

# Henry Dundas and Abolition

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## The Missing Pieces

Human nature, my Lords, spurns at the thought of slavery  
among any part of our species – Henry Dundas

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A collaborative effort of the Henry Dundas Committee for Public Education on Historic Scotland, comprised members and friends of the Dundas Clan. The author, Jennifer Dundas, is the Canadian co-chair of the Committee, a Crown Prosecutor and former journalist. This paper is a work in progress, and is regularly updated. The committee is grateful for the information provided by historians and others who have offered assistance and/or critiques from time to time, allowing us to improve our assessment of the evidence.

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## OVERVIEW

The Henry Dundas Committee for Public Education on Historic Scotland has identified a large body of evidence that shows that Henry Dundas was a genuine supporter of abolition in the late 18<sup>th</sup> century – evidence that has been ignored or minimized in the current debate over Dundas’s political legacy, and the public spaces that bear his name.

The controversy over Henry Dundas’s legacy regarding the abolition of slavery centres on events in 1792. William Wilberforce introduced a motion in the British House of Commons, seeking a declaration that the slave trade should be abolished. His motion was heading for certain defeat until Henry Dundas introduced an amendment that provided for a gradual process. 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, or whether that delay was inevitable as a result of the Revolutionary Wars with France, the opposition in the House of Lords, the King’s refusal to support abolition, and the powerful opposing economic forces. 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?

The thesis of this paper is that Dundas proved, over the course of a lifetime, that he was genuinely opposed to slavery and the slave trade. In 1776 he successfully fought for the freedom of a Black slave who had been brought to Scotland from Jamaica. In the 1790s, when abolitionists in the 1790’s were focused solely on abolishing the slave trade, Dundas argued that “justice and humanity” required that both slavery and the slave trade be abolished together. (The same abolitionists who opposed him admitted, thirty years later, that he had been right.) He advised abolitionists behind closed doors about how best to achieve their ends. And, while he spoke against a proposal for immediate abolition in 1796, at the height of the Revolutionary Wars, he refused to vote against it, even though a successful vote would have jeopardized the peace talks with France.

Dundas also left his mark on Canada, ensuring the rights of Black Loyalists were respected, that Indigenous lands were protected, and that the French language was preserved in Quebec. He also commissioned Upper Canada’s first Lieutenant-Governor, John Graves Simcoe, who would go on to oversee passage of the first anti-slavery legislation in the entire British Empire.

Those who wish to remove Dundas’s name from public places, or deface his monument with a defamatory plaque, have ignored the big picture. By taking events and statements out of context, or refusing to recognize the enormity of the forces lined up against abolition, they have created a distorted picture of who Henry Dundas really was.

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

In 1776, Henry Dundas’s career was thriving. After serving as the solicitor-general in Scotland for nine years, he had won a seat as an MP, became Scotland’s Lord Advocate, and entered the cabinet of Prime Minister William Pitt the Younger.<sup>1</sup>

In the same year, Joseph Knight – a young African man who had been enslaved in Jamaica – was embroiled in a legal battle to free himself from slavery. John Wedderburn, a plantation owner who had purchased Knight as a child in Jamaica. Wedderburn showed Knight kindness, educated him, 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 Thompson, Knight wished to marry, and asked Wedderburn for a living wage, or to let him and Annie live in a cottage on the Wedderburn property. Wedderburn’s response was to fire Annie and refuse to let Knight have the wages and independence he needed to care for a family.

Knight did not give up. He had read about a legal case in England (*Somerset v Stewart*) in which the court prevented the forcible removal of a Black man from England on grounds that a slave owner could not enforce his rights within England. The precedent had no legal effect in Scotland, but it gave Knight the courage to seek his freedom. He 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, armed with knowledge of the English decision, appealed to the Sheriff (the equivalent of magistrate), who agreed that he should be freed. The Sheriff ruled 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. That is where Dundas entered the picture.

Dundas offered his services to Knight *pro bono*, and led the legal team that argued the appeal. Wedderburn argued that even if Knight was not a slave, he still owed Wedderburn a life of indentured servitude. Dundas focused on principles of humanitarianism, and warned the court about the consequences of a finding that the enslavement of a person created any legal rights:

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.  
[...]

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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>

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 the law in Scotland 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 later described Dundas's submissions to the renowned intellectual Samuel Johnson. Although Boswell was no supporter of abolition, he lauded Dundas's submissions to the court:

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* marked a critical 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:

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

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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)

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 Court's decision had far-reaching effects beyond the courts of law, and "contributed to the development of anti-slavery discourse from the 1770s onwards,"<sup>8</sup> including the outlawing of serfdom.

Dundas's critics have tried to minimize the importance of the decision, and Dundas's role,<sup>9</sup> arguing that what lawyers say in court cannot be taken to represent their personal views.<sup>10</sup> This argument ignores the fact that Dundas acted for Knight *pro bono*. It was also a full decade before abolitionists began their public campaign against the slave trade, and there was little political capital to be found in opposing slavery.

Dundas's passionate advocacy on behalf of Knight thus provides early proof of his genuine opposition to slavery, and increases the likelihood that, years later, he genuinely supported abolition when he proposed a plan to end slavery and the slave trade, together. In Joseph Knight, Dundas came to know a young Black man who had been born into slavery but was then educated and grew to be a man capable of supporting himself and a family. Knight was more than a symbol. He was a living example of the capacity of educated Africans to break the shackles of slavery and become free and contributing members of society. It cannot be a coincidence that Dundas's would later argue in Parliament for (1) the eradication of both the slave trade and slavery, and (2) the education of Black children. Dundas's plan for abolition of slavery had Joseph Knight written all over it.

## II. DUNDAS'S PUBLIC RECORD ON ABOLITION

### 1. Dundas proposes gradual abolition

In early 1792, William Wilberforce tabled a motion in the House of Commons to abolish the Atlantic slave trade. He faced a monumentally difficult task. A similar motion had gone down to

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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."

a crushing defeat in 1791.<sup>11</sup> In 1792, however, the political climate had changed. Hundreds of thousands of Britons had signed petitions in support of abolition thanks to the tireless campaigning by William Wilberforce and other leaders of the abolitionist movement. On the other hand, many MPs and their supporters stood to suffer financial setbacks, including bankruptcy, if Parliament adopted a policy of immediate abolition. Between 40 and 50 members of Parliament were directly involved with the “Society of West India Planters and Merchants”, a lobby group based in London<sup>12</sup> that also had significant support in the House of Lords. The King was also an opponent of abolition. There was, in effect, a virtual wall of opposition. Even Edmund Burke, a conservative MP who had previously been an ardent supporter of immediate abolition, had lost faith, and had abandoned the goal of achieving abolition at all, believing it to be impossible in the face of powerful and multi-faceted obstacles.<sup>13</sup>

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>14</sup> Wilberforce knew what he was up against, but hoped to persuade MPs who were sitting on the fence to join with him. His motion avoided mention of any particular date for abolition. In a letter to a fellow-abolitionist who was leading the petition campaign, he said “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>15</sup> Privately, though, he referred to “my motion for immediate abolition.”<sup>16</sup>

On April 2, 1792, debate in the Commons began. Dundas arrived with a massive petition supporting abolition signed by the residents of Edinburgh.<sup>17</sup> The debate ran through the night into the early hours of the morning.

When Dundas addressed the Commons, it was the first time he had spoken publicly about abolition. He began by observing that he had discussed his views privately with Wilberforce and

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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> 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>13</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>14</sup> Porter, Dale H., *The Abolition of the Slave Trade, 1784-1807*, Archon Books, 1970, at p. 80

<sup>15</sup> Wilberforce, W., “The Life of William Wilberforce,” Cambridge University Press, 1838, 337

<sup>16</sup> Hague, William, *William Wilberforce: The Life of the Great Anti-Slave Trade Campaigner*, Harcourt, 2007, at p 235

<sup>17</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](#)

others in the house, and they knew that he favoured a gradual process rather than one that was immediate and “abrupt:”

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>18</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>19</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>20</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>21</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>22</sup> He said this would be contrary to the humanitarian goals of abolition.

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<sup>18</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.

