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**The Henry Dundas Committee for Public Education on Historic Scotland**

**HENRY DUNDAS AND ABOLITION - THE MISSING PIECES**

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## OVERVIEW

### i. Introduction

In their quest for justice for Black people, a few key activists have in recent years distorted the truth of Henry Dundas. The popular narrative – that Dundas delayed the abolition of the slave trade – is riddled with false statements, exaggerations and a failure to grapple with contradictory evidence. Those inaccuracies have been repeated so many times that they are now widely accepted as the truth.

The Henry Dundas Committee for Public Education on Historic Scotland has a mandate to set the record straight. We have identified important evidence that modern activists ignore – evidence that shows that throughout his legal and political career, Henry Dundas helped to move Britain toward the ultimate goal of abolition of the slave trade and slavery. As a lawyer, Dundas fought in Scottish courts for the freedom of a slave, and forever changed the law of slavery in Scotland. As a politician, he consistently and publicly condemned slavery and the slave trade as being contrary to justice and humanity. It was his initiative in 1792 that caused Parliament to vote in favour of abolishing the slave trade for the first time in British history. Britain was plunged into a world war a few months later and public support for abolition waned, but Dundas continued to advise abolitionists behind closed doors about the fastest way to achieve their ends. The leaders of the abolition movement ignored his advice. They wanted to achieve their goals more quickly. Thirty years later, they had utterly failed to achieve emancipation, and, while trafficking in slaves had been outlawed in 1807, the slave traders continued to traffic underground for another two decades. Abolitionists publicly admitted that Henry Dundas had been right – a gradual approach to abolition would have been more effective.

Modern activists, including some notable historians, ignore such facts, which are easily proven on the historical record.

Modern activists also ignore Henry Dundas's contribution to Canada. As the British Home Secretary, Dundas commissioned a prominent abolitionist to be Upper Canada's first lieutenant-governor, which resulted in passage of the first anti-slavery legislation anywhere in the British Empire. He ordered his Canadian officials to ensure that the "Indian Nations" had the land they needed to sustain a good life. He ordered governors in Nova Scotia and New Brunswick to honour Britain's promise to give land to former Black slaves who fought for Britain in the American Revolution. He directed the governor for Lower Canada to put an end to efforts by English-speaking politicians to suppress the use of French in the legislature, and thus became the first senior politician to adopt a policy of official bilingualism in Canada.

Every reckoning with the past, whether it is a criminal prosecution, a documentary on wrongdoing, or a scholarly examination of painful periods of history, must do one thing. It must

get the facts right. Decisions, judgments and analyses must be grounded on solid evidence if they are to have integrity. No one can trust findings based on shoddy research into the facts.

Our committee fully supports contemporary efforts to reckon with the historic evils of slavery and the slave trade, and continuing damaging effects on Black communities. We know that Black people deserve justice, and that our world often falls tragically short of delivering it.

We also believe that Black people deserve the truth. We all deserve the truth. This paper highlights important aspects of the truth regarding Henry Dundas. It shows the many ways in which he was person of integrity who did his best to support the abolition of slavery and the slave trade, even when the wars with France meant that immediate abolition was impossible.

## **ii. The Issues**

The broad facts are not in dispute: William Wilberforce introduced a motion in the British House of Commons in favour of abolition of the slave trade in 1792. His stated intention was to set the groundwork for the immediate abolition of the slave trade, but he intentionally crafted a motion that avoided specifying a deadline. Henry Dundas introduced an amendment that provided for a gradual process. His amendment was adopted, and the House endorsed, in principle, the gradual abolition of the slave trade.

Fifteen years then passed before Parliament enacted the *Anti-Slave Trade Act 1807*.

The issue at the heart of this debate is whether Dundas's amendment caused a 15-year delay in abolition of the slave trade, or whether that delay was inevitable. A related issue is – what was Dundas's intention? Was he trying to prevent abolition of the slave trade, or did he have a genuine commitment to the most effective strategy for achieving abolition?

This paper therefore focuses on 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 prevent passage of any legislation to abolish the slave trade?**

## I. THE BEGINNING – Reforming slavery law in Scotland

### 1. Dundas advocated for a slave’s freedom

In 1776, Dundas’s career was thriving. After serving as the solicitor-general in Scotland for nine years, he was now a newly elected MP, Scotland’s Lord Advocate, and a member of the cabinet of Prime Minister William Pitt the Younger.<sup>1</sup> He anticipated a life of law and politics.

In the same year, Joseph Knight – a young African man – was embroiled in a legal battle to free himself from slavery.

Knight had been taken to Scotland by John Wedderburn, a plantation owner who had “purchased” him as a child in Jamaica. Wedderburn showed Knight kindness, educated him along with his own children, and made him a household servant. He then returned with Knight to Scotland, where Knight’s education continued.

Years later, Joseph Knight fell in love with a housemaid for the Wedderburns, Annie Thomson. They married. When Annie was pregnant, Knight asked Wedderburn for a living wage, or to let him and Annie live in a cottage on the Wedderburn property. Wedderburn was outraged. He fired Annie and refused to let Knight have the wages and independence he needed to care for his family.

Knight did not give up. He had read about a legal case in England (*Somerset v Stewart*) that gave him hope for the right to claim his freedom, and planned his escape. Wedderburn soon discovered Knight’s plans. He had Knight arrested and jailed, by order of a panel of the local justices of the peace.

Knight, however, was armed with knowledge of the English decision. He was determined to fight for his freedom. He appealed to the Sheriff (the equivalent of magistrate), who agreed that he should be freed. The Sheriff released him, ruling that “the state of slavery is not recognized by the laws of this kingdom, and is inconsistent with the principles thereof.”<sup>2</sup>

Wedderburn refused to accept the Sheriff’s judgment. He appealed to the Court of Sessions, Scotland’s highest civil court. Knight now needed a legal team of the highest calibre.

Dundas offered his services to Knight *pro bono*, and led the legal team that argued the appeal. While Wedderburn relied on the law of property, Dundas focused on principles of

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<sup>1</sup> *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>

<sup>2</sup> *Joseph Knight, a Negro, v John Wedderburn, Esq.* [1778] Hailes 776 (15 January 1778) (“*Knight*”) per Westhall, J at 779 <https://www.bailii.org/scot/cases/ScotCS/1778/Hailes020776-0472.html>

humanitarianism, and warned the court about the consequences of a finding that slavery was legal:

We may possibly see the master chastising his slave as he does his ox or his horse. Perhaps, too, he may shoot him when he turns old.  
[...]  
Human nature, my Lords, spurns at the thought of slavery among any part of our species.<sup>3</sup>

Dundas argued that regardless of what the laws of Jamaica might be, a proper application of Scottish law prohibited ownership of any human being.

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

...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 [...].<sup>5</sup>

Lawyer and writer James Boswell attended the hearings. Although Boswell was no supporter of abolition, in a letter to Samuel Johnson he singled out Dundas for special praise:

I cannot too highly praise the speech which Mr. Henry Dundas generously contributed to the cause of the sooty stranger.

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.<sup>6</sup>

The decision in *Knight v. Wedderburn* became a landmark in Scottish legal history. It declared in unambiguous terms that no one could be a slave on Scottish soil, and affirmed the human and civil rights of every person in Scotland. It was celebrated as a triumph of Scotland's judicial system:

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<sup>3</sup> *Caledonian Mercury* - Wednesday 21 February 1776,  
<https://www.britishnewspaperarchive.co.uk/viewer/BL/0000045/17760221/003/0002>

<sup>4</sup> *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>

<sup>5</sup> *Knight, supra*

<sup>6</sup> Boswell, James, *The life of Samuel Johnson, LL.D.*: comprising a series of his epistolary correspondence and conversations with many eminent persons. Routledge, 1867. at p. 319  
[https://books.google.ca/books?id=P7ZpAAAACAAJ&printsec=frontcover&source=gbs\\_ge\\_summary\\_r&cad=0#v=onepage&q&f=false](https://books.google.ca/books?id=P7ZpAAAACAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false)

Upon no occasion, even the decision of literary property, did our Bench display more learning and ability than upon this occasion, when the rights of humanity were weighed in the great scales of justice. And it must give a very high satisfaction to the inhabitants of this part of the united kingdom, that the freedom of negroes has obtained its first *general determination* in the Supreme Civil Court of Scotland.<sup>7</sup>

Legal historian Professor John W. Cairns observed that the decision “contributed to the development of anti-slavery discourse from the 1770s onwards.”<sup>8</sup>

Dundas’s critics have tried to minimize Dundas’s role,<sup>9</sup> arguing that lawyers are hired guns and what they say in court does not represent their personal views.<sup>10</sup> It is a specious argument. Dundas was acting for Knight *pro bono*, but more importantly, he was embarking on a promising career in politics, and knew that everything he said publicly would reflect on him personally. The case was also decided a full decade before the abolition debate gripped the nation, and there was little political capital to be found in opposing slavery. Another argument that attempts to diminish Dundas’s role is that he was a minor player on the legal team. In fact, he led the team, and was the only member of the team whose arguments were quoted by the court.

Dundas’s passionate advocacy on behalf of Knight thus provides evidence of his core values. It increases the likelihood that, years later, he genuinely supported abolition when he proposed a 12-point plan to end slavery and the slave trade, together. It cannot be a coincidence that Dundas would later present Parliament with a vision for abolition that included (1) the eradication of both the slave trade and slavery, and (2) the education of Black children. In Joseph Knight, Dundas came to know a young Black man who had been born into slavery but was then educated while he served his owners in the manner of a servant. Knight was, for Dundas, a living example of the capacity of Africans to break the shackles of slavery and become free and contributing members of society.

Dundas’s plan for abolition of slavery had Joseph Knight written all over it.

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<sup>7</sup> *Caledonian Mercury*, 17 Jan. 1778.

<sup>8</sup> Cairns, JW 2012, 'After *Somerset*: The Scottish Experience', *Journal of Legal History*, vol. 33, no. 3, pp. 291-312. <https://www.semanticscholar.org/paper/After-Somerset%3A-The-Scottish-Experience-Cairns/3e8b7545a08f73d3ebd6d6ade413c804a3cd26f6>

<sup>9</sup> Some critics deny that Dundas was the lead counsel, and suggest he was at best second chair. The evidence proves otherwise: (a) Dundas was the only lawyer who was personally recognized in the recorded decision, (b) according to Professor of Law John Cairns, Dundas was the only lawyer who made oral submissions; (c) Dundas was the only lawyer for Knight who was quoted in newspaper coverage.

<sup>10</sup> See, e.g., the opinion piece of Associate Professor Melanie J Newton (published in *Open Democracy*, a website whose editor at the time was Adam Ramsey, the original activist who proposed a new plaque at the Melville Monument in Edmonton), in which she says: “lawyers’ arguments in court cannot simply be taken as evidence of their own personal beliefs.”

## II. THE CAMPAIGN FOR ABOLITION

### 1. Wilberforce sought to win over moderates

In early 1792, William Wilberforce – the acknowledged leader of the abolition movement in Britain in the late 18<sup>th</sup> century – tabled a motion in the House of Commons to abolish the Atlantic slave trade. He faced a monumentally difficult task. His motion for “immediate and complete” abolition had gone down to a crushing defeat in 1791,<sup>11</sup> and powerful opposing forces in Parliament remained. Many MPs had in the previous year expressed a wish to proceed gradually, such as MP George Sumner who “...declared himself against the immediate and unqualified abolition, [...] but a gradual abolition he would much wish to see.”<sup>12</sup>

It was obvious to Wilberforce that he needed a new strategy. He decided in 1792 *to appear* to accommodate preferences for gradual abolition and proposed a motion that was “designed to conciliate his more moderate opponents.”<sup>13</sup> He instructed his supporters to avoid referring to “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.<sup>14</sup>

The petition of the “Parishioners of West Calder” is a striking example of this strategy in action. It specifically declared support for gradual abolition, or, in the alternative, regulations:

... 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...<sup>15</sup>

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<sup>11</sup>Cobbett, 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, recording a vote of 163-88 <https://digital.bodleian.ox.ac.uk/inquire/p/4667b8fd-88e1-4532-abbc-70945bc99a65>

<sup>12</sup> Ibid., at p. 357. <https://digital.bodleian.ox.ac.uk/inquire/p/6873646b-fbc8-42d1-9055-0661efed6d05>, at p. 250. <https://digital.bodleian.ox.ac.uk/inquire/p/0c28d9e8-cac6-417f-ae69-85270e2273e1>,

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

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

<sup>13</sup> Porter, *ibid.*

<sup>14</sup> Wilberforce, Robert I and Samuel, eds., *The Life of Wilberforce*, I, London, 1838, at p 333, citing a letter to abolitionist Thomas Gisborne.

<sup>15</sup> West Calder Slave Trade Petition, March 15, 1792, reported in the Edinburghshire log of 1792.

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

The strategy worked. By April of 1792, popular support for the abolition movement surged, and hundreds of thousands of Britons signed petitions.

Wilberforce later ensured that the words “immediate” and “complete” were excluded from the motion he presented on April 2, 1792. He reassured MPs that the timing abolition was a separate matter<sup>16</sup> (although he continued to refer privately to “my motion for immediate abolition”<sup>17</sup>).

