he supported slavery, a view endorsed by certain academics.¹³⁷ Examining Britain's war efforts through the lens of abolition is an unreliable tool for discerning Dundas's intentions, especially when Prime Minister William Pitt, a committed abolitionist, gave his complete support to Dundas's war efforts.

Blaming Dundas for Britain's actions in the West Indies, while declining to view William Pitt at least as harshly, is also illogical. No one doubts that William Churchill led Britain through World War II. Similarly, the revolutionary and Napoleonic wars were Pitt's wars. Dundas was his War Secretary.

While there are arguments on both sides, the preponderance of evidence strongly supports the view that Dundas genuinely supported abolition of the slave trade.

CONCLUSION

Henry Dundas's thick Scottish accent and expansive, familiar manner sometimes failed to charm the British elite, but he rose quickly to political prominence and fulfilled a role that is crucial to effective governance. He managed crises, advocated for rights of oppressed minorities,

¹³⁷ See, e.g., Professor Melanie Newton's non-peer-reviewed opinion piece, recently published by Open Democracy: "Henry Dundas, Empire and Genocide" <https://www.opendemocracy.net/en/opendemocracyuk/henry-dundas-empire-and-genocide/> and Professor Diana Paton's op-ed column in The Times, entitled "French power battle frames Henry Dundas's role in slave trade," July 30, 2020.

dedicated himself to protecting the security of the British people, strengthened Scotland's role in the Union, and delivered results. Such people are essential to the gritty work of governance. They make it possible for visionaries to achieve change that would otherwise be beyond their grasp.

A pragmatic man in all his political endeavours, Dundas also took a pragmatic approach to abolishing the slave trade. This appears to have resulted in his record on abolition being misunderstood, and therefore misrepresented.

Every time Dundas spoke publicly about slavery he emphasized his abhorrence of it. Even when he disagreed with William Wilberforce, he spoke his mind but refused to vote against any proposals for the abolition of human trafficking. Dundas was resolute in his refusal to stand with the slave traders, even when he disagreed with the strategies of the abolitionists.

When Dundas proposed adding the word "gradually" to Wilberforce's motion in 1792, and persuaded wavering MPs to support it, he achieved something remarkable. He united a decisive majority in the Commons behind a plan to abolish the Atlantic slave trade by the end of the decade. When Wilberforce and his supporters later gutted his plan, they destroyed a critical opportunity to win the support of the House of Lords. The failure of their strategy is theirs alone.

Dundas consistently supported recognition of a broad range of human rights, from the beginning of his political career when he represented Joseph Knight, to later events when he supported gradual abolition, the honouring of agreements with Black Loyalists, and the enfranchisement of Irish Catholics. Even the leaders of the abolition movement acknowledged, decades later, that Dundas had given them wise advice when he said they should focus on the abolition of slavery, rather than the slave trade. He truly was a moderate, practical abolitionist, with a genuine intention of ending the slave trade and slavery.

When the officers and seamen of the Royal Navy, along with Dundas's friends, commissioned the Melville Monument more than a decade after his death, they honoured a man who was a towering figure in Scottish history. They commemorated a man whose devotion to his homeland resulted in Scotland taking its place as an equal partner in the British union. When Lieutenant-Governor Simcoe honoured Henry Dundas by naming a military road after him, he recognized the man whose guidance helped to shape the legislation of the first government of Upper Canada, including legislation to abolish slavery. In both cases they honoured a person who lived by the values of the Scottish Enlightenment, and who valued the capacity of all human beings to thrive in a state of liberty and respect for human rights.