Cobbett, Vol 29, p. 1104

<sup>19</sup> *Ibid.*, at pp 97-98

<sup>20</sup> *Ibid.*, at p. 96

<sup>21</sup> *Ibid.*, at p. 97

<sup>22</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> ]



Dundas proposed a compromise – a motion for abolition, but by gradual means. In a radical departure from the approach of Wilberforce and other abolitionists, his plan included 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 owners to repay the cost of their education, they would be emancipated. He told the Commons his plan would lead to “the total annihilation of the slavery of these children.”<sup>23</sup>

Dundas also proposed to mitigate financial harm to British citizens who relied on the slave trade, many of whom would face bankruptcy without assistance.

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>24</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 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 **gradually** to be abolished.*

The third vote – on whether to adopt this motion – passed with an overwhelming majority: 230 - 85.<sup>25</sup> For the first time in history, abolition of the slave trade became the official policy of the House of Commons.

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<sup>23</sup> Ibid.

<sup>24</sup> Porter, *supra*, fn 18, at p. 81

<sup>25</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>

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>26</sup>

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>27</sup>

Wilberforce’s sense of personal “hurt and humiliation” is a surprising response, since his own motion, un-amended, was facing certain defeat. His response suggests a reaction against losing control of the agenda, and portended a power struggle between Wilberforce and Dundas that would continue for the next decade.

## 2. Confronting the West Indian planters

An important aspect of Dundas’s speech has been overlooked by contemporary critics. It is Dundas’s challenge to MPs who were the most committed opponents of abolition – the West Indian planters. Dundas advised this group of 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>28</sup>

Dundas also 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 selling fellow Africans into slavery:

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>29</sup>

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<sup>26</sup> Porter, *supra*, at p. 82

<sup>27</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>28</sup> *Ibid.*, at p. 98

<sup>29</sup> Debate on April 2, 1792, *supra*, p. 226

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

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 the end of the slave trade:

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>30</sup>

In other words, Dundas told the West Indian planters and their supporters to wake up and recognize that abolition was inevitable, that it held broad public support among right-minded people, and that it would go better for them if they were to adapt rather than resist.

At least one planter heard the message. Sir Adam Fergusson, an Edinburgh MP who owned slaves and a plantation in Jamaica, wrote a letter to his plantation manager on April 4, 1792, revealing that he was prepared to cooperate with Dundas's proposal for gradual abolition of the slave trade.<sup>31</sup> Britain largest slave trader, John Dawson of Liverpool, submitted his own petition, agreeing to cooperate with abolition but asking Parliament for time to wind down his business.<sup>32</sup> These were early and encouraging signs that obtaining the cooperation of both slave owners and slave traders was possible if Parliament proceeded gradually.

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

Three weeks later, after meeting with representatives of both sides, Dundas 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>33</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

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<sup>30</sup> Ibid.

<sup>31</sup> Edinburgh, National Register of Archives for Scotland, NRAS3572/3/28/24 (Fergusson Family, Baronets, of Kilkerran, Ayrshire): Letter from Adam Fergusson to Archibald Cameron, 4 Apr. 1792, as cited in Mullen, S., "Henry Dundas: A 'Great Delayer' of the Abolition of the Transatlantic Slave Trade," *The Scottish Historical Review*, Volume C, 2: No. 253: August 2021, 218–248, at 228.

<sup>32</sup> Inikori, J. E. "Market Structure and the Profits of the British African Trade in the Late Eighteenth Century." *The Journal of Economic History*, vol. 41, no. 4, 1981, pp. 745–776 at 765. *JSTOR*, [www.jstor.org/stable/2120644](http://www.jstor.org/stable/2120644)

<sup>33</sup> *Cobbett, Vol 29, (supra)* at p.1204 <https://digital.bodleian.ox.ac.uk/inquire/p/553bfcda-f828-45c6-8abe-34a19e10011d>

years, while the West Indian interests said 10 years was the minimum.<sup>34</sup> Dundas settled on January 1, 1800 – 7.5 years from that day.<sup>35</sup>

Opposition leader Charles Fox later recalled that Dundas had conducted negotiations with both sides in 1792.<sup>36</sup> In a speech in 1796, Fox confirmed that Dundas had warned both groups that if either side refused to compromise, that side would find itself losing 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; 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>37</sup>

Dundas's resolutions included a plan to abolish one part of the slave trade immediately.<sup>38</sup> Within a year, no British person or ship would be able to conduct human trafficking with any foreign territories.<sup>39</sup> He noted that this measure alone would immediately abolish 45% of British involvement in the slave trade.<sup>40</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

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<sup>34</sup> *Cobbett, Vol 29, (supra) at 1208* - <https://digital.bodleian.ox.ac.uk/inquire/p/46c46085-6f4e-435d-b0aa-d761333be237> This consultation was 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>35</sup> During these negotiations, on April 9, 1792, Wilberforce 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>36</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.

<sup>37</sup> *Cobbett*, vol. 32, at 882-883, <https://digital.bodleian.ox.ac.uk/inquire/p/bb0e570d-694e-4cd5-b821-2b795593d4b9>

<sup>38</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>39</sup> *Cobbett*, Vol 29, p. 1213 <https://digital.bodleian.ox.ac.uk/inquire/p/611244c2-8e89-40cf-a708-a1e362c0ccbd>

<sup>40</sup> *Ibid.*, At p. 1206: <https://digital.bodleian.ox.ac.uk/inquire/p/f24545f2-f5eb-434f-8320-ab0561e70027> Dundas noted that in 1791, British slavers trafficked 74,000 Africans across the Atlantic, 34,000 of whom were sold to foreign territories.

would have to pay higher fees, thereby discouraging the trade.<sup>41</sup> In addition, conditions on ships would 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>42</sup>

Dundas's plan also included two legislative initiatives: the government would set up a commission to address compensation to those who would suffer financial harm;<sup>43</sup> and it would introduce legislation to provide for enforcement of the new anti-slave trading laws.<sup>44</sup>

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

Although the Commons had recently voted decisively in favour of a policy of abolition by gradual means, the MPs who favoured immediate abolition bitterly condemned Dundas's 7.5-year plan. Dundas was unmoved. He said immediate and complete abolition was impossible to achieve as long as the West Indian territories had constitutional and legislative independence. He asked his critics to consider the humanitarian consequences of their insistence on immediate abolition:

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

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<sup>41</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>42</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>43</sup> Cobbett, Vol 29, (*supra*) p. 1208 <https://digital.bodleian.ox.ac.uk/inquire/p/46c46085-6f4e-435d-b0aa-d761333be237>

<sup>44</sup> *Ibid.*, at p. 1211

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>45</sup>

Nonetheless, Dundas also said that a shorter deadline for complete abolition could be considered, as long as it was not too short a time, as no plan would succeed without the cooperation of the West Indian legislative assemblies.<sup>46</sup>

The “immediate abolitionists” ignored the 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 to ban the slave trade.

Dundas objected to this gutting of his plan. Nonetheless, he refused to vote against it.<sup>47</sup>

At least one of the leaders of the abolition movement was disappointed in the dismantling of Dundas’s plan. Bishop Beilby Porteus was a member of the House of Lords and a prominent abolitionist. He was especially concerned about the shortened deadline, which he believed may have 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>48 49</sup>

As a member of the House of Lords, Porteus was privy to the opinions of the peers, and as Bishop of London he 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 moderate Lords to make it possible.

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<sup>45</sup> Ibid., at 1266 <https://digital.bodleian.ox.ac.uk/objects/ad5f433d-c743-4014-8610-3632063b9d10/surfaces/8575d30d-88d4-4d21-b357-2d471b4c0993>

<sup>46</sup> Ibid., at 1292. <https://digital.bodleian.ox.ac.uk/inquire/p/902d6d4c-a98f-476e-9a2b-f04eb4ab0c0b>

<sup>47</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>48</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>49</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 <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>

The Lords deferred making a decision, and decided to receive evidence. They started hearings in June, and then the matter die on the Order Paper. Through their inaction they quashed the proposal.<sup>50</sup> The abolitionists, in their passion for swift achievement of their humanitarian goals, had pushed the Lords beyond their tolerance for reform.