Nonetheless, powerful opposing forces loomed over the debate. Many MPs stood to suffer personal financial setbacks, including bankruptcy, from abolition of the slave trade. Between 40 and 50 of them belonged to the “Society of West India Planters and Merchants”, a London lobby comprised of investors, absentee plantation owners and paid agents intent on preserving the slave-based economy in the British colonies.<sup>18</sup> Several peers in the House of Lords were also members. 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, had lost faith, and resigned himself to abolition being an impossible goal.<sup>19</sup>

Thus, while Wilberforce had reason to feel encouraged, the prospects for success in Parliament remained grim. Historian Dale H. Porter, author of an authoritative text on the British abolition movement, assessed the prevailing forces and wrote that Wilberforce’s 1792 motion was heading for a “resounding defeat.”<sup>20</sup>

## 2. Henry Dundas’s first speech on abolition

On April 2, 1792, debate in the Commons began. Dundas arrived with a petition supporting abolition signed by tens of thousands of residents of Edinburgh.<sup>21</sup> The debate ran through the night into the early hours of the morning, with Dundas being one of the last to speak.

Dundas began by observing that he had discussed his views on abolition privately with Wilberforce and others who were in the house that night, and they knew that he favoured gradual rather than immediate and “abrupt” abolition:<sup>22</sup>

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<sup>16</sup> Cobbett, William, editor, *Cobbett's Parliamentary History - volume 29*, at 1073

<sup>17</sup> Hague, William, *William Wilberforce: The Life of the Great Anti-Slave Trade Campaigner*, Harcourt, 2007, at p 235

<sup>18</sup> 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](http://www.jstor.org/stable/3020953).

<sup>19</sup> 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>. This view was shared by his contemporary, Adam Smith, discussed below.

<sup>20</sup> Porter, Dale H., *The Abolition of the Slave Trade, 1784-1807*, Archon Books, 1970, at p. 80

<sup>21</sup> [The Debate on a Motion for the Abolition of the Slave-trade, In the House of Commons on Monday the Second of April, 1792 - Google Play](#)

<sup>22</sup> Cobbett, Vol 29, p. 1104



My honourable friends [...] have very well 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.<sup>23</sup> [...]

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.<sup>24</sup>

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.<sup>25</sup>

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.<sup>26</sup>

Dundas argued that if Britain abolished the slave trade immediately, it would create a void that other countries would rush to fill. He also said a bill for immediate abolition would drive human trafficking underground, and planters would take to smuggling slaves from other sources.<sup>27</sup> He said this would be contrary to the humanitarian goals of abolition.

Dundas proposed a compromise – a motion for abolition, but by gradual means.

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 of 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

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<sup>23</sup> *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> Dundas's account of his personal and private support of abolition was never contradicted.

<sup>24</sup> *Ibid.*, at pp 97-98

<sup>25</sup> *Ibid.*, at p. 96

<sup>26</sup> *Ibid.*, at p. 97

<sup>27</sup> April 2 1792 debate (*supra*). [See also: *Cobbett*, Vol 29 at p. 1106:

<https://digital.bodleian.ox.ac.uk/inquire/p/6dbc262d-083a-43ca-9d49-fec09c34825b> ]

owners to repay the cost of their education, they would be emancipated. He told the Commons his plan entailed “the total annihilation of the slavery of these children.”<sup>28</sup>

Dundas also noted that British citizens had in recent decades invested heavily in the slave trade at the encouragement of Parliament. Many would face bankruptcy without assistance. He said Parliament would have to take steps to mitigate such financial harm.

Dundas’s plan was about much more than the abolition of the slave trade. Professor Porter observed that it 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.<sup>29</sup>

The hard-core anti-abolitionists in the Commons feared that Dundas’s amendment for “gradual abolition” would be successful, and moved to adjourn. They were defeated 87 - 234. The vast majority of MPs clearly wanted to deal with the issue. The house then voted to amend the motion to include the word “gradually,” 192 – 125. The motion now read:

*That it is the opinion of this Committee, that the Trade carried on by British Subjects for the purpose of obtaining Slaves on the Coast of Africa, ought to be gradually abolished.*

The third vote – on whether to adopt this motion – passed with an overwhelming majority: 230 - 85.<sup>30</sup> For the first time in history, abolition of the slave trade became the official policy of the House of Commons.

After analyzing the proceedings that day, Professor Porter calculated that the various factions broke down as follows: 40 “immediate” abolitionists, 85 anti-abolitionists, and 190 moderates.<sup>31</sup> Immediate abolition never had a chance.

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<sup>28</sup> Ibid.

<sup>29</sup> Porter, *supra*, fn 18, at p. 81

<sup>30</sup> 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>

Despite this achievement, Wilberforce wrote in his diary that he had suffered 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.<sup>32</sup>

Wilberforce's sense of personal "hurt and humiliation" is surprising, given the achievement of a vote for abolition, and suggests a reaction against losing control of the agenda. It portended a power struggle between Wilberforce and Dundas that would continue for the next decade.

### 3. Confronting the West Indian planters

A remarkable aspect of Dundas's speech before the crucial April 3, 1792 vote is his challenge to MPs who were the most committed opponents of abolition – the West Indian planters. Dundas advised these hardened slavers that it was in their best interests to transition away from their dependence on the slave trade: "It deeply concerns their interest that the cultivation of their Islands should be by Freemen rather than by Slaves."<sup>33</sup>

Dundas told them that they were fighting against the inevitability of change, and the days of importing slaves from Africa were limited even if Parliament did nothing. He hearkened to a future day when an "enlightened prince" would emerge in Africa, and ban his people from cooperating with slave traders:

If once a Prince of an enlightened character should rise up in that hemisphere, his first act would be to make the means of carrying off all Slaves from thence impracticable. [...]

What reason have they to suppose the light of Heaven will never descend upon that continent? From that moment there must be an end to the present African trade. [...]

They may rest assured the trade will not continue.<sup>34</sup>

Dundas also warned the planters that they could not count on Britain to support their reliance on slavery. He described how enlightened members of British society had awakened to the horrors of the slave trade. He predicted that this widespread revulsion would ultimately lead to its end:

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<sup>31</sup> Porter, *supra*, at p. 82

<sup>32</sup> Hague, William, *William Wilberforce: The Life of the Great Anti-Slave Trade Campaigner*, Harcourt, 2007, at p 235. <https://archive.org/details/williamwilberfor00hagu>.

<sup>33</sup> *Ibid.*, at p. 98

<sup>34</sup> Debate on April 2, 1792, *supra*, p. 226

<https://play.google.com/books/reader?id=EphRAAAAYAAJ&hl=en&pg=GBS.PA226>

I wish to make this observation, that the idea of the impolicy of the African Slave Trade has long been entertained by the most enlightened understandings of this country, as well as the idea that it is not founded in justice. It is the sentiment of a great body of people that it is not politic, and ought not to exist. It has made a deep impression on the minds of enlightened men in this country, that this trade is obnoxious to a thousand perils and dangers.<sup>35</sup>

In other words, Dundas warned the planters to recognize that abolition was inevitable, and that it would go better for them if they were to adapt rather than resist.

#### 4. Dundas's 12-point plan for gradual abolition

After Parliament voted in favour of gradual abolition, Dundas met with representatives of both sides on the issue, and returned to the Commons with 12 resolutions. 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.<sup>36</sup>

Dundas reported that he had discussed the appropriate length of the transition period with stakeholders: 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.<sup>37</sup> Dundas settled on January 1, 1800 – 7.5 years from that day.

Opposition leader Charles Fox later recalled Dundas's negotiations with both sides,<sup>38</sup> and said Dundas had warned both that if either refused to compromise, that side would lose out:

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;

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<sup>35</sup> Ibid.

<sup>36</sup> *Cobbett, Vol 29, (supra)* at p.1204 <https://digital.bodleian.ox.ac.uk/inquire/p/553bfcda-f828-45c6-8abe-34a19e10011d>

<sup>37</sup> *Cobbett, Vol 29, (supra)* at 1208 - <https://digital.bodleian.ox.ac.uk/inquire/p/46c46085-6f4e-435d-b0aa-d761333be237> This consultation was also discussed by Wilberforce. In a letter dated April 9, 1792, he sought the opinion of the Rev. C Wyvill, a fellow abolitionist, and suggested that they agree to four years, but not five. Wilberforce, S.I. et al, *The Life of William Wilberforce*, Vol 1., p. 348

<sup>38</sup> This comment is significant, as modern historians have criticized Dundas for meeting privately with the West Indian interests, with one describing those meetings as "secret." [Stephen Mullen, historian, University of Glasgow, presenter: "Historians on Dundas and Slavery," online forum sponsored by the School of History, Classic and Archeology, University of Edinburgh, July 7, 2020. See also: [https://twitter.com/glasgow\\_sugar/status/1285832370663366656](https://twitter.com/glasgow_sugar/status/1285832370663366656)] Fox's comment indicates that Dundas was meeting with both sides, and abolitionists were aware that Dundas was meeting with the West Indian pro-slave-trade contingent.

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.<sup>39</sup>

Dundas's resolutions were founded loosely on Edmund Burke's "Sketch of a Negro Code,"<sup>40</sup> but proposed a more ambitious and faster end to the slave trade than Burke had imagined. Most notably, Dundas proposed that within a year, no British person or ship would be able to conduct human trafficking with any foreign territories.<sup>41</sup> <sup>42</sup> This measure alone would have immediately banned nearly half of British slave trading.<sup>43</sup>

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, leading to reduction by attrition. Those who remained would have to pay higher fees, thereby discouraging the trade.<sup>44</sup> In addition, conditions on ships would have to be improved. Children would have to be educated. A particularly controversial resolution was to prohibit 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. His plan proposed upper age limits of 20 and 25 (sometimes mistakenly reported as 16 and 20, which Dundas specifically rejected), although he said this particular measure was not essential.<sup>45</sup>

Dundas's plan also included two legislative initiatives: a commission would address compensation to those who would suffer financial harm;<sup>46</sup> and more legislation would follow to provide for enforcement of the new anti-slave trading laws.<sup>47</sup>

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<sup>39</sup> Cobbett, vol. 32, at 882-883, <https://digital.bodleian.ox.ac.uk/inquire/p/bb0e570d-694e-4cd5-b821-2ba795593d4b9>

<sup>40</sup> Burke's Code was a draft for an act of Parliament, whose aim was to put an end over a long period to slavery and the slave trade.

<sup>41</sup> Cobbett, Vol 29, p. 1213 <https://digital.bodleian.ox.ac.uk/inquire/p/611244c2-8e89-40cf-a708-a1e362c0ccb9>

<sup>42</sup> 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]

<sup>43</sup> Cobbett, Vol 29., 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, including 34,000 to foreigners.

<sup>44</sup> 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>

<sup>45</sup> 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.

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

The final resolution entailed a plea to His Majesty, King George III, to make overtures to other slave-trading countries to execute treaties for “the final and complete abolition of the slave trade,” and to encourage the West Indian assemblies to pass ameliorative regulations.

MPs who supported immediate abolition bitterly condemned Dundas’s 7.5-year plan, but Dundas pushed back. He said immediate and complete abolition was impossible as long as the West Indian territories had constitutional and legislative independence. He also asked his critics to consider the humanitarian consequences of their insistence on a supposed quick fix:

On the question of humanity there could not be two opinions; but how did gentlemen understand this question? Did they think it enough to wash their own hands of the trade? Would its being immediately renounced by Great Britain satisfy their humanity? Or would they not think the ends of humanity more completely answered if, by a moderate continuance of it for a short time by this country, the general abolition could be sooner effected with greater certainty and speed, than by any other mode?<sup>48</sup>

The “immediatists” ignored his warning. On May 1, 1792, they 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.

Dundas objected to this gutting of his plan. Nonetheless, he refused to vote against it.<sup>49</sup>

At least one of the leaders of the abolition movement was disappointed in the dismantling of Dundas’s plan. Bishop Beilby Porteus – a member of the House of Lords and a prominent abolitionist – was especially concerned about the shortened deadline. He believed it likely destroyed the possibility that Parliament would enact any form of abolition:

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 India Planters and Merchants would have acquiesced in the annihilation of the trade in 1800.<sup>50 51</sup>

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<sup>47</sup> Ibid., at p. 1211

<sup>48</sup> Ibid., at 1266 <https://digital.bodleian.ox.ac.uk/objects/ad5f433d-c743-4014-8610-3632063b9d10/surfaces/8575d30d-88d4-4d21-b357-2d471b4c0993>

<sup>49</sup> 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.

<sup>50</sup> 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>.

<sup>51</sup> [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](#)

As a member of the House of Lords, Porteus was privy to the opinions of the peers, and as Bishop of London had ecclesiastical oversight of the West Indian colonies. If Porteus believed that the 12-point plan had a chance of surviving 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.

The Lords deferred making a decision, and decided to receive evidence. They started hearings in June, and let the matter die on the Order Paper. Through their inaction they quashed the proposal.<sup>52</sup> The abolitionists, in their passion for swift achievement of their humanitarian goals, had pushed the Lords beyond their tolerance for reform.

## 5. The onset of war with France

On January 23, 1793, French revolutionaries beheaded King Louis the 16<sup>th</sup>. Britain expelled the French ambassador and on February 1<sup>st</sup> the new revolutionary government in France declared war on Britain. The country was plunged into a world war that included Russia and most of western Europe.

With the onset of a world war, public interest in abolition of the slave trade rapidly waned.

News also reached Britain around this time about slave rebellion in Saint Domingue. Around 4,000 whites had been killed and 180 sugar plantations destroyed. Professor Sir Tom Devine has noted that the British public were alarmed at news of murders and torture, and reports of “the decapitated heads of French children [being] stuck on spikes which led the rebel columns.”<sup>53</sup>

Wilberforce panicked. He returned to the Commons on May 22, 1793, with a motion proposing just one of Dundas’s original 12 resolutions – the proposal to prohibit British trafficking to foreign territories. On final reading, only 60 of 320 MPs showed up. The motion was defeated.<sup>54</sup>

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<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>

<sup>52</sup> 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>

<sup>53</sup> “Sir Tom Devine: Scapegoating of Henry Dundas on the issue of Scottish slavery is wrong - and BBC documentary was a miserable failure,” *The Herald Scotland*, 24th October 2020 <https://www.heraldscotland.com/news/18820488.sir-tom-devine-scapegoating-henry-dundas-issue-scottish-slavery-wrong---bbc-documentary-miserable-failure/>

<sup>54</sup> Cobbett, Vol 30, at p. 939 [Cobbett's Parliamentary History of England: From the Norman Conquest, in ... - Google Books](#)

In 1794, Wilberforce tried again. The Lords, however, remained immoveable, as Wilberforce noted in a letter to a friend:

**I have, I confess, no hopes of its getting through the Lords[...].** However, in all the disappointments of life of every kind, we must learn to say “Thy will be done.”<sup>55</sup>

In late 1795, he again proposed a complete and immediate end to the slave trade.<sup>56</sup> He focused his arguments on Dundas, personally. He argued that because Dundas had originally proposed gradual abolition, and the Commons went on to vote for a target date of January 1, 1796, Dundas should now, in 1795, support the motion.

Dundas spoke against Wilberforce’s motion, although, again, he refused to vote against it. He noted that with the passage of time and the absence of progress, the former target of January 1, 1796 for gradual abolition was now a target for immediate abolition. And, much had changed since April of 1792. Britain was now fighting for its very survival in the revolutionary war with France, and it was a perilous time to force reforms on the embattled West Indian territories:

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.<sup>57</sup>

Dundas also responded to an MP who argued that the Lords should be forced to accept the bill:

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.<sup>58</sup>

Dundas’s detractors have failed to identify a flaw in this reasoning.

Dundas also, however, publicly vented his frustration with the West Indian planters who sought to sabotage any progress towards abolition. He issued an unusual public rebuke against what was then the most powerful lobby group in Britain:

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

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<sup>55</sup> Hague, *supra*, at p. 242

<sup>56</sup> Cobbett, Vol 31, at p. 1321 <https://digital.bodleian.ox.ac.uk/inquire/p/3ce25bd3-d6ad-43c5-83e44996bd947f7a>

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*



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.<sup>59</sup>

## 6. The potential for a national crisis in the middle of a war

On February 18, 1796, Dundas returned to the Commons to warn that immediate abolition would plunge Britain into a national crisis in the middle of a war.<sup>60</sup> He came armed with statistics that showed how Britain would be dangerously hindered in its war efforts. Dundas said he still supported abolition, but his first priority was Britain's survival.<sup>61</sup>

Dundas then turned to Wilberforce's plan.<sup>62</sup> He said the proposed bill would fail to achieve its humanitarian goal; it would instead simply drive the slave trade underground and into the hands of slave traders in other countries. He also warned that such legislation would throw the West Indian colonies "entirely into the power of the enemy"<sup>63</sup> and jeopardize Britain's ability to sustain the war effort.

Dundas also knew that Britain had quietly initiated peace talks with France. 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.<sup>64</sup>

Dundas concluded his remarks by denouncing those who had accused him of opposing 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.<sup>65</sup>

This indignant reproach to those who questioned his integrity over his support for abolition went far beyond mere lip service. It revealed a man who had lost patience with those who had insulted him by characterizing him as an opponent of abolition.

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<sup>59</sup> Ibid.

<sup>60</sup> Cobbett, Vol 32, at p. 878 <https://digital.bodleian.ox.ac.uk/inquire/p/eb10f152-460d-44de-bf5e-282e043066d3>

<sup>61</sup> Hague, *supra* at p. 119

<sup>62</sup> 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.

<sup>63</sup> Cobbett, vol 32, *supra*, at p. 752

<sup>64</sup> Ibid.

<sup>65</sup> Cobbett,, Vol 32, at p. 881 <https://digital.bodleian.ox.ac.uk/inquire/p/bb0e570d-694e-4cd5-b821-2b795593d4b9>

MPs defeated Wilberforce's 1796 bill. The vote was 70-74.<sup>66</sup> Despite the slim majority, Dundas again declined to vote.

## 7. A controversial letter

Dundas's accusers frequently cite a letter that he wrote on the day that he gave the speech described immediately above. The letter has drawn considerable attention on social media. The key part of letter is found at its closing, where Dundas wrote:

I have not time to write more. The time is near five and I must go to oppose the proposals on for abolition of the slave trade.<sup>67</sup>

This sentence has been repeatedly cited as evidence that Dundas was privately opposed to abolition of the slave trade. These critics frequently misquote the passage. The most vocal is Sir Geoff Palmer, a retired natural sciences professor at Heriot-Watt University, who quotes Dundas saying he would oppose “the proposition for abolition of the slave trade” — not “proposals on”. The difference is subtle, but important. Reasonable people might disagree about specific proposals for achieving abolition. They would not, however, disagree with a general proposition in principle to abolish the slave trade.<sup>68</sup>

It is readily apparent that Dundas referred to “proposals on.” It may seem like an unusual turn of phrase, but those familiar with the vocabulary of parliamentary process will recognize that he was referring to the proposals on the Order Paper for that day's parliamentary proceedings. Refusals by activists to recognize this reality reveals that they are willing to adopt even the flimsiest evidence to support their views.

Dundas went to declare that despite his objections, he would abstain from voting “no.” Instead, he would only vote to keep the debate going, instead of holding a vote.<sup>69</sup> Dundas lost that motion. The speaker then called for the vote on the proposed legislation, which went down to defeat, 70-74. Despite the slim majority, Dundas abstained. He refused to stand with the slave traders.

Dundas's letter thus does nothing more than confirm what Dundas stated publicly in the Commons that evening – that he opposed the specific proposals tabled by Wilberforce, while supporting the ultimate goal of abolition.

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<sup>66</sup> Ibid., at 901. <https://digital.bodleian.ox.ac.uk/inquire/p/b63c9c89-c6c3-419a-9de7-d569e86fbc67>

<sup>67</sup> An image of the letter may be viewed in an article published by the Committee: [Henry Dundas on the abolition of slavery - what those who worked and played with him knew | Medium](https://medium.com/@theabolitionists/henry-dundas-on-the-abolition-of-slavery-what-those-who-worked-and-played-with-him-knew-1234567890)

<sup>68</sup> Associate Researcher Stephen Mullen also misquotes this passage, although we contacted him and pointed out his error.

<sup>69</sup> Cobbett, Vol 32, at p. 753 <https://digital.bodleian.ox.ac.uk/inquire/p/db07fb65-529b-4b9e-975b-f9801f730fe6>

## **8. Observations about Henry Dundas's intentions**

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 him as being personally opposed to abolition, the evidence shows otherwise. Not once did Dundas speak 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 strategies of the abolitionists.

If Dundas had been genuinely opposed to abolition in 1792, he did not need to add the word “gradually” to Wilberforce’s motion. He did not need to become the first MP in Britain to advocate for an end of hereditary slavery. He did not need to develop a 12-point plan for abolition by the end of the decade. If Dundas wanted Wilberforce’s motion to fail, all he had to do was sit back and watch it go down to defeat.

Instead, Dundas leaned into the issue. He openly declared his support for abolition of the slave trade, and the emancipation of slaves. He developed a multi-faceted approach that would alleviate the conditions of slaves while reducing the numbers trafficked, and set the groundwork for emancipation. That was a lot of trouble to go to ... and unnecessary ... if Dundas were secretly opposed to abolition.

As for the question of whether Dundas caused delay, regardless of his intention, not a single one of Dundas’s critics has been able to demonstrate that in the absence of Dundas’s amendment, the slave trade would have been abolished in 1792, or at any time before 1807. The House of Lords was dominated by peers with substantial interests in the West Indian economy. And the king, to whom the Lords answered, was personally opposed to abolition. In January, 1793, Britain was plunged into a world war that threatened its survival, and abolishing the slave trade at that time would have struck a blow to Britain’s war effort. Delay was inevitable. Dundas recognized that. Wilberforce was in denial, and throughout the revolutionary wars with France pursued an idealistic but unachievable goal.

### **III. DUNDAS’S PRIVATE SUPPORT FOR ABOLITION**

#### **1. Dundas’s advice to abolitionists behind closed doors**

Evidence of Dundas’s private conversations with abolitionists show he genuinely supported their cause, despite his belief that immediate abolition would be impossible to achieve. Importantly, he advised them in the 1790s to seek the abolition of slavery and the slave trade, rather than to first seek the abolition of the slave trade first followed by a second campaign to abolish slavery. No slavery; no slave trade – that was his argument. 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.<sup>70</sup>

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.**<sup>71</sup>

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.<sup>72</sup>

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<sup>70</sup> 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 gradual abolition of the slave trade when the leaders of the abolition movement were seeking immediate abolition.

<sup>71</sup> *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." <https://books.google.ca/books?id=pjEFAAAAQAAJ&lpg=PA7&ots=YsRSUyVcpo&dq=%22duke%20of%20gloucester%22%20%22lord%20melville%22%20%22anti-slavery%20society%22&pg=PA7#v=onepage&q=%22duke%20of%20gloucester%22%20%22lord%20melville%22%20%22anti-slavery%20society%22&f=false>

<sup>72</sup> 19 June 1816, Parliamentary Debates, XXXIV, at 1156. <https://hdl.handle.net/2027/osu.32435072655194?urlappend=%3Bseq=602>

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 manner that was pragmatic and achievable.

In 1833, the British Parliament finally enacted legislation to abolish slavery throughout the British empire, at a time when “gradualism” had become widely embraced, including by abolitionists. The Secretary of War and Colonies, Edward Stanley, moved passage of the bill, and emphasized the merits of taking the gradual approach, crediting William Wilberforce and others with having anticipated the gradual end of slavery following abolition of the slave trade. Stanley also lauded Edmund Burke’s Negro Code, which had informed Henry Dundas’s motion for gradual abolition in 1792.<sup>73</sup>

By 1830, gradualism was the new strategy. Abolitionists had learned the hard way what Henry Dundas tried to warn them about 38 years earlier.

## 2. Private conversations with Wilberforce

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

*The Life of William Wilberforce* provides details of such conversations in 1797, including discussions Wilberforce had with Dundas about his proposal for an international convention on abolition of the slave trade:

I have an idea with which I am very busy, of availing ourselves of the circumstance that all the slave trading powers ... will be brought together, for trying at a general convention to abolish. Dundas is favourable to it...<sup>74</sup>

[...]

Very busy seeing Pitt and Dundas about Abolition convention plan and East India missions – pleased with Dundas’s candour.”<sup>75</sup>

Little attention has been paid to these passages, likely because the convention never materialized. But, this evidence corroborates the Duke of Gloucester’s recollection that in the 1790s, Dundas willingly gave the abolitionists advice on how to achieve their goals.

Dundas also shared his private views with Wilberforce in 1800 about the unreasonableness of the position of the West Indian planters. Wilberforce wrote in his diary that Dundas was discussing

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<sup>73</sup> MINISTERIAL PROPOSITION FOR THE EMANCIPATION OF SLAVES. *HC Deb 14 May 1833 vol 17 cc1193-262*, Secretary Stanley at 1196

<sup>74</sup> 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](http://library.mibckerala.org/lms_frame/eBook/Life%20of%20William%20Wilberforce%20-%20Samuel%20Wilberforce.pdf)

<sup>75</sup> *Ibid.*

a five-year suspension of the slave trade with planters. Wilberforce was optimistic about the prospect 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 anyway:

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.<sup>76</sup>

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

Although they are frequently described as foes, Wilberforce and Dundas became friends early in their political careers and frequently socialized together for two decades:

- A Wilberforce biographer noted the friendship, and says in 1783: “After dining with Henry Dundas another day they talked the whole night through.” And later: “Henry Dundas ... took him [Wilberforce] to sup with Mrs. Siddons.”<sup>77</sup>
- Wilberforce made this diary entry about Dundas in January 1792: “A long discussion after dinner ... a most excellent man of business...his diligence shames me.”<sup>78</sup>
- Six weeks after the Commons voted in favor of gradual abolition, in June of 1792 Wilberforce was once again socializing with Dundas, even spending a few days at his home: “Upon the 16<sup>th</sup> I dined at Lord Camden’s, - Grenville, Chatham, Pitt, Dundas [...] “Dropped in one day at Dundas’s, and ... after staying till June 28<sup>th</sup>, I set off from town with my sister for Bath.”<sup>79</sup>
- October 1792: Wilberforce refers to Dundas as having a “generous and high spirit.”<sup>80</sup>
- Wilberforce wrote on December 5, 1794: “walk’d 1 ½ Hour with Dundas & talk’d fully over the whole political State of Things.”<sup>81</sup>

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<sup>76</sup> 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

<sup>77</sup> Pollock, John, *Wilberforce*, New York: St. Martin's. Press, 1978, p. 51, 52 (“Mrs. Siddons” was a famous opera singer.)

<sup>78</sup> Lovat-Fraser, J.A., *Henry Dundas, Viscount Melville*, Cambridge University Press, 1916, p. 95

<http://ia800903.us.archive.org/32/items/henrydundasvisco00lovauoft/henrydundasvisco00lovauoft.pdf>

<sup>79</sup> Diary entry, *The Life of William Wilberforce*, R.I. Wilberforce et al, 1843, Seeley Burnside and Seeley, 1843, London <https://books.google.ad/books?id=HvPHNV04LqIC&hl=ca&pg=PA157#v=onepage&q=dundas&f=false>

<sup>80</sup> “The Wilberforce Diaries” project: “The manuscript diaries of William Wilberforce (in the Bodleian and Wilberforce House Museum) contain almost a million words and cover over half a century from 1779 to 1833. 85% of the text has never been published.” <https://twitter.com/diariesproject?lang=en>

<sup>81</sup> *Ibid.*

- In Wilberforce’s 1793-1800 diaries, Dundas is mentioned 40 times, which the Wilberforce Diaries Project notes as evidence that they met frequently.<sup>82</sup>
- Wilberforce’s son Samuel Wilberforce, in his biography of his father, cited at least 11 instances of social contact.<sup>83</sup> Examples include:
  - 29 Nov 1796: “Dined Pitt's to see Ellis from Paris —Lord Chatham, Spencer, Chancellor, Dundas, &c.”
  - 22 Dec 1796: “House [of Commons]—went home with Dundas and Pitt, and staid awhile discussing—Mission busi-ness in hand”<sup>84</sup>
  - 23 Dec 1796: “breakfasted early with Dundas and Eliot on mission business ; Dundas complying, and appointing us to dinner again, where Grant and David Scott also — sat long.”<sup>85</sup>

Several of these events occurred soon after critical votes on Wilberforce’s proposals for immediate abolition.