#### 4. 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. 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 the trafficking of African slaves to foreign territories. On the date of final reading, only 60 of 320 MPs turned out for the vote, and the motion was defeated.<sup>51</sup>

In 1794, Wilberforce tried again. The Lords, however, continued to pose an insurmountable barrier, 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>52</sup>

In late 1795, he again proposed a complete and immediate end to the slave trade.<sup>53</sup> He focused his arguments on Dundas, personally. He argued that because Dundas had originally proposed gradual abolition, and the house 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. Dundas 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

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<sup>50</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>51</sup> Cobbett, Vol 30, at p. 939 [Cobbett's Parliamentary History of England: From the Norman Conquest, in ... - Google Books](https://books.google.com/books?id=9PtANRpT--8C&lpg=PP1&dq=Cobbett's%20Parliamentary%20History%20of%20England%3A%20From%20the%20Norman%20Conquest%2C%20in%20...&pg=PA939)

<sup>52</sup> Hague, *supra*, at p. 242

<sup>53</sup> Cobbett, Vol 31, at p. 1321 <https://digital.bodleian.ox.ac.uk/inquire/p/3ce25bd3-d6ad-43c5-83e44996bd947f7a>



changed since April of 1792. Britain was 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>54</sup>

Dundas also noted the futility of confronting the well-known opposition to abolition in the House of Lords, after hearing one MP argue that 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>55</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 arguably 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 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>56</sup>

## 5. 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>57</sup> He came armed with statistics that showed that Britain would be dangerously hindered in its war efforts. Dundas said he still supported abolition, but his first priority was Britain's survival.<sup>58</sup>

Dundas then turned to Wilberforce's plan.<sup>59</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

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<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Cobbett, Vol 32, at p. 878 <https://digital.bodleian.ox.ac.uk/inquire/p/eb10f152-460d-44de-bf5e-282e043066d3>

<sup>58</sup> Hague, *supra* at p. 119

<sup>59</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.



Indian colonies “entirely into the power of the enemy”<sup>60</sup> and jeopardize Britain’s ability to sustain the war effort.

Dundas also knew that Britain had 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>61</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>62</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 falsely characterized him as an opponent of abolition.

MPs defeated Wilberforce’s 1796 bill. The vote was 70-74.<sup>63</sup> Despite the slim majority, Dundas again declined to vote.

## 6. 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. As of the date of this writing of this paper,<sup>64</sup> it has not been discussed in scholarly publications, although we expect it to be featured prominently in soon-to-be published scholarly work. The key part of letter is found at its closing, where Dundas wrote:

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>65</sup>

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<sup>60</sup> Cobbett, vol 32, *supra*, at p. 752

<sup>61</sup> *Ibid.*

<sup>62</sup> Cobbett,, Vol 32, at p. 881 <https://digital.bodleian.ox.ac.uk/inquire/p/bb0e570d-694e-4cd5-b821-2b795593d4b9>

<sup>63</sup> *Ibid.*, at 901. <https://digital.bodleian.ox.ac.uk/inquire/p/b63c9c89-c6c3-419a-9de7-d569e86fbc67>

<sup>64</sup> 23 Mar 2021

<sup>65</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](#)

This sentence has been repeatedly cited as evidence that Dundas was privately opposed to abolition of the slave trade. Unfortunately, Dundas’s critics tend to misquote this passage. The most vocal is Sir Geoff Palmer, a natural sciences professor at Heriot-Watt University whose expertise is in brewing and the barley-abrasion process. Palmer 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.

It is readily apparent that Dundas referred to “proposals on.” It is 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.

As noted above, Dundas did indeed speak against Wilberforce’s latest proposals on the Order Paper for immediate abolition, but *he also declared that he would not vote against them*. Instead, he would only vote against closure of debate so that the House would defer expressing its opinion until a later time.<sup>66</sup>

Dundas lost the vote regarding closure. The speaker then called for the vote on the proposed legislation, which was carried. 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> Cobbett, Vol 32, at p. 753 <https://digital.bodleian.ox.ac.uk/inquire/p/db07fb65-529b-4b9e-975b-f9801f730fe6>

## 7. Observations on causation

By now it should be apparent that Dundas's amendment for gradual abolition in 1792 was not the cause of delay in the passage of legislation. Nonetheless, Dundas's foremost modern critic, Sir Geoff Palmer, is unequivocal in stating that Dundas caused a 15-year-delay in abolition of the slave trade. Most historians who are aligned with him do not go this far, and tend to argue, rather, that Dundas "was instrumental" in causing this delay.

The central weakness in the arguments of both positions is that neither can satisfy the most basic tenets of what it means to "cause" something. Dundas's modern critics fall back on the ambiguous reference to him being "instrumental" in causing delay, without saying *how* he was instrumental. The allegation of being "instrumental" is empty rhetoric.

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 even soon after. 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.

Further, even in 1796, when Dundas urged Parliament to defer the vote on abolition until the conclusion of peace talks, he could not be said to have been "instrumental" in causing delay. No King, and no House of Lords, would have allowed the bill to be passed into law. Dundas knew that, and so should the abolitionists.

In fact, if one is intent on laying blame, one could argue that Wilberforce and his fellow campaigners ought to have been more realistic about the enormity of the forces that opposed them. In their impatience and their failure to size up the enormity of the forces that opposed them, they thwarted their own goals

Professor Sir Tom Devine has observed that Dundas "has to some extent been scapegoated."<sup>67</sup>

The fundamental reasons why the slave trade was not abolished until 1807 had little or nothing to do with his manoeuvrings. [...] The strategic, economic and military reasons for anti-abolitionism were so powerful that no one single person would have had any significance.

I have tried to place Dundas, and indeed the whole debate about the continuation of slavery in a much wider context, in a global context, historically, in the 1790s. And, having done so, I have come to the conclusion that the end of the slave trade

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<sup>67</sup> "Scotland, Slavery and Statutes," BBC documentary, at 38:15.

in the British empire by British government decision in the 1790s, was well-nigh impossible.<sup>68</sup>

Professor Devine has also accused the City of Edinburgh of committing a “crass error” in its decision to erect a new plaque at the Melville Monument that adopts the views of anti-Dundas lobbyists (discussed below).

## **8. Observations on intention or motive**

Every time Dundas spoke publicly about the African slave trade, he denounced it. He agreed with the abolitionists that the trade was contrary to humanity and justice. Although detractors vilify 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 in the West Indies. He then developed a multi-faceted incremental 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. Even Wilberforce acknowledged that his proposal for immediate abolition in 1792 was bound to fail.

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<sup>68</sup> *Ibid.*

### III. DUNDAS'S PRIVATE SUPPORT FOR ABOLITION

#### 1. Dundas's advice to abolitionists behind closed doors

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

...it ought not to be forgotten that, in the year 1795, **Lord Melville, then Secretary of State, charged them with beginning at the wrong end in attacking the slave trade first: they should have begun with slavery itself. And Lord Melville was right;** for slavery as the real cause, the root, of the slave trade, and unhappily, and to the disgrace of this country, slavery was just as flourishing now as it was then.<sup>69</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>70</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

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<sup>69</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 and slavery together, while the strategy chosen by the leaders of the abolition movement was to seek immediate abolition of only the slave trade.

<sup>70</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"

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>71</sup>

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

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.

Interestingly, the Melville Monument in Edinburgh was being constructed at the time the Duke of Gloucester made his comments. The pillar was erected in 1821. The statue was added in 1828. It appears, therefore, that by the time the statue was complete, abolitionists had revised their early disapproval of Dundas's position on abolition. They came to see him as someone who had a keen appreciation of the obstacles to abolition.

## 2. Close association with 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 later 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>72</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

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<sup>71</sup> 19 June 1816, Parliamentary Debates, XXXIV, at 1156.

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

<sup>72</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)

room of guests stood to welcome him. As he apologized and asked them to take their seats, Pitt is said to have exclaimed “We will stand till you are seated, for we are all your scholars!”<sup>73</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.

Scholars have observed two lines of thought in his views on slavery:

First, Smith found the institution of slavery morally abhorrent as it robbed enslaved persons of their liberty and slavers of their humanity. Second, he believed that slavery was economically inefficient and detrimental to the prosperity of a society that employed it.<sup>74</sup>

Smith held all slavers in contempt, but reserved especially harsh judgment against Europeans involved in the Atlantic slave trade:

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 gaols of Europe....<sup>75</sup>

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>76</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. 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. [...]