Wilberforce occasionally lashed out at Dundas in public for refusing to support immediate abolition of the slave trade, but it is apparent the two of them nonetheless remained friends. The evidence of their ongoing friendship shows that Wilberforce understood that that Dundas genuinely supported abolition. Their disagreement was about how to achieve it.

Another fact emerges from this examination of Dundas’s private communication. There is no evidence at all that he ever said to anyone that he was opposed to abolition of the slave trade. There is no evidence of an admission that he intended his motion for gradual abolition to cause delay. The historical record shows no gloating with the West Indian planters. No personal expression of satisfaction. No instance of Dundas entertaining slave traders in his home. Nothing. For someone who had such a high profile for so many years, one may be confident that if there had been private conversations of this nature, someone would have disclosed it.

In this case, absence of evidence is evidence of absence. This inability of Dundas’s critics to produce any evidence of Dundas aligning himself with slave traders speaks loudly. It supports the proposition that Henry Dundas genuinely supported abolition of slavery and the slave trade, both publicly and privately.

Wilberforce may have lashed out at Dundas in public for refusing to support immediate abolition of the slave trade, but it is apparent the two of them nonetheless were friends for two

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<sup>82</sup> The Wilberforce Diaries project, *supra*

<sup>83</sup> Wilberforce, Samuel, *The Life of Wilberforce*, Revised and condensed, John Murray, London, 1868, at pp, 25, 27, 87, 99, 108, 115, 131, 165, 187, 207, 255. See also Hague, *supra*, pp 167, 206, 261, <https://archive.org/details/williamwilberfor00hagu>

<sup>84</sup> *Ibid.*, p. 165

<sup>85</sup> *Ibid.*, p 165

decades. This evidence suggests that Wilberforce understood that that Dundas genuinely supported abolition. Their disagreement was about how to achieve it.

### 3. Inspiration from luminaries of the Scottish Enlightenment

Dundas's personal support for abolition in many ways demonstrates the influence of some of the luminaries of the Scottish Enlightenment. His friendship with Adam Smith, a towering figure in the history of economic theory, is a notable example.

Dundas is believed to have been one of the first to read *The Wealth of Nations*, which guided his and Pitt's policies on liberalization of trade relationships. Soon after its publication he helped Adam Smith to secure the position of Commissioner of Customs in Scotland in 1778.<sup>86</sup>

A frequently-recited anecdote concerns a dinner party at Dundas's home in Wimbledon in 1787. Smith was Dundas's guest of honour at a dinner that included renowned abolitionists William Pitt the Younger, William Wilberforce, and William Grenville. Smith arrived late, and the entire room of guests stood to welcome him. As he apologized and asked them to take their seats, Pitt exclaimed "We will stand till you are seated, for we are all your scholars!"<sup>87</sup>

Adam Smith abhorred slavery and the slave trade, although not an abolitionist *per se*, as he viewed the forces that sustained slavery as too powerful to overcome. He encouraged, rather, paying slaves for their labour – an amelioration of slavery that he believed would adhere to the benefit of both the slave and the slaver.<sup>88</sup>

Smith held all slavers in contempt, but reserved especially harsh judgment for Europeans:

There is not a negro from the coast of Africa who does not...possess a degree of magnanimity which the soul of his sordid master is too often scarce capable of conceiving. Fortune never exerted more cruelly her empire over mankind than when she subjected those nations of heroes to the refuse of the goals of Europe....<sup>89</sup>

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<sup>86</sup> Kennedy, Gavin, *A Moral Philosopher and His Political Economy*, (Great Thinkers in Economics Series), Palgrave MacMillan, 2008 <http://psulibrary.palawan.edu.ph/wtbooks/resources/pdf/900929.pdf> ; Fleischacker, Samuel. *On Adam Smith's "Wealth of Nations": A Philosophical Companion*. Princeton University Press, 2004, pp. 261-282. *JSTOR*, [www.jstor.org/stable/j.ctt7ss85](http://www.jstor.org/stable/j.ctt7ss85)

<sup>87</sup> Haldane, R. B. *Life of Adam Smith*.(1887) London: Walter Scott, p. 49  
<https://books.google.ca/books?id=1pWZdU9pQ9AC&dq=%22we%20are%20all%20your%20scholars%22&pg=PA49#v=onepage&q=your%20scholars&f=false>

<sup>88</sup> Lowenstein, Matthew, "Adam Smith and Slavery," *Adam Smith Works*, Dec 2 2019  
<https://www.adamsmithworks.org/speakings/adam-smith-and-slavery>

<sup>89</sup> Smith, Adam, , 206-7



Wilberforce and others later went on to borrow Smith's rhetoric on the benefits of a "moral economy" to counter fears that abolition would cause economic harm to themselves and the country.<sup>90</sup>

Smith's influence can also be seen in Dundas's first speech in the House of Commons on abolition, on April 2, 1792, when he alone denounced both the slave trade and slavery, and warned MPs with interests in the slave trade to pay attention to changing public sentiment (described above at p. 11). Dundas told the MPS involved in the slave trade to note the potential economic benefits of allowing Africans in the West Indies to become paid, educated, free workers:

"... it deeply concerned their interest that the cultivation of their islands should be carried on by freemen rather than by slaves. [...]"

Dundas also noted the moral hypocrisy of rejoicing in one's freedom as a British subject while employing slaves:

It was something anomalous that the people of this country, who were themselves free, should carry on a slave trade with Africa; and it was something anomalous also that they who enjoyed the full benefits of freedom should ever think of introducing cultivation in the West Indies by slaves and not by freemen.<sup>91</sup>

These and other quotes set out in this paper show a close alignment of the views of Dundas and Adam Smith. Both abhorred slavery and the slave trade. Both believed that the labour of those who were free and earned wages was more productive than slave labour. Both also believed, however, that the forces that opposed *immediate* abolition were too powerful to overcome by legislative fiat.

Where Dundas departed from Smith, however, was in his willingness to pursue gradual abolition of the slave trade. Dundas's support for the gradual abolition of slavery responded to Smith's insights, but was not limited by them.

## **IV. THE TRUE CAUSES OF DELAY**

### **1. The power of King George III**

The peers in the House of Lords served at the pleasure of the monarch, who at that time was King George III. King George III was well-known to oppose restrictions on the slave trade and

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<sup>90</sup> David Brion Davis, *The Problem of Slavery in Western Culture*, 433. See also: <https://www.tandfonline.com/doi/abs/10.1080/02773940601148305?journalCode=rsgq20>

<sup>91</sup> At 1107 - 1108

slavery. His son William, Duke of Clarence, was known as “the foremost opponent of abolition,”<sup>92</sup> and in his inaugural speech 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.<sup>93</sup>

Even without the Duke’s of Clarence’s opposition, it is likely that the plan for gradual abolition, 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.<sup>94</sup>

Even Dr. Stephen Mullen, a historian of the Atlantic slave trade who blames Dundas for “being instrumental” in delaying abolition, admits that the “1792 bill had no prospect of passing the Lords.”<sup>95</sup> It is readily apparent that the movement for immediate abolition faced insurmountable obstacles in 1792, and the years that followed. Delay was inevitable.

## 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 their own legislative assemblies.<sup>96</sup> These British colonies had managed their internal affairs for over a century, and had the constitutional prerogative to pass their own laws.<sup>97</sup> The West Indian legislatures also appointed their local judiciary, and so the willingness of the West Indian courts being willing to enforce British abolition laws was also in question.

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<sup>92</sup> 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>

<sup>93</sup> Cobbett, Vol 29, *supra*, p. 1349-50 <https://digital.bodleian.ox.ac.uk/inquire/p/7724a5dc-f04d-4154-a879-57a18beea259>

<sup>94</sup> MacFarlane, *supra*, p. 11 <https://play.google.com/books/reader?id=th48AQAAIAAJ&pg=GBS.PA11>

<sup>95</sup> [https://twitter.com/glasgow\\_sugar/status/1285948397111971844](https://twitter.com/glasgow_sugar/status/1285948397111971844)

<sup>96</sup> Cobbett, Vol 29, at p. 1204

<https://digital.bodleian.ox.ac.uk/inquire/Discover/Search/#/?p=c+0,t+,rsrs+0,rsp+10,fa+,so+ox%3A%20sort%5Easc,sci+ds+,pid+ad5f433d-c743-4014-8610-3632063b9d10,vi+553bfcd-a-f828-45c6-8abe-34a19e10011d>

<sup>97</sup> Helen Taft Manning, *British colonial government after the American Revolution, 1782-1820* (Hamden, Conn, 1966), esp. pp. 108-9, 128-9

Was Dundas's assertion regarding West Indian constitutional autonomy well-founded? 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."<sup>98</sup> Certainly the loss of the American colonies over British opposition to their self-governance was still fresh in the minds of Britons. Christer Petley observed that while British colonies were subject to British parliamentary supremacy, the power of the West Indian assemblies 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.'<sup>99</sup>

The Lord Chancellor at the time, Edward Thurlow, who was the head of the entire judiciary of Britain, expressed a similar opinion. He opined that any plan for abolition of the slave trade would need the support of the elected members of the colonial legislative assemblies.<sup>100</sup>

Over two decades later, in 1816, abolitionists argued for measures to suppress what remained of the slave trade, which persisted in secret notwithstanding the 1807 ban. They wanted Parliament to force the colonies to keep public registries of slaves, to prevent secret slave trading. The West Indian assemblies fended off the proposal on constitutional grounds, and would only agree to watered-down measures enacted in their own colonial assemblies.<sup>101</sup>

All of this suggests that Dundas validly assessed Britain's practical and legal power, or rather a lack of power, to shut down the slave trade overnight.

### 3. Leading historians dispute the anti-Dundas narrative

The most celebrated historian in Scotland today is Sir Thomas Devine, Professor Emeritus of History at the University of Edinburgh.<sup>102</sup> In the fall of 2020, Professor Devine went public with

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<sup>98</sup> 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](http://www.jstor.org/stable/2674120)

<sup>99</sup> 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/>

<sup>100</sup> Cobbett, Vol 29, at p. 1354 <https://digital.bodleian.ox.ac.uk/inquire/p/aa4254d3-89d3-4c90-bd4a-334f72b22c6c> Thurlow is viewed as an opponent of abolition; nonetheless was the most eminent jurist in Britain.

<sup>101</sup> Schuyler, Robert Livingston. "The Constitutional Claims of the British West Indies." *Political Science Quarterly*, vol. 40, no. 1, 1925, pp. 1–36 at 16-20. [www.jstor.org/stable/2142405](http://www.jstor.org/stable/2142405)

<sup>102</sup> Sir Thomas Devine, Kt OBE DLitt HonDLitt HonDUniv FRHistS FRSA FSAScot HonMRIA FRSE FBA, the author or editor of some forty books, one of which is *Recovering Scotland's Slavery Past: The Caribbean Connection*, published by

his view that the forces against immediate abolition in the 1790's were overwhelming.<sup>103</sup> He said no government would have been able to enact legislation to end the slave trade while Britain was fighting for its life in a world war that would determine the future of Western Europe

Blaming Henry Dundas for delaying abolition of the slave trade, in Professor Devine's view, is "bad history":

Did the intervention of Henry Dundas in favour of 'gradualism' stop abolition of the British slave trade for a generation as alleged by social activists and local politicians? My own answer to that question is a resounding no. The strategic, economic and political circumstances of the 1790s rather than the role of any one individual were the influences of critical importance in the postponement of abolition for a generation.<sup>104</sup>

Professor Devine says the onset of war, combined with Britain's heavy economic dependence on the West Indies for revenue, meant that the nation's survival was at stake. As a result:

...there was no political majority for abolition. The House of Lords was fundamentally opposed as was the reigning monarch, George III. The Prime Minister, William Pitt, himself with abolitionist sympathies, was unwilling to use his influence and prestige to further the reform agenda. These were the historical realities which current scapegoating of Henry Dundas cannot deny.