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<sup>73</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>74</sup> Lowenstein, Matthew, “Adam Smith and Slavery,” *Adam Smith Works*, Dec 2 2019  
<https://www.adamsmithworks.org/speakings/adam-smith-and-slavery>

<sup>75</sup> Adam Smith, *Theory of Moral Sentiments*, 206-7

<sup>76</sup> David Brion Davis, *The Problem of Slavery in Western Culture*, 433. See also: Srividhya Swaminathan: “Adam’s Smith’s Moral Economy and the Debate to Abolish the Slave Trade,” *Rhetoric Society Quarterly*, vol 37, 2007, Issue 4 <https://www.tandfonline.com/doi/abs/10.1080/02773940601148305?journalCode=rrsq20>

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>77</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.

### **3. Dundas's 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>78</sup>  
[...]  
Very busy seeing Pitt and Dundas about Abolition convention plan and East India missions – pleased with Dundas's candour."<sup>79</sup>

Little attention has been paid to these passages, likely because the international convention to ban slave trading 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>77</sup> At 1107 - 1108

<sup>78</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>79</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>80</sup>

Anti-Dundas scholars hold this passage against Dundas, but it is capable of sustaining another reading. 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. Was Dundas right? His critics do not discuss this. If he was right, i.e. that WI interests could and would thwart the legislation, then the passage ought not to be held against him.

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>81</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>82</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>83</sup>

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<sup>80</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>81</sup> Pollock, John, *Wilberforce*, New York: St. Martin's. Press, 1978, p. 51, 52 (“Mrs. Siddons” was a famous opera singer.)

<sup>82</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>83</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>

- October 1792: Wilberforce refers to Dundas as having a “generous and high spirit.”<sup>84</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>85</sup>
- In Wilberforce’s 1793-1800 diaries, Dundas is mentioned 40 times, which the Wilberforce Diaries Project notes as evidence that they met frequently.<sup>86</sup>
- Wilberforce’s son Samuel Wilberforce, in his biography of his father, cited at least 11 instances of social contact.<sup>87</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>88</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>89</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 the issue was more nuanced than he let on in public.

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. There was 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.

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<sup>84</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>85</sup> *Ibid.*

<sup>86</sup> The Wilberforce Diaries project, *supra*

<sup>87</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>88</sup> *Ibid.*, p. 165

<sup>89</sup> *Ibid.*, p 165

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.

#### IV. THE REAL CAUSES OF DELAY

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

The House of Lords served at the pleasure of the monarch. King George III was well-known to oppose restrictions on both the slave trade and slavery, and his son, William, Duke of Clarence, was known as “the foremost opponent of abolition.”<sup>90</sup> In the Duke's inaugural speech, he encouraged the Lords to veto the motion for abolition:

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

Another consideration was the great property and the immense commerce that was intimately connected with this trade.<sup>91</sup>

Even without the Duke's of Clarence's opposition, the plan for gradual abolition as amended by Wilberforce and his supporters was certain to be defeated in the House of Lords, as Scottish historian Charles MacFarlane wrote 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>92</sup>

Thomas Clarkson, a tireless campaigner for abolition at that time,<sup>93</sup> noted that much was going on behind the scenes to prevent passage of any abolition law. He made this cryptic statement about the obstacles faced by the pro-abolitionist Prime Minister, William Pitt:

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<sup>90</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>91</sup> Cobbett, Vol 29, *supra*, p. 1349-50 <https://digital.bodleian.ox.ac.uk/inquire/p/7724a5dc-f04d-4154-a879-57a18beea259>

<sup>92</sup> MacFarlane, *supra*, p. 11 <https://play.google.com/books/reader?id=th48AQAAIAAJ&pg=GBS.PA11>

<sup>93</sup> Clarkson authored the *History of the Abolition of the African Slave Trade*, and was a founder of the “Society for Effecting the Abolition of the Slave Trade” in 1787. He was instrumental in convincing William Wilberforce to become the movement's leading advocate.

A difficulty, still more insuperable, presented itself, in an occurrence which took place in the year 1791 but which is much too delicate to be mentioned. The explanation of it, however, would convince the reader that all of the efforts of Mr Pitt from that day were rendered useless, I mean as to bringing the question, as a minister of state, to a favourable issue.<sup>94</sup>

Historians who have examined the context of this statement believe Clarkson was referring to an intervention against abolition by King George III.<sup>95</sup> Stephen Fuller, the British agent for Jamaica at the time and a sitting MP, wrote that “more was owed to the king than was generally realized in securing ‘the defeat of the absurd attempt of abolishing the slave trade.’”<sup>96</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>97</sup>

It is 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>98</sup>

Was Dundas’s view of West Indian constitutional autonomy well-founded? Considerable evidence indicates he was.

The West Indian colonies had managed their internal affairs for over a century, and had the constitutional prerogative to pass their own laws.<sup>99</sup> The West Indian legislatures also appointed their local judiciary. Enforcement of British abolition laws, even if they were validly enacted in London, was thus indirectly in the hands of the planters who sat in the assemblies and appointed the judges. There was also the lingering effect of the American Revolution, which put a chill into any British legislator seeking to impose his will on the West Indian colonies. Christopher

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<sup>94</sup> Thomas, Hugh, *The Slave Trade*, Simon and Schuster, New York, 1977, at p. 507.

<sup>95</sup> Thomas, *supra*, , p. 845

<sup>96</sup> *Ibid.*, at p. 507

<sup>97</sup> [https://twitter.com/glasgow\\_sugar/status/1285948397111971844](https://twitter.com/glasgow_sugar/status/1285948397111971844)

<sup>98</sup> Cobbett, Vol 29, at p. 1204

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

<sup>99</sup> Helen Taft Manning, *British colonial government after the American Revolution, 1782-1820* (Hamden, Conn, 1966), esp. pp. 108-9, 128-9

Brown, a leading scholar in the history of the Atlantic slave trade, noted this when he 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>100</sup> Christer Petley also observed that while British colonies were subject to British parliamentary supremacy, their power to control local affairs was formidable:

These legislatures framed local laws, raised local taxes and frequently came into conflict with Royal Governors, who were the local representatives of the Crown and heads of the executive branch of colonial government. [...] [P]roperty-holding Englishmen in the colonies argued that they had the same rights as their counterparts in England to self-representation, the rule of law and government by consent, defending those principles with ‘astonishing intensity and determination.’<sup>101</sup>

The Lord Chancellor at the time, Edward Thurlow, served as head of the entire judiciary of Britain, also opined that any plan for abolition of the slave trade would need the support of the elected members of the colonial legislative assemblies.<sup>102</sup>

Over three 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 further 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>103</sup>

All of this suggests that Dundas validly assessed Britain’s legal powers to shut down the slave trade overnight against the will of the West Indian colonies.

### 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>104</sup> In the fall of 2020, Professor Devine stated that the

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<sup>100</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>101</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>102</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>103</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>104</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 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

forces against immediate abolition in the 1790's were overwhelming.<sup>105</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, was "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>106</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>107</sup>

He 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.

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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>105</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>106</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>107</sup> <https://www.heraldscotland.com/news/18820488.sir-tom-devine-scapegoating-henry-dundas-issue-scottish-slavery-wrong---bbc-documentary-miserable-failure/>

Professor Devine has also commented on the decision by Edinburgh City Council to install a new commemorative plaque at the Melville Monument, which bears a statue of Henry Dundas. The proposed wording for the Edinburgh plaque states that the monument “was dedicated to the memory of more than half a million Africans whose enslavement was a consequence of Henry Dundas’s actions.” Devine calls the process that settled on this wording a “kangaroo court.”

The intellectual arrogance of those who were involved is breathtaking.<sup>108</sup>

Oxford scholar Brian Young, an expert in intellectual history in the 18<sup>th</sup> century, also pushed back against activists who tried to paint Dundas as being pro-slavery. In a statement prepared for Edinburgh City Council, he described Dundas as a proponent of the Scottish Enlightenment, and noted his politically progressive approach to several 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>109</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 was rioting in the streets of Edinburgh, bonfires being lit across the countryside in protest, Dundas being hanged in effigy, and rioters attacking a house with his mother inside. 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

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<sup>108</sup> <https://www.heraldscotland.com/news/18905243.prof-sir-tom-devine-edinburgh-can-learn-toronto-deal-slave-trade-statues/>

<sup>109</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>



prominent role nationally and internationally, and to encourage the cause of abolition of slavery.<sup>110</sup>

Young asserts that in the economic and political climate of the day, gradualism was the only strategy that might succeed.