Professor Devine also says that the anti-Dundas historians have disregarded the deep fear that the "ferocious and bloody" slave rebellion in St Domingue (now Haiti) generated in Britain:

Around 4,000 whites were killed; 180 sugar plantations were destroyed;

it was said that the decapitated heads of French children were stuck on spikes which led the rebel columns.<sup>105</sup>

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*Edinburgh University Press in 2015. His book The Scottish Nation (1999) became an international best-seller. He is also the author of close to 100 articles on topics as varied as emigration, famine, identity, Scottish transatlantic commercial links, urban history, the economic history of Scotland, Empire, the Scottish Highlands, the Irish in Scotland, sectarianism, stability and protest in the 18th century Lowlands, Scottish elites, the Anglo-Scottish Union, rural social history, Caribbean slavery and Scotland, merchants in the China opium trade, tea and empire, English migrants in modern Scotland, the global impact of the Scottish people and comparative Irish and Scottish relationships.*

<sup>103</sup> "Rewording of Henry Dundas plaque bad history, says Sir Tom Devine" *The Times*, Oct 26, 2020

<https://www.thetimes.co.uk/article/rewording-of-henry-dundas-plaque-bad-history-says-sir-tom-devine-2bc5f3jw8> "Sir Tom Devine: Scapegoating of Henry Dundas on the issue of Scottish slavery is wrong - and BBC documentary was a miserable failure," *The Herald, Scotland*, Oct 24, 2020

<https://www.heraldscotland.com/news/18820488.sir-tom-devine-scapegoating-henry-dundas-issue-scottish-slavery-wrong---bbc-documentary-miserable-failure/>

<sup>104</sup> [Rewording of Henry Dundas plaque bad history, says Sir Tom Devine | Scotland | The Times](https://www.thetimes.co.uk/article/rewording-of-henry-dundas-plaque-bad-history-says-sir-tom-devine-scotland-the-times)

<sup>105</sup> <https://www.heraldscotland.com/news/18820488.sir-tom-devine-scapegoating-henry-dundas-issue-scottish-slavery-wrong---bbc-documentary-miserable-failure/>

Devine says when news of such horrors reached British shores, Britons began to equate immediate abolition with “unbridled anarchy.” It was a setback that suppressed public support for abolition for over a decade.

Oxford professor Brian Young, an expert in intellectual history in the 18<sup>th</sup> century, has also pushed back against activists who tried to paint Dundas as being pro-slavery. In a statement prepared for Edinburgh City Council, he commented on Dundas’s political and philosophical outlook in light of the standards of the day, describing him as a proponent of the Scottish Enlightenment. He notes that Dundas took a politically progressive approach to numerous issues:

He was a politician of vision and integrity. Along with his ally William Pitt, Dundas was an early proponent of religious toleration, acting against Presbyterian bigotry in Scotland in favour both of Roman Catholic and Episcopalian minorities; seizing the initiative offered by the Quebec Act in tolerating Canadian Catholics, Dundas sought to apply its provisions across and within Scotland and Britain as a whole. This was a brave position to take in a period of religious prejudice...

[...]

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.<sup>106</sup>

One of these reforms concerned legislation sponsored by Dundas in 1778 that would have given Scottish Roman Catholics the right to vote and hold public office. The result of his proposed bill was rioting in the streets of Edinburgh, Dundas being hung in effigy, and rioters attacking the Dundas home in Edinburgh with his mother inside. From first-hand experience, Dundas of all people knew how reactionary the Scottish public could be if even modest social reforms were imposed on them.

Professor Young says that Dundas was well-suited to the task of finding a moderate and achievable compromise on the question of how to abolish the slave trade:

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.<sup>107</sup>

Young asserts that in the economic and political climate of the day, gradualism was the only strategy that had a chance of success.

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<sup>106</sup> Young, B., Professor of Intellectual History, Christchurch, Oxford University, Statement on Henry Dundas submitted to Edinburgh City Council <https://medium.com/@bobbymelville1/if-we-pervert-the-facts-of-history-how-can-we-progress-in-our-future-3f07eea5d762>

<sup>107</sup> Young, *supra*

## V. SETTING THE RECORD STRAIGHT

### 1. Errors in logic and fact mark the modern campaign to denounce 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, OBE DSc – Professor Emeritus in Natural Sciences at Heriot-Watt University.<sup>108</sup>

Professor Palmer’s position is that Dundas intentionally obstructed the abolition of the slave trade by proposing the amendment for gradual abolition, and thereby caused a delay of 15 years in the passage of legislation. He holds Dundas responsible for the fact that 500-650,000 Africans were taken into slavery during that time.<sup>109</sup> His proposition requires one to accept it as likely that in 1792, if Dundas has not amended Wilberforce’s motion, the proposal for immediate abolition (a) would have won support of the majority of MPs in the Commons, (b) would have found majority support in the House of Lords, and (c) would have been approved by King George III.

Professor Palmer’s position rests on a logical fallacy. He has confused correlation with causation. When the House of Lords refused to endorse a policy of abolition, Dundas’s amendment was not the cause. Wilberforce, Fox and Pitt had gutted Dundas’s 12-point plan beyond recognition, and forwarded a new plan with a new, shorter deadline to the House of Lords. The Lords rejected the fast-track. They allowed it to die on the order paper, effectively quashing it. If the Lords could not accept abolition within 3.5 years, one may be certain they would not have accepted Wilberforce’s original proposal for immediate abolition.

Professor Palmer also regularly accuses Dundas of proposing to “breed slaves,” although what Dundas spoke of was improving conditions of slaves, and increasing their health and longevity.<sup>110</sup> It was Wilberforce who actively encouraged the breeding of slaves. Wilberforce stated that abolishing the slave trade would encourage plantation owners to breed slaves to sustain the 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. [...]

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<sup>108</sup> Palmer is an expert in brewing and the barley abrasion process. <https://www.hw.ac.uk/news/articles/2017/life-and-work-of-university-emeritus.htm>

<sup>109</sup> <https://www.express.co.uk/comment/expresscomment/1295307/black-lives-matter-activists-pull-down-statues-britain-colonial-past>

<sup>110</sup> April 2 1792 debate, at p. 97

<https://books.google.ca/books?id=5xHejAhwH0oC&vq=gradual&dq=%22Debate%20on%20a%20Motion%20for%20the%20Abolition%20of%20the%20Slave-trade%22&pg=PA97#v=snippet&q=gradual&f=false>

**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.”<sup>111</sup>

Professor Palmer is aware of these passages, but ignores them. He also ignores Wilberforce’s frequent statements, repeated over three decades, in which he opposed the emancipation of slaves and insisted that he was solely concerned with abolishing the slave trade.<sup>112</sup>

## 2. Wilberforce opposed abolition of slavery for more than 20 years

Although rarely commented on by scholars, William Wilberforce consistently opposed the abolition of slavery (as opposed to the slave trade) until the 1820’s, at which time he helped to found the “Society for the **Mitigation and Gradual Abolition** of Slavery throughout the British Dominions” in 1823. The Society’s campaign culminated in passage of the *Abolition of Slavery Act* in 1833 – legislation that would emancipate slaves after five years of apprenticeship – a significant concession to the gradualism.

In fact, Wilberforce opposed proposals for emancipation from the earliest days of his campaigns.

Wilberforce’s repeatedly-stated view was that those enslaved in the West Indies were ill-equipped to handle personal freedom.<sup>113</sup> As late as 1814, seven years after Britain abolished the slave trade, and 25 years after he began his long campaign, he continued to oppose immediate emancipation. He even opposed the emancipation of Africans who were trafficked illegally to British territories, after 1807. In 1814, Wilberforce stated:

...our object and our universal language was and is to produce by abolition a disposition to breed instead of buying.<sup>114</sup>

Historians tend to refrain from denouncing Wilberforce for these backward and anti-humanitarian views. They are tolerant because of their knowledge of the dangers of judging historical figures by the values and standards of the present.

## 3. The letter written in 1794 is misrepresented by detractors

In 1794, Wilberforce again pressed ahead with a bill that would ban British ships from engaging in slave trading with foreign territories. The Bill replicated the first and most important of Dundas 12 resolutions for gradual abolition, and Wilberforce pleaded with Dundas to support him. By then, however, the West Indian territories had become the main theatre of the war with

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<sup>111</sup> Cobbett, Vol 29, at 275 <https://digital.bodleian.ox.ac.uk/inquire/p/4ce9b46c-cde4-4f72-9539-7d02b7afd45b>

<sup>112</sup> Parl. Deb., Vol XXXIV, 1814, p 803

<sup>113</sup> Cobbett, Vol 29, p. 274 <https://digital.bodleian.ox.ac.uk/inquire/p/0afcb0-9334-4083-9505-7fa1b3866971>

<sup>114</sup> Parl. Deb., Vol XXXIV, 1814, p 803

France, and West Indian defection to the American states was a real possibility. Dundas replied that he could not support Wilberforce's motion:

I don't dispute that a great deal of very good reasoning can be offered on the principles you state, but I know with absolute *certainty* that your Bill will be considered by the Colonies as an encroachment upon their legislative rights and they will not submit to it unless compelled. Upon that ground I have used all the influence to prevent any question on the subject being agitated during the war at least.

Dundas went on to say that although he failed to prevent the bill from reaching the Commons, he would decline to vote on the issue. But he also said even staying silent would be difficult:

... if I did not believe that your Bill would not pass the House of Lords, and of course the mischief which I dread from it will be postponed.<sup>115</sup>

Detractors of Dundas rely on this letter as proof that he was opposed to abolition, and that he had persuaded 10 or 11 Scottish MPs to vote against it. With all due respect to the historians who have adopted this view, including an eminent scholar of the Atlantic slave trade, Roger Anstey,<sup>116</sup> this interpretation is flawed.

What the letter reveals is Dundas's belief that no matter how worthy the goal of abolition was, any attempt to enact abolition at that time would backfire and cause collateral harms. It had always been his belief that slave traders would find a way around any type of abolition bill, but now, at the height of a world war, Britain was in no position to police any type of illegal slave trading. Passing legislation would only anger the West Indians while doing nothing to stem the flow of slaves in their territories. Dundas had earlier alluded to the risk that West Indian planters, if thwarted, might abandon Britain to join with the newly-independent American states where slavery and the slave trade thrived. This would have triggered a national crisis in Britain – without any progress at all on abolition. The slave trade would have continued unabated, and the humanitarian purpose would have been defeated. Dundas's letter also correctly anticipated that the House of Lords would stop the bill dead in its tracks. Dundas thus sized up the opposing forces and decided to oppose a motion that had the potential to cause significant harm and no humanitarian benefit.

The Secretary at War<sup>117</sup> was at that time was William Windham, an early supporter of abolition. He sided with Dundas, saying "all the havoc of the rights of man had not blunted him to the

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<sup>115</sup> As quoted in Pollock, *supra*, citing the original document at p. 212.

<sup>116</sup> Anstey, Roger, *The Atlantic Slave Trade and British Abolition, 1760-1810*, *Atlantic*, Highlands, NJ, Humanities Press, 1975, p. 309

<sup>117</sup> The Secretary at War ran the war office, while the Secretary of State for War was responsible for policy.



rights of Africans, nor had the example of French liberty reconciled him to African Slavery,” but he too believed abolition must wait for peace.<sup>118</sup>

History later proved that Wilberforce was naïve in his belief that abolition could be legislated and enforced in the middle of a war. Britain abolished the slave trade in 1807, but found itself unable to suppress the slave trade for many years during the Napoleonic wars. Dundas was right.

#### **4. Britain’s use of slaves in the military**

The Herald Scotland published a news article on 29 March 2021 by freelancer and BLM supporter David Leask. It contained what appeared to be devastating information about Henry Dundas and his purported efforts to oppose the abolition of the slave trade. Mr. Leask described historian Stephen Mullen as having unearthed new “revelations” about Henry Dundas, found in long-buried research by the late historian Professor Roger N Buckley.<sup>119</sup> This research addressed the decision by the British government to approve first the recruitment and later the purchase of slaves for the military, while Dundas was the War Secretary.

After he leaked the contents of his article to The Herald Scotland, Dr. Mullen declined a request from The Henry Dundas Committee to see a copy of his article. The Committee later obtained a pre-publication version from the University of Glasgow, and determined that that the article was flawed by critical errors, oversights, and unsupportable conclusions. It also became apparent that freelancer David Leask had greatly exaggerated Dr. Mullen’s findings.

Contrary to the impression left by the article in The Herald, Dr. Mullen’s research does not unearth forgotten research about the purchase of slaves for the military. Rather, his article follows the long arc of Dundas’s career, and aims to indict him for his repeated refusal to support immediate abolition. The central focus is not the purported “revelation” that Britain enlisted Black slaves in the military. These references comprise a minor and relatively undeveloped aspect of Dr. Mullen’s paper.

Mr. Leask’s news article and Dr. Mullen’s scholarly article both raise concerns about ethics and integrity in historical research. We note the following:

- Professor Roger N. Buckley’s work was in no way obscure. He published two authoritative books and an article that focussed almost exclusively on the facts cited in Mr. Leask’s article. David Brion Davis, Roger Anstey, and David Geggus, all of whom Dr. Mullen cites as eminent scholars, have noted Buckley’s scholarship on the West

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<sup>118</sup> Jennings, J., *The Business of Abolishing the British Slave Trade, 1783-1807*, Abingdon, UK, Routledge, 1996, p. 89

<sup>119</sup> Mullen, S. (2021) “Henry Dundas: a ‘great delayer’ of the abolition of the transatlantic slave trade.” [Scottish Historical Review](#), (Accepted for Publication). Dr Mullen is a full-time research associate at the University of Glasgow.

Indian Regiments.<sup>120</sup> Dr. Mullen's colleague and one-time supervisor Professor Simon P. Newman also wrote about the use of slaves in the British military.<sup>121</sup> Mr. Leask exaggerated the obscurity of the facts, and falsely magnified the importance of Dr. Mullen's paper.

- We do not know whether it was Dr. Mullen or Mr. Leask who is responsible for the exaggeration. Either way, the credibility of both is damaged. If Mr. Leask was responsible, then Dr. Mullen ought to have publicly corrected the mistakes and distanced himself from Mr. Leask's account. If Dr. Mullen was responsible, Mr. Leask ought to have ensured that the Herald issued a correction.
- Dr. Mullen was quoted in the Herald as saying the article was the product of three years of research. But, when he participated in an online panel discussion sponsored by the University of Edinburgh in July of 2020, and blamed Dundas for delaying abolition, he made no mention of the use of slaves in the military.<sup>122</sup> His knowledge of this topic appears to have been acquired in the past year.
- Dr. Mullen's refusal to release copies of his paper when the Leask article was published, which prevented the Henry Dundas Committee from providing a meaningful response, betrays an activist spirit. Dr. Mullen achieved a media coup. He breached well-established constraints against public comment on unpublished scholarly articles by leaking information to The Herald. He then relied on the same scholarly constraints to deprive others of access to his article. As a result, his attacks on Dundas remained in the public domain for weeks, unchallenged. Potential critics were silenced by lack of access.