In the last two years, a wide range of scholars have added their voices to the view that Dundas should not be held responsible for Britain's failure to enact abolition legislation before 1807:

**Professor Emeritus Joseph Martin**, *scholar of Canadian history at the University of Toronto, challenged the version of history accepted by City of Toronto Staff:*

“Martin Luther King said the arc of the moral universe bends toward justice; he didn't say it takes a right turn toward justice – because it seldom does. **History needs to understand the difficulties faced by reformers** who must confront political and social realities as they persist toward their ends, albeit, in the terms of Dundas' amendment, gradually. Given our uncertainty surrounding what went on 230 years ago and the humility and respect we should always have for our forebears, who faced challenges easily the equal of our own, the status quo for Dundas St. has a lot to recommend itself.”  
<https://financialpost.com/opinion/joe-martin-let-dundas-street-remain-dundas-street>

**Professor Emeritus Nick Rogers**, a scholar of British history at York University, has also been critical:

“The decision to erase the name of Dundas from the streets, squares and subway of Toronto is disappointing and based on erroneous historical evidence.”  
“[...]**It is incorrect to scapegoat Dundas for the half a million Africans who were sent into slavery until 1807. Such an interpretation is simple, reductive and contextless.**”  
<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:83c9efbf-bfe8-3d39-b317-cab0ca8a5204>

**Professor Patrice Dutil**, Professor of Politics and Public Administration, Toronto Metropolitan University, dissected the background materials that staff provided to Council and wrote:

“The potted history does not give any overview of Dundas's life and times. Instead it focuses entirely on one position he took at one moment in time, **based on select and biased readings, presented without context, and egregiously illogical.** “

“That the 1792 motion had absolutely no hope of passing has been acknowledged by the most severe critics. Even Dr. Stephen Mullen, the historian most relied upon by the City of Toronto staff, has admitted that the “1792 bill had no prospect of passing the Lords.” The hope survives only in the heart of city staff.”

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<sup>110</sup> Young, *supra*



“The resolution of 1792 showed Dundas’s courage in a hostile political environment. He was always in favour of Wilberforce’s position, but knew that Scottish merchants were disproportionately profiting from the trade and that it would take time to persuade them that there was a more enlightened and perhaps profitable way to run their affairs without slaves.”

<https://www.dorchesterreview.ca/blogs/news/dundas-hoax>

**Professor Ron Stagg**, a Canadian historian at Toronto Metropolitan University, says:

“In a situation where a decision could cost the taxpayers of Toronto, and the businesses located on Dundas Street, millions of dollars, **I believe it is incumbent upon Council to revisit the renaming issue, with a full range of evidence to consider**, even if just in a summary form. I note that Mississauga City Council, which had the Dundas material to consider, came to an opposite conclusion.”

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:c84deba4-a376-323c-a81f-71bf85045af0>

**Professor Jonathan Hearn**, Political and Historical Sociologist, University of Edinburgh:

“There is plenty of evidence to suggest that **Dundas’s gradualist approach to abolition** – however unsatisfactory it may seem to us in the present day – **was the only approach which would be politically successful at the time**, and as a skilled political operator, Dundas was very aware of this. Ironically, it was the abolitionist revisions to his bill that led to it being killed and delayed any progress to abolition.”

<https://www.spectator.co.uk/article/what-edinburgh-s-slavery-review-gets-wrong>

**Professor Guy Rowlands**, Historian of the French Revolutionary Wars, University of St. Andrews, examined the big picture of Dundas’s political life:

“As we examine Dundas, empire and slavery we need to bear his pre-1792 track record firmly in mind, as **even Mullen’s recent work does not do**. We should not be judging Dundas on the basis of a couple of letters, a few parliamentary manoeuvres, the views of often-deluded and self-interested West Indies lobbyists, and one intractable situation he tried to unjam.”

“So, what did Henry Dundas stand for? In matters of religion – a key concern of the era – Dundas sought to break the bigoted confessionalism of Scotland and Ireland: he failed in his efforts to ease discrimination of Catholics and Episcopalians at the end of the 1770s, but he did get it through for Scotland by 1792-93, even if he was defeated in his efforts to do the same for Irish Catholics, for whom he had deep sympathy to the point of supporting Catholic emancipation. He also eased the severe post-’45 restrictions on highland dress and on proscribed Jacobite families in the early 1780s. Furthermore, Dundas was no supporter of the clearances, and in the 1790s was concerned just as much with keeping a lid on populist conservative disorder as on squelching homegrown revolutionaries.”

“On judicial and political reform, on religion and on the slave trade, **Dundas supported change but was scarred by witnessing or personally feeling repeated defeats at the hands of unenlightened, diehard, change-blocking, vested interests who needed to be**

**persuaded to give way over time.** This obduracy came too often from within the ranks of the royal family.”

“It is ironic that the hardline abolitionists, Wilberforce and his ilk, inspired a very different 19<sup>th</sup>-century sense of empire: a view that heathen (and yes, slaving) nations elsewhere in the world required “civilising” through a moral crusade and, if necessary, rule by superior Britons. Dundas, however, did not think this should be British policy. **Who, here, is the real progressive?”**

<https://historyreclaimed.co.uk/injustice-the-casting-of-blame-in-history-the-melville-monument-and-edinburghs-confrontation-with-its-imperial-past/>

**SEE ALSO:** John Lloyd, *Prospect Magazine*: “Enlightened advocate, or the great delayer? Henry Dundas’s complex relationship with slavery” – a balanced overview of the controversy in Scotland over Henry Dundas’s legacy:

<https://www.prospectmagazine.co.uk/society-and-culture/henry-dundas-slavery-statues-blm-edinburgh-scotland>

## 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>111</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>112</sup> His proposition requires one to accept that in 1792, Wilberforce’s motion for immediate abolition (a) would have won support of the majority of MPs in the Commons, (b) would later have found majority support in the House of Lords, and (c) would have been approved by King George III. This is similar to the position advanced by those who sponsored the petition demanding that the City of Toronto change the name of Dundas Street.

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, and they had forwarded a new plan with a new, shorter deadline to the House of Lords. The Lords

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<sup>111</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>112</sup> <https://www.express.co.uk/comment/expresscomment/1295307/black-lives-matter-activists-pull-down-statues-britain-colonial-past>

rejected the fast-track. They referred to matter to committee, and allowed it to die on the order paper, effectively quashing it. If the Lords could not accept abolition within 3.5 years, it is a virtual certainty that 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>113</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. [...]

**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>114</sup>

Professor Palmer is aware of these passages, but ignores them. He also ignores Wilberforce's repeated 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>115</sup>

Professor Palmer also relies heavily on Dundas's letter in 1796 (discussed above at pp. 16-17), but he misquotes it. He states that Dundas wrote that he was going to "oppose abolition of the slave trade,"<sup>116</sup> or that he planned to "oppose the proposition for abolition of the slave trade."<sup>117</sup>

Dundas said he planned to oppose specific "proposals," not a general "proposition" for abolition which Dundas repeatedly said he supported, and for which he proposed a 12-point plan in 1792.

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<sup>113</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>

<sup>114</sup> Cobbett, Vol 29, at 275 <https://digital.bodleian.ox.ac.uk/inquire/p/4ce9b46c-cde4-4f72-9539-7d02b7afd45b>

<sup>115</sup> Parl. Deb., Vol XXXIV, 1814, p 803

<sup>116</sup> <https://twitter.com/SirGeoffPalmer/status/1279542935235805186?s=20>

<sup>117</sup> "Scotland, Slavery and Statues," BBC documentary, at 25:00

Palmer's position regarding Dundas is thus founded on faulty observations, incorrect assumptions, and flawed reasoning.

## 2. The critical letter of 1794 is not what detractors say it is

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. Dundas replied that he could not:

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 stay silent 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>118</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>119</sup> this interpretation is flawed.