As to the specific content of Dr. Mullen's article, we note the following errors and omissions:

- Every other country in the West Indian theatres of war had started using slaves to fight the British, after their troops were devastated by yellow fever. As much as 70% of British troops were then perishing or becoming disabled, while the Black soldiers fighting in the regiments of Britain's enemies were largely immune. By 1795 the choice was cruelly stark: use slaves, or surrender. Historian Tim Lockley has studied this period, and concluded that the use of slaves became a "medical necessity."<sup>123</sup>

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<sup>120</sup> Even the *New York Review* published an article on the topic: "The Ends of Slavery," Davis, D.B., 30 March 1989, <https://www.nybooks.com/articles/1989/03/30/the-ends-of-slavery/>

<sup>121</sup> Newman, S., (2016) *A New World of Labor: The Development of Plantation Slavery in the British Atlantic*. University of Pennsylvania Press: Philadelphia, 377-378

<sup>122</sup> "Historians on Dundas and Slavery," online forum sponsored by the School of History, Classic and Archeology, University of Edinburgh, July 7, 2020

<sup>123</sup> Lockley, T. (2020). "Medical Necessity and the Founding of the West India Regiments," *Military Medicine and the Making of Race: Life and Death in the West India Regiments, 1795-1874* (pp 19-53). Cambridge University Press <https://www.cambridge.org/core/books/military-medicine-and-the-making-of-race/medical-necessity-and-the-founding-of-the-west-india-regiments/70114D60640A8BD37A16F712C25DF6D1>

- Dr. Mullen overlooks the fact that Henry Dundas repeatedly and for a full six months refused demands from the military for permission to purchase slaves. In a letter to the military commander finally conveying cabinet approval, Dundas said the purchase of slaves was “unprincipled.” Professor Buckley quoted this comment.<sup>124</sup> Dr. Mullen ignored it.
- Dundas wrote that “the king’s confidential servants,” *i.e.* cabinet, made the decision to approve the military request for permission to recruit slaves.<sup>125</sup> It is preposterous to suggest that the purchase of slaves was Dundas’s doing. He had personally denied such permission over six months. His decision was overruled by cabinet.
- The cabinet at that time included dedicated abolitionists. The most powerful were Prime Minister William Pitt, and the foreign secretary William Grenville. (Grenville later became prime minister, and oversaw Britain’s passage of the abolition bill of 1807.) From the mid-1790’s until 1801, Pitt publicly supported abolition of the slave trade at the same time he was privately signing cheques for the purchase of slaves. Pitt let Dundas be the one to face Parliament and say “this was not the time” to abolish the trade, while Pitt pretended to oppose him. Dr. Mullen failed to take Pitt to task for this hypocrisy. He also ignored Grenville’s quiet support. Instead, he took aim solely at Dundas for stating that the perils of war took priority over the humanitarian goals of abolition, at a time when Dundas was the only member of Pitt’s inner circle with the courage to speak truthfully to Parliament.
- The creation of the Black West Indian regiments was no secret in Britain after the white troops who survived the battles in the Caribbean returned home. William Wilberforce and Thomas Clarkson, the leaders of the abolition movement, nonetheless remained quiet. In fact, Wilberforce tacitly approved the policy. In February 1795 he argued in favour of making slaves “the defenders of the West India Islands.”<sup>126</sup> He warned against the “continually increasing drain” that would occur if Britain relied solely on its own troops:

It was but too well known how fatal the climate of the West Indies had proved to our soldiery [...] and all military men who had ever been in that climate knew the disadvantages under which our people contended with the negroes, when what was death to the one was no more than moderate exercise to the other.<sup>127</sup>

- Dr Mullen ignored other important contextual evidence, such as Dundas’s decision that slaves would be entitled to the same pay, and treated equally with other enlisted military men. They were to receive “housing and food, a smart uniform, a rifle and wages.” They

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<sup>124</sup> Buckley, Roger N. “Slave or Freedman: The Question of the Legal Status of the British West India Soldier, 1795-1807.” *Caribbean Studies*, vol. 17, no. 3/4, 1977, pp. 83–113.

<sup>125</sup> *Ibid.*

<sup>126</sup> *True Briton*, 27 February 1795, Issue 667

<sup>127</sup> *Cobbett’s Parliamentary History of England*, Feb 26, 1795, at 1327

<https://books.google.co.uk/books?id=MJs9AAAACAAJ&printsec=frontcover#v=onepage&q&f=false>

would be given land in return for their service. While they were not enlisted for a set period, as were Britons, they were released from service if they became injured or aged.<sup>128</sup> Professor Buckley also noted that the military slaves acquired substantial control over their lives, although they were not legally emancipated, at least in the beginning.<sup>129</sup> Further, while Dundas initially opposed the emancipation of slaves who joined the military, he later changed his mind and permitted limited promises of emancipation upon entry into the military.<sup>130</sup>

- Dr. Mullen fails to state what Dundas should have done when faced with the devastating losses it was experiencing in the West Indies. The only choices at the time were to (a) bring slaves into the military, or (b) give up on the West Indies and lose the war. If Henry Dundas made the wrong choice, then what was the right choice? Dr. Mullen assembles only half of the analysis. He avoids the discomfort of saying it would have been better for Britain to lose the war than to use slaves in the military – which is the necessary corollary of his argument.

Remarkably, the most dedicated and uncompromising leaders of the abolition movement remained silent during this period. Their complicity speaks to the immensity of the fear and desperation that the Britain people were experiencing at that time. The country was united in deciding that survival trumped humanitarianism, and even the most devout abolitionists were onboard. This does not absolve the British cabinet of responsibility for deciding to use slaves in the military, but it helps to make sense of what happened. Not only was the entire cabinet onboard, even the abolitionists gave the government a pass.

Dr. Mullen’s decision to ignore this context is a discredit to his analysis.

We have other specific criticisms of the quality of Dr. Mullen’s scholarship:

- Pages 9, 16:<sup>131</sup> He sidesteps important evidence about Henry Dundas’ 12-point plan for the incremental abolition of the slave trade. He describes the plan as “never viable” because it required the cooperation of the West Indian colonies. He then turns around and argues that Dundas withdrew his support after his 12-point plan was amended, because the plan had been “pre-agreed with parliamentary West Indians.” Which was it? Dr. Mullen’s analysis on this point is incoherent.
- Page 8: He engages in pure speculation about the content of undocumented conversations between Dundas and a Jamaican planter, saying “offers of mutual assistance would not

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<sup>128</sup> Lockley, T, “Creating the West India Regiments,” The British Library, UK, 16 Nov 2017,

<https://www.bl.uk/west-india-regiment/articles/creating-the-west-india-regiments?mobile=on>

<sup>129</sup> Buckley, R.N., *Slaves in Red Coats: The British West India Regiments, 1795-1815*, New Haven and London: Yale University Press, 1979, pp 14-15

<sup>130</sup> *Ibid.*, pp 27-28

<sup>131</sup> The page references here are to the pre-publication 32-page PDF version of Dr Mullen’s article, available here: <https://eprints.gla.ac.uk/240875/>

have been out of place.” His only evidentiary support is the fact that Dundas left behind records of unrelated communications with the London West India Committee. This evidence is woefully inadequate. It proves only that the Committee lobbied the Home Secretary. Nothing more. It would be surprising if they had not.

- Page 16: Dr. Mullen misconstrues the importance of evidence from a leading abolitionist in the House of Lords, Sir Bielby Porteus. The bishop stated famously in 1792 that he believed that Dundas’s original plan was reasonable and achievable, and could have won support of the Lords if it had not been amended. Dr. Mullen twists this statement to infer that Dundas had conspired with West Indian parliamentarians. This inference is easily debunked by either a literal or contextual analysis.
- Page 10: He isolates a petty comment that William Wilberforce once made about Henry Dundas, ignoring the many laudatory comments Wilberforce also made, along with evidence that he treated Henry Dundas as a close friend.
- Page 11: Dr. Mullen cites the pro-slavery statements of a Scottish MP who expressed his own personal views in a letter to a third party. Dr. Mullen tries to attribute these views to Dundas without a shred of corroborating evidence. This constitutes a misuse of the evidentiary record.
- Page 13: Dr Mullen states that Henry Dundas never associated himself with the abolitionist cause, which he says undermines claims that Dundas was an abolitionist. This argument is weak. It is like saying a person cannot be considered an environmentalist if they don’t associate themselves with Greenpeace.
- Page 15: Dr. Mullen refers to Dundas as having conducted “secret negotiations” with West Indian planters. This is preposterous. Dundas’s negotiations with the West Indian interests at a time when he was trying to broker a compromise were a matter of public record. Dundas publicly acknowledged having spoken to the planters, and the Opposition Leader Charles James Fox publicly stated his awareness of such negotiations.<sup>132</sup>
- Page 15: Dr. Mullen correctly states the most important question as being: *What choice did Dundas, and by extension the government, have?* Dr. Mullen concludes that the government had ample power to achieve abolition, because power was at that time shifting from the colonies to Parliament. This position lacks a coherent foundation:
  - a. He ignores the fact that if Britain imposed abolition on the West Indian territories against their will, the country would have had to divert naval resources from the war effort to be able to enforce these laws on the other side of the ocean. It would have been suicide for Britain to engage in such a practice.

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<sup>132</sup> Discussed above at p. 11

- b. He overlooks the ability of the colonies to thwart British policy by obtaining slaves from other sources ... a fact later demonstrated by the conduct of planters after passage of the 1807 anti-slave trade bill.
  - c. He declines to acknowledge that the West Indian territories were well aware of their ability to revolt against the British, and join the newly formed and pro-slavery United States, if Britain tried to force immediate abolition on them.
- He disregards evidence that leading abolitionists later regretted their rejection of Dundas's advice, and his 12-point plan.

Dr. Mullen's analysis is therefore fundamentally flawed. It places illogical interpretations on scant pieces of evidence. It fails to grapple with important contradictory evidence. It requires leaps of faith based on benign facts open to multiple interpretations.

## **5. THE CANADIAN CONNECTION REVEALS DUNDAS AS PROGRESSIVE AND PRO-ABOLITION**

### **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 British empire.

Britain enacted the *Canada Constitutional Act* in June, 1791, which officially created the colonies of Upper Canada and Lower Canada.<sup>133</sup> Dundas, the newly-appointed Home Secretary, assumed responsibility for the British colonies. In September of 1791, he commissioned John Graves Simcoe – a dedicated abolitionist and friend of William Wilberforce – to take up the post of Lieutenant-Governor of Upper Canada.<sup>134</sup> Simcoe departed immediately, and after overwintering in Montreal arrived in Upper Canada in early 1792. He was accompanied by another

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<sup>133</sup> "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>

<sup>134</sup> 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/>

Dundas appointee – Upper Canada’s first Chief Justice, William Osgoode<sup>135</sup> – also an abolitionist. Osgoode held additional appointments as speaker of the Legislative Council (the legislature’s upper house), and chairman of the Executive Council (analogous to Privy Council, advising the Lieutenant-Governor).<sup>136</sup>

Simcoe was the King’s representative in Canada. He was bound to follow the wishes of the Crown, and pursue a legislative agenda as directed by the Home Secretary. We may assume, therefore, that Dundas as Home Secretary approved of Simcoe’s pro-abolitionist views, since even before he took up his position, Simcoe made it clear he would pursue an anti-slavery agenda:

The moment that I assume the government of Upper Canada under no modification will I assent to a law that discriminates, by dishonest policy, between the natives of Africa, America, or Europe.<sup>137</sup>

One of Simcoe's first acts as lieutenant-governor was to propose the immediate abolition of slavery, although he faced entrenched opposition in the legislature, which was dominated by slave owners and others with close associations with slavery. The Legislative Assembly refused 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.<sup>138</sup> Chloe Cooley was a mother of three young children, whose owner feared that abolition would soon be enacted. The owner, known as Vrooman,<sup>139</sup> 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 a boat. Her screams were heard long after the boat left the banks of the St Lawrence River and disappeared from sight. Her cruel fate became notorious, and stirred widespread public sympathy for the anti-slavery cause.<sup>140</sup>

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<sup>135</sup> Cruikshank, E.A., ed., *The correspondence of Lieut. Governor John Graves Simcoe, (aka “the Simcoe papers”)*, Vol. 1, The Ontario Historical Society, “Letter of H Dundas to JG Simcoe, 10 Apr 1792” p. 129. <https://hdl.handle.net/2027/inu.30000047779925> Dundas, as Home Secretary, commissioned all senior political and judicial appointees, “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 24<sup>th</sup> of August, 1791.

<https://primarydocuments.ca/documents-relating-to-the-constitutional-history-of-canada-1791-1818/>  
<sup>136</sup> Colgate, W., “William Osgoode, Chief Justice,” *The Canadian Bar Review*, Vol XXXI 270, 1953, Toronto

<sup>137</sup> The Simcoe Papers, i. p. 497

<sup>138</sup> Minutes of the Executive Council of Upper Canada, March 21, 1793, regarding the statement of a witness who addressed the Council, Peter Martin, *The Simcoe Papers, supra*, p. 308

<sup>139</sup> Known also by the anglicized version of is name, William Frommond.