Firstly, it is a mistake to quote Dundas as saying he had used "all the influence" he had to defeat the bill. The literal meaning of Dundas's words is that (a) he had used his influence to try to prevent the bill from being voted on while the country was at war, but (b) having failed in that he would nonetheless refrain from voting against it. That is what Dundas said. He did not say he would use his power to defeat the bill. It would have been political suicide for Dundas to abstain from the vote while sending in other Scottish MPs to ensure its defeat. He would lose credibility with those MPs as well as the rest of the polity.

The letter, without more, therefore fails to prove the accusation that Dundas planted 10 votes against the bill.

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<sup>118</sup> As quoted in Pollock, *supra* fn 80, citing the original document at p. 212.

<sup>119</sup> Anstey, Roger, *The Atlantic Slave Trade and British Abolition, 1760-1810*, Atlantic, Highlands, NJ, Humanities Press, 1975, p. 309

Secondly, the letter confirms Dundas's unshakeable belief that an attempt to enact such a bill would backfire (i.e. would cause the "mischief" he dreaded). While he did not particularize what that mischief was, we know from his speeches and other evidence discussed elsewhere in this paper that West Indian planters and merchants would defy the bill, which would trigger a constitutional crisis and raise the spectre of the colonies joining with the American states. Britain would be forced to assign naval forces to police the ban on slave trading at a time when the entirety of its naval forces was engaged in a world war that engulfed much of Europe and the West Indies. It would also damage Britain's ability to fund the war effort.

Dundas was also keenly aware of reports from St Domingue about the aftermath of France's immediate abolition of slavery, when reports reached Britain of Black revolutionary forces torturing and murdering whole families on plantations, and marching into white communities carrying spikes with the impaled bodies of white infants.

Dundas had at other times also warned that if immediate abolition were forced on the West Indian planters, there was a substantial risk that the planters would decide to join with the newly independent American states, where slavery and the slave trade were thriving. At least one scholar has suggested this fear was unfounded. But, one need only note the immediate reaction of planters in St. Domingue, when France's policy of immediate abolition caused them to reject French governance and seek the protection of Britain.

Thirdly, Dundas's letter also reveals that he was also certain that the House of Lords would stop the bill dead in its tracks. He was not prepared to provoke West Indian planters into abandoning Britain, in order to lend moral support to a bill that was certain to fail when it reached the Lords.

Fourthly, Dundas believed, on reasonable grounds, that no abolition bill could be successful in the middle of a war.

These reasons for opposing Wilberforce's bill in 1794 do not prove that Dundas opposed abolition of the slave trade. Rather, they reveal him as a war secretary whose first duty was to ensure the survival of the nation in a time of war, and who believed that any plan for abolition of the slave trade was not only doomed to fail, but also threatened Britain's survival.

### **3. Hindsight – a case of the tortoise vs the hare**

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 achieve abolition of the slave trade sooner. In March of 1807, Parliament enacted legislation to abolish the slave trade. Enforcement proved to be elusive, however. Slave traders found ways to circumvent the law – just as Dundas had predicted:

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

Often the law was evaded by British ships operating under the Spanish or Portuguese flag, since neither country had yet outlawed the trade. While Britain, and later other nations, supported an Anti-Slaving Squadron to catch slavers off the West African coast, many of the ships they confiscated were re-sold to known slavers. [...] Millions of Africans were exported as slaves after 1808, many of them carried in ships financed, built, or equipped in Britain.<sup>120</sup>

Four years following the enactment of *An Act for the Abolition of the Slave Trade* Parliament passed additional legislation to criminalize the British slave trade to suppress its continuation, after slave traders found ways to defy or circumvent the act.<sup>121</sup> As late as 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>122</sup> Just as Dundas had predicted, immediate abolition proved to be much more difficult to enforce than to enact.

In 1792 the abolitionist movement chose the path of the hare over the path of the tortoise. Founded and largely led by Quakers and evangelical Christians, they adhered to the impulse for instantaneous conversion. Incrementalism equalled unacceptable tolerance of sin. In hindsight, Henry Dundas's path of the tortoise had the potential to abolish the slave trade much sooner than the abolitionists' all-or-nothing approach. If legislation to end the slave trade had been enacted in 1792, Britain would have set itself on a gradual path of abolishing the slave trade completely by the end of 1799, and would have been on its way to abolishing slavery altogether.

Even William Wilberforce recognized this. As the Wilberforce Diaries Project has noted, in 1823 Wilberforce recalled that in 1792 Dundas had proposed abolition of the slave trade and slavery together. He gave him the benefit of the doubt about whether he was genuine in proposing this policy to Parliament.<sup>123</sup>

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<sup>120</sup> "Origins: Current Events in Historical Perspective," *After Abolition: Britain and the Slave Trade Since 1807*, by Marika Sherwood (I.B. Tauris, 2007), Review by Stephen Shapiro. <http://origins.osu.edu/review/after-abolition-britain-and-slave-trade-1807>

<sup>121</sup> Hague, *supra*, at 391

<sup>122</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>123</sup> <https://twitter.com/DiariesProject/status/1373264076923662339?s=20>

## VI. THE CANADIAN CONNECTION REVEALS DUNDAS AS 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.<sup>124</sup> Dundas was appointed Home Secretary and assumed responsibility for the new 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>125</sup> Simcoe departed immediately, and after over-wintering in Montreal arrived in Upper Canada on July 1, 1792. He was accompanied by another Dundas appointee – Upper Canada’s first Chief Justice, William Osgoode<sup>126</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>127</sup>

Before he took up his position in Upper Canada, Simcoe wrote the following:

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>128</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

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<sup>124</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>125</sup> Simcoe was chosen by the previous Home Secretary, William Grenville. His choice was confirmed by Dundas after the handover in 1791. “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/>

<sup>126</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>127</sup> Colgate, W., “William Osgoode, Chief Justice,” *The Canadian Bar Review*, Vol XXXI 270, 1953, Toronto

<sup>128</sup> The Simcoe Papers, i. p. 497



slave owners and their associates. 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>129</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>130</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 cause of abolition.<sup>131</sup>

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>132</sup>

Among his supporters was the newly-appointed attorney-general, John White, and Chief Justice Osgoode.<sup>133</sup> The three of them worked together – Simcoe persuading elected members and the upper house to support the bill, White drafting the legislation and moving it through 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading, and Osgoode refining it in the legislative council.<sup>134</sup>

On July 9, 1793, the “Anti-Slavery Bill” became law, and Upper Canada became the first British territory to enact legislation to abolish slavery.<sup>135</sup>

The preamble to the statute stated that the intention of Parliament was “to prevent the continuation of Slavery within this Province.”<sup>136</sup> It set out six tenets for abolition of slavery within a generation, the first four of which show the influence of Henry Dundas:

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<sup>129</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>130</sup> Known also by the anglicized version of his name, William Frommond.

<sup>131</sup> “The Slave in Canada,” *The Journal of Negro History*, Jul., 1920, Vol. 5, No. 3 (Jul., 1920), pp. 316-339, at 317

<sup>132</sup> <https://www.heritagetrust.on.ca/en/pages/our-stories/exhibits/john-graves-simcoe>  
<https://www.thecanadianencyclopedia.ca/en/article/john-graves-simcoe>

<sup>133</sup> Colgate, W., *supra*

<sup>134</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>135</sup> Riddell, *supra*. The specific provisions of the bill are described at pp 319 – 320.

<sup>136</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)



- (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>137</sup>

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>138</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>139</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>140</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 Underground Railroad, which brought tens of thousands of Black freedom seekers to Canada:

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<sup>137</sup> *Anti-Slave Trade Act, supra*, para III

<sup>138</sup> Riddell, *supra*

<sup>139</sup> Riddell, *supra*

<sup>140</sup> Riddell, *supra*

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>141</sup> on 10 September 1850.<sup>142</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, the government paid not one cent to slave owners, and slavery was virtually nonexistent by 1830.

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. 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>143</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.

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<sup>141</sup> The act required the return of slaves to their owners, even if they were in a free state.

<sup>142</sup> [Chloe Cooley and the Act to Limit Slavery in Upper Canada | The Canadian Encyclopedia](#)

<sup>143</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>

The lieutenant-governors of Nova Scotia and New Brunswick failed to respect Britain's promises.<sup>144</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>145</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>146</sup> Dundas ordered the lieutenant-governors to honour Britain's promises and to provide the loyalists with good land as soon as possible. He specifically ordered them to ensure that the land grants compensated the loyalists for the delay:<sup>147</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>148</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>149</sup> In a bit of poetic justice, Dundas ordered one of the recalcitrant governors to pay for the "craft," i.e. the outfitting of the ships, out of his own budget.<sup>150</sup>

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<sup>144</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>145</sup> *The Black Loyalists*, supra, at p. 65

<sup>146</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)

<sup>147</sup> *The Black Loyalists*, p. 66

<sup>148</sup> Letter from Henry Dundas to Thomas Carleton, 6 August 1791, "Black Loyalists in New Brunswick, 1783-1854," *Atlantic Canada Virtual Archives*, diplomatic rendition. 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>149</sup> St. G. Walker, James W. "Blacks as American Loyalists: The Slaves' War for Independence." *Historical Reflections*, <sup>149</sup> Letter from Henry Dundas to Thomas Carleton, 6 August 1791 vol. 2, no. 1, 1975, at p. 66. [www.jstor.org/stable/41298659](http://www.jstor.org/stable/41298659).

<sup>150</sup> Dundas\_Henry\_letter. RS 108: Index to Land Petitions: Original Series, 1783-1918, (supra)

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 British subjects should be governed in English.

Henry Dundas resolved the impasse. In a dispatch to Governor Dorchester dated October 2, 1793, 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; conversely bills tabled in English could be accompanied by a French translation.”<sup>151</sup>

Bilingualism was the obvious solution, perhaps, but France had declared war on Britain just a few months earlier, and British officials in Canada were reluctant to accommodate the needs of Francophones. Dundas, however, gave directions for a permanent rule that would accommodate both language groups, and in the process became the first senior politician to adopt a policy supporting bilingualism in Canada.

### **4. Defence of Indigenous rights**

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

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

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<sup>151</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 <https://vdoc.pub/documents/law-rhetoric-and-irony-in-the-formation-of-canadian-civil-culture-25okledjrceg>

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>152</sup>

At the time Dundas gave these orders, only a few minor treaties had been signed and indigenous peoples in Upper Canada had limited land rights.<sup>153</sup>

## VII. PERSPECTIVES ON GRADUAL vs. IMMEDIATE ABOLITION

### 1. Gradual abolition – a familiar concept

In 1791, Wilberforce introduced a motion in Parliament for “immediate and complete abolition.”<sup>154</sup> He was soundly defeated. Many MPs said they would prefer 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>155 156</sup>

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

By far the most popular plan for gradual abolition involved a tax on imported slaves, to be increased each year until it became prohibitive. The revenue gained would be given as subsidies for raising creole children. The slave trade to foreign colonies would also be stopped. [...] Several members of Parliament had expressed their hope for a gradual abolition and even the City of Bristol agreed in principle.<sup>157</sup>

In the following year, Wilberforce’s strategy was *to appear* to accommodate these preferences. He proposed a motion that was “designed to conciliate his more moderate opponents.”<sup>158</sup> He instructed his supporters to circulate petitions that avoided mentioning “immediate” abolition:

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<sup>152</sup> “Right Hon. Henry Dundas to Lord Dorchester” #36. (Canadian Archives, Series Q., Vol. 52, p. 206.) (No. 1.) Whitehall, 16th Sept. 1791.

<sup>153</sup> <https://www.thecanadianencyclopedia.ca/en/article/upper-canada-land-surrenders>

<sup>154</sup> *Cobbett, Vol 29 (supra)* at p. 250. <https://digital.bodleian.ox.ac.uk/inquire/p/aa8769f9-f0ac-41f8-8035-06cd3a732c63>

<sup>155</sup> *Ibid.*, at p. 357. <https://digital.bodleian.ox.ac.uk/inquire/p/6873646b-fbc8-42d1-9055-0661efed6d05>

<sup>156</sup> See also, *ibid.*, 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>

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

<sup>157</sup> Porter, *supra*, at p 79

<sup>158</sup> Porter, *ibid.*

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>159</sup>

The petition signed by "Parishioners of West Calder" provide a striking example of the effect of Wilberforce's strategy. The petition specifically declared support for gradual abolition, or, in the alternative, regulations to improve the conditions for slaves:

... 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>160</sup>

Wilberforce later ensured that the words "immediate" and "complete" were excluded from the motion he presented to the House of Commons on April 2, 1792. This time, his motion sought "leave to bring a bill for the Abolishing of the Slave trade" without specifying a time for abolition. He reassured the House that the motion did not commit them to a deadline, and the time for abolition would be determined later, even though immediate abolition was still his preferred policy.<sup>161</sup> Privately, however, Wilberforce referred to the matter as "my motion for immediate abolition."<sup>162</sup>

Dundas believed that Wilberforce's ambiguous motion was bound to fail. By inserting the word "gradual," Dundas ensured that the motion would win the support of a decisive majority.

## 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, when 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 gradualism.<sup>163</sup>

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<sup>159</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>160</sup> West Calder Slave Trade Petition, March 15, 1792, reported in the Edinburghshire log of 1792.

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

<sup>161</sup> Cobbett, William, editor, *Cobbett's Parliamentary History - volume 29*, at 1073

<sup>162</sup> Hague, W. (*supra*) at p 235

<sup>163</sup> *Encyclopedia of Emancipation, supra*, p. 101

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>164</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 speak against 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>165</sup>

Historians tend to refrain from denouncing Wilberforce for these backward and anti-humanitarian views.

## VIII. TRIAL AND REDEMPTION

### 1. Abolitionists pursue impeachment

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

In 1801, irregularities dating back to 1780 were discovered in the financial records of the British Navy, while Dundas was Treasurer. A Parliamentary commission uncovered evidence of misappropriation by the navy's Pay Master – Alexander Trotter – under Dundas's watch. He had invested such funds privately, thereby putting them at risk, and loaned £15,000 to Dundas, which was fully repaid but considered an inappropriate use of public funds.

In 1805, the question of whether to subject Dundas (now Viscount Melville) to impeachment (i.e. whether to charge him with wrongdoing) was put to a vote.

Pitt implored Wilberforce to refrain from supporting impeachment, but Wilberforce was unable to resist the opportunity to unleash 15 years of the pent-up anger over Dundas's refusal to support his campaign for immediate abolition. He spoke passionately in favour of impeachment,

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<sup>164</sup> Cobbett, Vol 29, p. 274 <https://digital.bodleian.ox.ac.uk/inquire/p/0afcb0-9334-4083-9505-7fa1b3866971>

<sup>165</sup> Parl. Deb., Vol XXXIV, 1814, p 803



turning the full force of his formidable skills of public oratory against his one-time friend. His speech is widely viewed as influencing as many as 40 votes.<sup>166</sup>

The House of Commons voted 216-216 on the question of whether to subject Dundas to a trial. The speaker broke the tie, and the motion for impeachment carried. The matter was set for trial in the House of Lords the following year.

Oxford historian J.A. Lovat-Fraser commented that the House of Commons was conducting a judicial proceeding when it was deciding whether to send the matter to trial. He said MPs “should have preserved a judicial spirit.”<sup>167</sup> After reviewing the records of the impeachment proceeding, Lovat-Fraser noted an absence of due process:

The Opposition, however, seemed rather to regard themselves as the hunters with Melville as the fox, and pursued and hounded him with savage bitterness.<sup>168</sup>

Lovat-Fraser noted that even the King, whom he notes was no friend of Dundas’s, was disgusted by the conduct of parliamentarians.<sup>169</sup>

Dundas offered up his resignation from cabinet and the Privy Council,<sup>170</sup> although he maintained his seat as a peer in the upper house.

An MP with a deep hatred of Dundas, Samuel Whitbread, led the prosecution in a 16-day trial. Dundas was acquitted of all charges. In a shocking admission, Whitbread later confided that he never suspected that Dundas had enriched himself with public funds.<sup>171</sup>

Lovat-Fraser says public sentiment immediately began to turn back in Dundas’s favour:

If the impeachment of Melville produced grief in Scotland, the dismissal of the charges against him caused the utmost delight. The joy of his friends and supporters was irrepressible...<sup>172</sup>

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<sup>166</sup> “Wilberforce, William (1759-1833),” *The History of Parliament: the House of Commons 1790-1820*, ed. R. Thorne, 1986 [https://www.historyofparliamentonline.org/volume/1790-1820/member/wilberforce-william-1759-1833#footnote16\\_b0jhw9a](https://www.historyofparliamentonline.org/volume/1790-1820/member/wilberforce-william-1759-1833#footnote16_b0jhw9a)

<sup>167</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>168</sup> Ibid.