<sup>140</sup> “The Slave in Canada,” *The Journal of Negro History*, Jul., 1920, Vol. 5, No. 3 (Jul., 1920), pp. 316-339, at 317

Simcoe seized the moment. He reignited the abolition issue in the Assembly and proposed a new version of abolition. This time he scaled back the plan. He proposed an immediate ban on the importation of further slaves, and abolition of slavery itself within the colony by gradual means, mostly through the eradication of hereditary slavery.<sup>141</sup>

Among his supporters was the newly-appointed attorney-general, John White, and Chief Justice Osgoode.<sup>142</sup> The three of them worked together. Simcoe persuaded elected members and the upper house to support the bill. White drafted the legislation and shepherded it through 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading. Osgoode refined the legislation in the legislative council.<sup>143</sup>

On July 9, 1793, the “Anti-Slavery Bill” became law, and Upper Canada became the first territory *anywhere in the British empire* to enact legislation to abolish slavery.<sup>144</sup>

The preamble to the statute stated that the intention of Parliament was “to prevent the continuation of Slavery within this Province.”<sup>145</sup> It set out six tenets for abolition of slavery within a generation, the first four of which show the influence of Henry Dundas:

- (1) It banned the importation of slaves into Upper Canada, and provided that any slave who entered the province immediately acquired the status of a free person – a codification, in effect, of the decision of the Scottish Court of Session in *Knight v Wedderburn*.
- (2) It eradicated hereditary slavery. Children born of slaves would achieve their freedom at the age of 25 – echoing Dundas’s proposal for abolition for eradication of hereditary slavery in the British parliament on April 2, 1792, except that it did not require owners to educate the children of slaves, but rather to feed and clothe them.
- (3) Children of slaves could not be separated from their mothers, and their own children would be free from birth regardless of the age of the mother.
- (4) Failure to register children of slaves became an offence with monetary penalties, which meant that that a person who claimed ownership of such unregistered children could be prosecuted. (This led indirectly to the early emancipation of many enslaved children.)
- (5) Emancipation of existing slaves was legalized through recognition of manumission or payment for freedom, although it required former owners to provide security for newly freed slaves.<sup>146</sup>

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<sup>141</sup> <https://www.heritagetrust.on.ca/en/pages/our-stories/exhibits/john-graves-simcoe>

<https://www.thecanadianencyclopedia.ca/en/article/john-graves-simcoe>

<sup>142</sup> Colgate, W., *supra*

<sup>143</sup> Riddell, William Renwick. "Upper Canada-Early Period." *The Journal of Negro History* 5, no. 3 (1920): 316-39  
[www.jstor.org/stable/2713625](http://www.jstor.org/stable/2713625)

<sup>144</sup> Riddell, *supra*. The specific provisions of the bill are described at pp 319 – 320.

<sup>145</sup> *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_03_anti_slavery_act.aspx)

[http://www.archives.gov.on.ca/en/explore/online/alvin\\_mccurdy/big/big\\_03a\\_anti\\_slavery\\_act.aspx](http://www.archives.gov.on.ca/en/explore/online/alvin_mccurdy/big/big_03a_anti_slavery_act.aspx)



An important effect of the statute was to reinforce the growing social stigma associated with slavery. The number of slaves in the province, believed to be about 500 in 1793, soon began to decline out of proportion to the technical requirements of the statute. The experience of Peter Russell is one example. He had been the province's top administrator until he left public service in 1799. When Russell advertised a slave for sale in 1806, he did nothing illegal, but he was harshly denounced for trying to sell a human being.<sup>147</sup>

Other evidence also shows that after the Anti-Slavery Law was passed, public sentiment increasingly favoured manumission. Probate records indicate that increasing numbers of slave owners were providing for the emancipation of their slaves in their wills.<sup>148</sup> After 1806, there were no records or newspaper ads regarding the sale of slaves in Upper Canada. By 1830, only two or three people in the province were known to be slaves.<sup>149</sup> Britain had yet to enact its own legislation for emancipation of slaves in other parts of the British Empire.

By providing for the immediate emancipation of every slave who set foot in Upper Canada, the legislation also set the stage for the extension of the underground railroad from the northern US.

Though exact figures are not certain, it is believed that as many as 30,000 refugees from American enslavement found freedom in Canada either by way of the railroad or on their own. The railroad's traffic reached its peak between 1840 and 1860, and particularly after the United States passed the Fugitive Slave Act<sup>150</sup> on 10 September 1850.<sup>151</sup>

Four decades after Upper Canada enacted its legislation, the British Parliament abolished slavery in 1833, and agreed to pay £20 million to the registered owners of the freed slaves. In Upper Canada, slavery was already virtually extinguished, and the government paid not one cent to slave owners.

As lieutenant-governor, Simcoe was the Crown's representative, and it was Henry Dundas's job as Home Secretary to oversee his legislative agenda. Any legislation Simcoe proposed was subject to Dundas's approval. When Simcoe proposed a bill to abolish slavery immediately, he required Dundas's approval. When he came up against a wall of opposition, he needed Dundas's support and approval to pursue an alternative.

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<sup>146</sup> *Anti-Slave Trade Act, supra*, para III

<sup>147</sup> Riddell, *supra*

<sup>148</sup> Riddell, *supra*

<sup>149</sup> Riddell, *supra*

<sup>150</sup> The act required the return of slaves to their owners, even if they were in a free state.

<sup>151</sup> [Chloe Cooley and the Act to Limit Slavery in Upper Canada | The Canadian Encyclopedia](#)

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 governance in Upper Canada.

To this day, Simcoe is honoured as the man who ended slavery in what is now Ontario. William Osgoode, the chief justice who assisted him, is seen as a hero in Ontario’s legal history for his role in helping to end slavery. Paradoxically, it is Henry Dundas, who approved Simcoe’s mandate, and who appointed the chief justice, who 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.<sup>152</sup> 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.<sup>153</sup> They refused to provide the Black Loyalists with the land that was their due, and 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.<sup>154</sup>

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 travelled to London to appeal directly to the Home Secretary to intervene.<sup>155</sup> Dundas ordered the lieutenant-governors to

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<sup>152</sup> 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>

<sup>153</sup> <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/>

<sup>154</sup> *The Black Loyalists*, supra, at p. 65

<sup>155</sup> 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](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)

honour Britain's promises, figure out who was entitled to land, and then provide that land as soon as possible. He specifically ordered them to ensure that the land grants compensated the loyalists for the delay:<sup>156</sup>

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.<sup>157</sup>

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.<sup>158</sup> In a bit of poetic justice, Dundas used part of the salaries of the recalcitrant governors to pay for the outfitting of the ships.

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 direct and unambiguous orders. 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. This speaks to his intentions regarding slavery. He was a man who saw Africans as deserving of respect for their human and legal rights.

### 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 all British subjects should be governed in English.

Henry Dundas resolved the impasse. He ordered the legislature to institute a policy of bilingualism:

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;

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<sup>156</sup> *The Black Loyalists*, p. 66

<sup>157</sup> 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](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)

<sup>158</sup> 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](http://www.jstor.org/stable/41298659).

conversely bills tabled in English could be accompanied by a French translation.<sup>159</sup>

Bilingualism was the obvious solution, perhaps, but France had declared war on Britain just a few months earlier, and relations between Francophones and Anglophones were strained. Dundas nonetheless recognized the unfairness of requiring French-speaking politicians to conduct themselves in English. By directing the governor to ensure that both French and English were used in all proceedings and legislation, Dundas became the senior politician to adopt a policy of bilingualism in Canada.

#### 4. Defence of Indigenous rights

A little-known fact is that Henry Dundas defended the rights of indigenous peoples in Upper Canada at a time when Americans were trying to expand north into Canada.

From the 1780's until the onset of the war of 1812, United States' armed forces were engaged in hostile forays into indigenous-controlled lands, including indigenous lands in Canada. The American Revolution had ended in with the Treaty of Paris in 1783, and control over Canada had been ceded to Britain. Nonetheless, loosely organized militants continued to engage in munitions trading and border raids on Canadian soil.<sup>160</sup> In the US, they had seized indigenous-controlled lands, and now had their sights set on indigenous lands on the Canadian side of the border.

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 Governor Dorchester that the Crown wished “*to show every consistent mark of attention and regard to the Indian Nations.*”<sup>161</sup>

Dundas also ordered Governor Dorchester to ensure that his diplomatic interventions with the Americans would 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.**<sup>162</sup>

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<sup>159</sup> 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

<sup>160</sup> “Native American History: The chessboard of empire: the late 17th to the early 19th century / The American Revolution,” *Encyclopedia Britannica*, <https://www.britannica.com/topic/Native-American/The-American-Revolution-1775-83>

<sup>161</sup> “Right Hon. Henry Dundas to Lord Dorchester” Letter #36. (Canadian Archives, Series Q., Vol. 52, p. 206.) (No. 1.) Whitehall, 16th Sept. 1791.

<sup>162</sup> Dundas to Dorchester, Letter #36, *supra*

Dundas's letter shows an expansive approach to the protection of indigenous peoples and their lands. His directive encompassed not just the designated lands, or specific lands then being occupied, but also "*such others as may enable them to procure a comfortable subsistence.*" He also referred to their lands as "*their countries*" – an implicit acceptance of sovereign interest in the land.<sup>163</sup>

At the time Dundas gave these orders, only a few isolated treaties had then been signed with indigenous nations in the region. Britain had made a large purchase of land, known as Haldimand Tract, for the benefit of the Haudenosaunee people of the Six Nations in 1784. The purchase was intended to compensate the Haudenosaunee for supporting British forces during the American Revolution, which resulted in them losing territory in the US. This tract extended for 10 km on either side of the Grand River from its source to Lake Erie (boundaries that were later disputed).<sup>164</sup> However, it soon became the source of a bitter dispute, particularly about whether it encompassed the headwaters of the river.

The first lieutenant governor of Upper Canada, John Graves Simcoe, learned of disputes between crown officials and the Six Nations over the boundaries and rights to the Haldimand Tract soon after his arrival in the colony in 1792. He went on to formalize the Six Nations control over their land in the "Simcoe Patent" on April 1 1793, which applied to 110,000 hectares along the Grand River.<sup>165</sup> However, Simcoe implied (by calling the document a patent), but failed to specify, that the Haudenosaunee held title and could sell their land. He also omitted the source of the river from the included lands. [Felice, M., *supra*] The Haudenosaunee insisted that as sovereign people, not British subjects, they were entitled to full property rights over the original grant of lands, including the headwaters. They refused to acknowledge that the patent was binding on them. [Felice, M., *supra*] A compromise was reached, in which the Haudenosaunee would control additional lands adjoining the tract, although the Crown would act as their agent.

A new treaty was needed to formalize these Haudenosaunee rights, but while the impasse was unresolved, Simcoe left his post and Dundas assumed the position of War Secretary. The successors to Dundas and Simcoe were unable to resolve the dispute, which remains the subject of active litigation between the Six Nations and the Crown.

Despite the unsatisfactory conclusion of these matters, what is notable in Dundas's early message to Governor Dorchester is his emphasis on the importance of respecting indigenous land

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<sup>163</sup> Ibid.

<sup>164</sup> Felice, M., "Haldimand Proclamation, Canadian Encyclopedia, 2020: <https://www.thecanadianencyclopedia.ca/en/article/haldimand-proclamation>. See also: <https://iaac-aeic.gc.ca/050/documents/p80100/130877E.pdf>

<sup>165</sup> The Simcoe Patent, 1793, "Copy of grant of land to the Chiefs, Warriors, Women & People of the Six Nations, for land on the Bay of Quinte," <https://mbq-tmt.org/wp-content/uploads/2020/10/Simcoe-Deed-Transcript.pdf>

rights, and his wish to avoid any encroachment on the territories they needed, even if the defence of the Upper Canada was at stake.

## 6. THE TOTALITY OF THE EVIDENCE

### 1. The weight of the evidence for and against

Fifty years ago, Professor Dale H. Porter observed in his authoritative text on the Atlantic 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.<sup>166</sup>

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, some of which is cited in this paper, has expanded the scope of evidence to which the public and historians have ready access. Moreover, the state of scholarship when Porter wrote those words had completely ignored Dundas's involvement in the policies of the newly-constituted Canadian colonies, where abolition and the rights of Africans were also in issue.<sup>167</sup>

As well, no historian has ever published a scholarly analysis of the large body of evidence documenting Dundas's private conversations with abolitionists. Further, to our knowledge, no scholar has examined the comments of abolitionists in the early 19<sup>th</sup> century, when they recalled Dundas's original plea to Parliament to seek abolition of the slave trade and slavery together. With the benefit of hindsight, abolitionists in the 1820's decided that Dundas was right, and abolition of the slave trade and slavery would have been accomplished much sooner if they had taken his advice, and supported his plan for gradual abolition.

It is, therefore, 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 now 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?**

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<sup>166</sup> Porter, *supra*, p. 81

<sup>167</sup> *Constitutional Act (1791)*; <https://www.uottawa.ca/clmc/constitutional-act-1791>

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 never have become law. Insurmountable obstacles included the following:

- 1) the House of Lords, which was dominated by supporters of the slave trade and steadfastly blocked proposals for abolition of the slave trade throughout the 1790s;
- 2) King George III, who opposed abolition;
- 3) the onset of an all-consuming war with France that pushed abolition to the back burner while Britain was fighting for its survival;
- 4) prevailing fears about the "Age of Rebellion" in the late 18<sup>th</sup> century, specifically that West Indian planters and merchants would rebel against the British and join with the United States, where the slave trade was thriving.

The combined weight of these factors combined was enormous. If Dundas had remained silent, Wilberforce's motion would still have gone down to defeat. On the other hand, if Wilberforce had joined forces with Dundas, abolition of the slave trade might have had a chance and slavery itself could well have been phased out long before Britain abolished slavery in 1833.