<sup>169</sup> Ibid., at p. 97

<sup>170</sup> The Privy Council provided advice to the King, and was comprised of senior politicians, both present and past members of the House of Commons or the House of Lords.

<sup>171</sup> Lovat-Fraser., at pp. 103-104

<sup>172</sup> ibid, at p. 107

Dundas's detractors frequently cite the fact that he was the last politician in Britain to be impeached. In fact, it was the impeachment process – a destroyer of fortunes and reputations – that was later found lacking. Parliament later adopted alternative mechanisms for censure less open to abuse, including the use of judicial review and independent committees of inquiry.<sup>173</sup>

## 2. Political turnaround

After his acquittal, Dundas returned to active political life, and participated in debates in the House of Lords, although to a lesser degree than before.<sup>174</sup> In a remarkable reversal of fortune, in 1807 he was invited to rejoin the Privy Council. By the end of that year, he was again influencing key political appointments as the Minister *de facto* in Scotland.<sup>175</sup>

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

## 3. A rift mended

On June 14, 1810, Dundas made his last speech in the House of Lords.<sup>176</sup> Around this time, he and Wilberforce had a chance meeting in London. Despite Wilberforce's ferocity in the impeachment debate, Dundas appeared to hold no ill will. Wilberforce later recalled how their earlier affection for each other resurfaced:

About a year before he died, we met in the stone passage which leads from the Horse Guards to the Treasury. We came suddenly upon each other, just in the open part where the light struck upon our faces. We saw one another, and at first I thought he was passing on, but he stopped and called out, 'Ah Wilberforce, how do you do?' And gave me a hearty shake by the hand. I would have given a thousand pounds for that shake. I never saw him again.<sup>177</sup>

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

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<sup>173</sup> Caird, Jack Simson (6 June 2016). "[Impeachment](#)". *House of Commons Library*.

<sup>174</sup> *Ibid.*, at p. 110

<sup>175</sup> *Ibid.*, at p. 111, citing instances of Dundas's renewed influence, and referring to a letter written in November of 1807, by Lord Henry Petty.

<sup>176</sup> *Parliamentary Debates, Official Report*, T.C. Hansard, Vol.

<https://books.google.ca/books?id=Lps9AAAAcAAJ&lpg=RA2-PA643&ots=5Xc1E5cohj&dq=%22scotch%20judicature%20bill%22%201810&pg=RA2-PA643#v=onepage&q=%22scotch%20judicature%20bill%22%201810&f=false>

<sup>177</sup> Furber, Holden, *Henry Dundas: first viscount Melville, 1741-1811, political manager of Scotland, statesman, administrator of British India*. London: Oxford University Press, H. Milford (1931) at pl 301-302

<https://archive.org/details/cu31924028005027>

## IX. THE TOTALITY OF THE EVIDENCE

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?**

Wilberforce’s motion was heading for near-certain defeat, and so Dundas’s amendment did not cause it to fail. Even if Wilberforce had won majority support in the Commons, his motion could never have become law, in 1792 or any time before 1807. The insurmountable obstacles included the following:

- 1) the all-consuming war with France that started in early 1793, making the survival of Britain take precedence over humanitarian reforms;
- 2) the House of Lords, who steadfastly blocked proposals for abolition of the slave trade during the 1790s;
- 3) King George III, who opposed abolition;
- 4) Prevailing fears about the “Age of Rebellion” in the late 18<sup>th</sup> century, specifically that social reforms would encourage revolutionary tendencies, which had led to the “Reign of Terror” in France;
- 5) Britain’s heavy economic reliance on the West Indies, which raised the spectre of a national crisis and economic collapse in the middle of a war.
- 6) The fear that West Indian planters and merchants would rebel against British control if Parliament became too heavy handed, and join with the United States;

The combined weight of these factors combined was enormous. If Dundas had simply remained silent, Wilberforce’s motion would still have gone down to defeat. On the other hand, if Wilberforce had joined forces with Dundas, 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 passage of any legislation to abolish the slave trade?**

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>178</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, and the decision of the current Viscount Melville to make the Dundas Family Papers publicly available, has expanded the body of available evidence. As well, no historian has carefully examined the large body of evidence that describes Dundas's private conversations with abolitionists. 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>179</sup> It is now possible to make more definitive findings regarding Dundas's opinions and intentions in the early 1790's.

The evidence that constitutes proof of Dundas's authentic support for gradual abolition includes the following:

- 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 the abolition of the slave trade, in which he revealed a multi-faceted plan for the end to slavery and the slave trade, together, including eradicating hereditary slavery;
- 3) His public and private efforts to persuade West Indian planters to cooperate with 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;
- 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 prioritize national security in the middle of a war in which Britain was fighting for its survival;

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<sup>178</sup> Porter, *supra*, p. 81

<sup>179</sup> *Constitutional Act (1791)*; <https://www.uottawa.ca/clmc/constitutional-act-1791>

- 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, WI 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 constitutional autonomy to resist the enforcement of British statutes;
- 12) His public denunciations of the obstructive tactics of the WI interests;
- 13) His belief, later proven to be correct, that slave traders would circumvent any law for immediate abolition of the slave trade;
- 14) His duty to ensure that WI planters did not incite revolution, abandon Britain, and jeopardize Britain's position in the war with France;
- 15) 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.

Such evidence supports the conclusion that Henry Dundas genuinely supported gradual abolition of slavery and the slave trade.

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

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

With regard to the first point 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 the Home Secretary ought to have with power brokers in all territories of the empire. It was Dundas's responsibility to ensure that revolutionary spirit did not take hold

among the leaders of the West Indian colonies, some of whom were known to favour independence from Britain.

Regarding the third category, the fact that Wilberforce and other militant abolitionists lashed out at Dundas from time-to-time reflects little more than their frustration that he refused to support an approach that he saw as ineffective and misguided. To them, that made him an opponent. Their personal feelings, however, are not evidence. Moreover, it is likely that they knew that there was a political advantage to treating Dundas as a foe. He was a prominent and controversial figure, whose approach to seditionists had angered many, and whose attempt to enfranchise Catholics had prompted rioting in the streets. Dundas made an easy scape goat. It was more convenient for abolitionists to blame him than to take responsibility for their failed strategies.

As for the fourth category concerning military action in the West Indies, it is apparent that critics have oversimplified the complexities of mutual aggression in a region where the British and French both had much to gain and much to lose. Britain was heavily dependent on the West Indies to fund its military effort while it was fighting for its survival. Seizing Haiti would have given Britain a bargaining chip in peace talks with France. It is reductionist and overly-simplistic to suggest that Dundas had a specific goal during the war of preserving slavery. His first duty was to protect his country when French revolutionaries were seeking to remake the face of Europe and the North Atlantic. Examining Britain's war efforts singularly through the lens of abolition is an unreliable tool for discerning Dundas's intentions, especially when Prime Minister William Pitt, a committed abolitionist, gave his complete and unconditional support to Dundas's war efforts.

## 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 change that would otherwise be beyond their grasp.

A pragmatic man in all his political endeavours, Dundas also took a pragmatic approach to abolishing the slave trade. This appears to have resulted in his record on abolition being misunderstood, and therefore misrepresented. Every time Dundas spoke publicly about slavery he emphasized his abhorrence of it. Even when he disagreed with William Wilberforce, he

spoke his mind but refused to vote against Wilberforce's proposals for the abolition of human trafficking. Dundas was resolute in his refusal to stand with the slave traders, even when he disagreed with the strategies of the abolitionists.

When Dundas proposed adding the word "gradually" to Wilberforce's motion in 1792, and persuaded wavering MPs to support 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.

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, 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. The abolitionists pursuit of social reform in the middle of the war was destined to fail, no matter who was in government. This is not a basis on which to vilify his character.

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.