### **Did Henry Dundas intend to prevent abolition of the slave trade?**

The following evidence proves that Dundas authentically supported abolition:

- 1) His passionate representation of Joseph Knight, resulting in a declaration by Scotland's highest civil court that no person could be a slave on Scottish soil;
- 2) His first public speech on abolition, in which he revealed a multi-faceted plan for the end of slavery and the slave trade, together;
- 3) His public and private efforts to persuade West Indian planters to cooperate with steps toward abolition;
- 4) 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 and a prohibition on the importation of slaves;
- 5) His consistent opposition to the slave trade in all of his public speeches throughout the 1790s;
- 6) His refusal to vote against proposals to abolish the slave trade, even when he disagreed with the specific proposals in Parliament;
- 7) The reasonable decision to protect national security in the middle of a war in which Britain was fighting for its survival;

- 8) His respect for the rights of Africans, as shown by his treatment of Black Loyalists in Nova Scotia and New Brunswick;
- 9) His private assistance to abolitionists, to whom he provided strategic advice behind closed doors;
- 10) His fury when, in 1800, West Indian planters backed out of a tentative agreement to suspend the slave trade for five years;
- 11) His reasonable assessment that the West Indian colonies had sufficient autonomy to refuse to enforce British statutes;
- 12) His public denunciations of the obstructive tactics of the West Indian interests;
- 13) His duty to ensure that WI planters did not incite revolution, abandon Britain, and jeopardize Britain's position in the war with France;
- 14) His support for minority rights throughout his public career, including the rights of disenfranchised Catholics in Britain, francophones in Lower Canada, and indigenous nations in Upper Canada.
- 15) His belief, later proven to be correct, that slave traders would circumvent any law for immediate abolition of the slave trade;
- 16) The admissions of abolitionists decades later, when they had the benefit of hindsight. They recognized that Dundas had correctly assessed that immediate abolition was impossible to achieve, and that they should have sought the gradual abolition of the slave trade and slavery together.

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. abolitionists treated him as an adversary to the cause during the 1790s,
- iii. he wrote a letter in 1796, in which he indicated he was strongly opposed to certain proposals on the Order Paper for abolition, and also stated in Parliament that he had tried to prevent the "agitation" of the question of abolition (*i.e.* he tried to prevent the motion from being placed before the House),
- iv. Dundas was the War Secretary during the war with France, during which time British forces were concentrated on British control of the West Indies, and brutally suppressed uprisings among Black revolutionaries,
- v. Dundas was the War Secretary when the British cabinet decided to purchase Black slaves to fight on its behalf in the West Indies.



With regard to the first category, we 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 any Home Secretary ought to have had with power brokers in all of its territories. 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.

Regarding the second 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 their approach, which he saw as futile. Abolitionists in the 1790's were irate that Dundas denounced their campaign for immediate abolition as futile and doomed to fail. Decades later they came around, and acknowledged that Dundas was right, and they would have made more progress if they had followed his advice (as discussed below). This should undermine any weight that might be placed on their earlier attacks during the 1790's.

For the third category concerning Dundas's position in Parliament, we note that Dundas was consistent in saying his opposition to immediate abolition and related measures was founded on the fact that such measures were not achievable while Britain was at war. In fact, attempting such measures could backfire, possibly sending British territories into the hands of the Americans. Far from advancing the cause of abolition, this would have ensured the uninterrupted continuation of slavery and the slave trade.

For the fourth category, it is apparent that critics have oversimplified the complexities of war in a region where the British and French both had much to gain and much to lose. Britain depended on its ties to the West Indies to support the war effort, as did France, and chose a strategy of trying to drive the French out of their most lucrative colony. It strains credulity to suggest that Dundas had a specific goal during the war of preserving slavery, a view endorsed by certain academics.<sup>168</sup> His first duty was to protect his country when French revolutionaries were seeking to take over Britain and remake the face of Europe and the North Atlantic. After war broke out, the king, the prime minister, the cabinet, and British public believed that the survival of the nation was more important than the immediate abolition of slavery. Furthermore, Dundas had nothing to do with the incidents of brutality committed by British forces in the West Indies. These incidents happened without his knowledge, and in some cases were contrary to specific orders. Dundas's critics grasp at straws when they blame him for these incidents.

The fifth category also weakens upon close examination. It is readily apparent that for six months, even though thousands of British soldiers were dying in the West Indies, Dundas

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<sup>168</sup> See, e.g., Professor Melanie Newton's non-peer-reviewed opinion piece, 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.

resisted repeated calls by the military to enlist slaves to replace them. The cabinet ultimately made the decision, and Dundas relented. When he conveyed the cabinet decision to the military, he described the use of slaves as unprincipled, and indicated that he would not have agreed if Britain's survival had not been at stake.

Examining Britain's war efforts singularly through the lens of abolition is an unreliable tool for discerning Dundas's intentions regarding abolition, or the quality of his character. This is especially so when committed abolitionists in cabinet, including Prime Minister William Pitt, and the foreign secretary William Grenville, gave their unconditional support to the use of slaves in the military. Even William Wilberforce and Thomas Clarkson kept quiet.

Canada has never had to defend its territory against enemies. We have never had our survival threatened by the military aggression of a foreign state. We can hardly begin to imagine the terror that would envelope a nation when its mortal enemy was intent on its destruction.

It is too easy to say Henry Dundas had a choice, and he made the wrong decision. Dundas resisted the military's request to create battalions comprised of slaves for six months, describing it as "unprincipled." In the end it was cabinet that decided that Britain had to accept proposal or lose the war. By the standards of that day, at a time when slavery and the slave trade were legal and Britain's enemies were relying on both, we believe no politician in Dundas's position would have opposed this cabinet decision.

## **2. Hindsight – Henry Dundas was right**

Evidence from the early 19<sup>th</sup> century shows that Dundas was correct when he predicted that legislation for immediate abolition would be ineffective, and that a gradual process would have achieved abolition sooner. In March of 1807, Parliament passed *An Act for the Abolition of the Slave Trade*, to be effective January 1, 1808. Enforcement, however, proved to be elusive. Slave traders found ways to circumvent the law – just as Dundas had predicted:

The flow of British resources into the slave trade did not cease in 1807. After this date British subjects owned, managed and manned slaving adventures; they purchased newly imported Africans in the Americas; they supplied ships, equipment, insurance and most important of all trade goods and credit to foreign slave traders.<sup>169</sup>

Historian Marika Sherwood, a senior research fellow at the Institute of Commonwealth Studies in London, says after 1807 the slave trade continued almost unabated:

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<sup>169</sup> David Eltis, "The British contribution to the nineteenth-century trans-atlantic slave trade", *Economic History Review* 32/2 (1979), p 211

The trade in enslaved Africans certainly did not stop; it almost reached the same annual numbers as were exported prior to 1807.<sup>170</sup>

Sherwood described the tactics used by British slave traders to evade detection:

- Vessels were sold fictitiously so their names could be changed and Spanish and Portuguese papers thus obtained.
- Seamen of various nationalities were embarked on each vessel, who could then claim to be the captain should the vessel be stopped.
- Some vessels were built in Britain for the slave trade, but began their life masquerading as innocent merchant vessels.<sup>171</sup>

In 1811, Parliament passed additional legislation to criminalize the British slave trade in an effort to suppress such tactics to evade the law. In 1816, nine years after passage of legislation for immediate abolition, parliamentarians were considering mandating a registry of slaves for the colonies as a further deterrence to the importation of slaves.<sup>172</sup> (By contrast – while taking directions from Henry Dundas – Lieutenant-Governor John Graves Simcoe established a registry as part of Upper Canada’s anti-slavery legislation in 1793.<sup>173</sup>)

The British Parliament engaged in a process of legislating, amending and re-legislating to achieve abolition of the slave trade for an entire four decades:

As the government recognised that various ways of avoiding this Act were found by traders, other Acts were passed in an attempt to close these loopholes. There were so many Acts that they were ‘consolidated’ twice, in 1824 and again in 1844.<sup>174</sup>

Just as Dundas had predicted, immediate abolition proved to be much more difficult to enforce than to enact.

In hindsight, it is apparent that Henry Dundas’s plan for gradual abolition had the potential to abolish the slave trade much sooner than Wilberforce’s immediate all-or-nothing approach. If legislation to end the slave trade gradually had been enacted in 1792, Britain would have set itself on a gradual path of abolishing the slave trade before the onset of war, and would have been on its way to abolishing slavery altogether. While the war would have been a setback, at least the laws abolishing the slave trade would have been in place.

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<sup>170</sup> Sherwood, Marika, *After Abolition: Britain and the Slave Trade Since 1807*, (I.B. Tauris, 2007), p. 18

<sup>171</sup> Sherwood, Marika, *After Abolition: Britain and the Slave Trade Since 1807*, (I.B. Tauris, 2007), p. 21

<sup>172</sup> Schuyler, Robert Livingston. “The Constitutional Claims of the British West Indies.” *Political Science Quarterly*, vol. 40, no. 1, 1925, pp. 1–36 at 7-8. [www.jstor.org/stable/2142405](http://www.jstor.org/stable/2142405)

<sup>173</sup> Discussed below.

<sup>174</sup> Sherwood, *supra* at 1

History has thus proved that Wilberforce was naïve in his belief that abolition could be legislated and enforced in the middle of a world war.

Later in life, Wilberforce later came to adopt a gradual approach. While he found it difficult to praise Henry Dundas's gradualist policy, he did so indirectly. In 1823, he helped to found and name the "Society for the Mitigation and *Gradual Abolition* of Slavery throughout the British Dominions" – an obvious concession to gradualism. In 1829, Wilberforce spoke favourably of the moderate position taken by Edmund Burke, whose views were aligned with Dundas.<sup>175</sup> It was Burke's 74-point plan for a gradual end to the slave trade and slavery, entitled "Sketch of a Negro Code," that Henry Dundas relied on for his 12-point plan in 1792.<sup>176</sup> In 1829, Wilberforce wrote:

...sufficient use has never been made of Burke's authority [...] I have often regretted our not adopting several of his suggestions.<sup>177</sup>

Parvathi Menon, a historian of international law, confirms that the divide between immediatists and gradualists in the 1790's disappeared after Britain enacted its anti-slave trade bill in 1807:

After the slave trade was abolished, many abolitionists such as Wilberforce and James Stephen (1789-1859), British Undersecretary of State for the Colonies, agreed to protection as a means to prepare the slaves for emancipation, and only a few like Elizabeth Heyrick (1769-1831) were committed to immediate emancipation. Therefore, the debates began with a more rudimentary positioning as either pro-abolition or anti-abolition, but later fused into a moderate 'gradualist' approach of amelioration. The Secretary of State, Henry Dundas (1742-1811), put forward such a motion of 'gradual' emancipation of slaves already in 1792, which was more of a pragmatic compromise between the conservative and radical approaches.<sup>178</sup>

It is paradoxical that Dundas is denounced today for preferring gradualism in the 1790's, when the same abolitionists who opposed him at the time later adopted gradualism as their preferred policy after 1807.

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<sup>175</sup> Gregory M. Collins (2019) Edmund Burke on slavery and the slave trade, *Slavery & Abolition*, 40:3, 494-521

<sup>176</sup> In his letter responding to Dundas's request to send over his plan, Burke stressed the incrementalism of his proposals, and distanced himself from his previous support of immediate abolition. "Letter to the Right Hon. Henry Dundas, one of his Majesty's principal secretaries of state, with The Sketch of A Negro Code, " 1792. [https://www.gutenberg.org/files/15702/15702-h/15702-h.htm#THE\\_RIGHT\\_HON\\_HENRY\\_DUNDAS](https://www.gutenberg.org/files/15702/15702-h/15702-h.htm#THE_RIGHT_HON_HENRY_DUNDAS)

<sup>177</sup> Wilberforce to William Smith, Highwood Hill, 24 July 1829, in *Abolition and Emancipation*, Part 6, Reel 92: William Smith Letters, Box 1, f.7, as cited by M Wyman-McCarthy, *Rethinking global empire: the imperial origins and legacies of British abolitionism, c.1783-1807* · PhD thesis, McGill University, 2015.

<sup>178</sup> Menon, Parvathi, "Edmund Burke and the Ambivalence of Protection for Slaves: Between Humanity and Control" (April 25, 2020). *Journal of the History of International Law*, University of Helsinki Faculty of Law. <https://ssrn.com/abstract=3622980>

In fact, if one is intent on laying blame, one could argue that Wilberforce and his fellow abolitionists thwarted the achievement of their goals when they failed to recognize the enormity and ferocity of the opposing forces. A strong case can be made that they over-reached, and in their impatience they delayed any chance of achieving abolition before the turn of the century.

## 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, dedicated himself to protecting the security of the British people, strengthened Scotland's role in the Union, and delivered results for his prime minister. He knew that substantial social reform takes time. It requires the building of coalitions, a willingness to listen to all stakeholders, and the ability to craft reasonable compromises – a reality that is as true today as it was in the 18<sup>th</sup> century. Such people are essential to the gritty work of governance. They make it possible for visionaries to achieve reforms 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 has 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 Wilberforce's proposals for abolition. 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 abolition, 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. They later regretted this lost opportunity, after becoming reluctant converts to gradualism.

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 and the slave trade together, rather than just the slave trade.

The totality of the evidence shows that Dundas truly was a moderate, practical abolitionist, with a genuine desire to end the slave trade and slavery. When abolition could have jeopardized

Britain's survival in the French revolutionary wars, he implored abolitionists to be patient, but he consistently supported abolition in principle.

The abolitionists' pursuit of sweeping social reforms in the middle of the war, when they were opposed by the King, the House of Lords, and much of the public, was destined to fail. The fact that Dundas recognized this, and proposed an alternative path, is a credit to his wisdom. Even the abolitionists later came to recognize this.

When the officers and seamen of the Royal Navy, along with Dundas's friends, commissioned the Melville Monument, 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.