**A Brief History of Slavery in Scotland**

**Unveiling of the *Knight v Wedderburn* Plaque - Box Corridor, Parliament House[[1]](#footnote-1)**

This is an important event to commemorate the historic decision of the Court of Session in *Knight v Wedderburn*. Thank you all very much for coming, in particular to our special guest speaker, Sir Geoff Palmer, for taking the time to be with us and for his interesting and cogent exposition of the case.

I am going to say a few words about the historical context in which the case was decided. Much has already been written in recent years about Scotland’s collective amnesia about its involvement with slavery.[[2]](#footnote-2) It is true that a number of famous Scots advocated for the abolition of slavery and that relatively few, maybe, 70 or 80, black slaves were brought to Scottish soil,[[3]](#footnote-3) but that is far from the end of the story. We have now started to remember the true extent of our slavery legacy. For example, the Edinburgh Slavery and Colonialism Legacy Review, which was chaired by Sir Geoff, recently published its recommendations about how best to acknowledge publicly the ways in which Edinburgh benefitted from slavery.[[4]](#footnote-4) Glasgow’s Slavery Audit recently published its findings about the residents of Glasgow who were involved in transatlantic slavery between 1603 and 1838.[[5]](#footnote-5) This work has helped to shine a light on a dark part of our history. However, for many years, the literature on the subject was somewhat sparse, particularly compared to the recognition of England’s links.

An example of this amnesiac approach can be found in some of the opinions of the majority of the court in *Knight v Wedderburn*, which rejected Mr Wedderburn’s claim that Mr Knight was bound to him in perpetual servitude. Anybody reading the judgment could be forgiven for forming the view that slavery was never practised in Scotland. Lord Auchinleck, who was the father of James Boswell, described Scotland as a “*land of liberty*”. Lord Kames proclaimed that the court could not enforce the laws of Jamaica because “*we sit here to enforce right, not to enforce wrong*”. Despite those rhetorical flourishes, to imply that Scotland’s hands were clean, is, to say the least, inaccurate.

British involvement in the transatlantic slave trade began in around 1555. [[6]](#footnote-6) Scotland did not gain formal access to the slave trade until the Act of Union 1707.[[7]](#footnote-7) However, it touched Scotland long before this. African people were brought to Scotland as early as the beginning of the 16th century, as a result of their enslavement by the Portuguese. In 1503, a group of Africans arrived in Scotland having been wrested from Portuguese slavers by the Barton brothers, who were Scottish privateers.[[8]](#footnote-8) Two of the group were women, who converted to Christianity and were baptised Margaret and Ellen. The Barton brothers at that time operated under a letter of marque granted to their father against Portuguese shipping. Thus, they were hoping to further this royal patronage by gifting Margaret and Ellen to the King. James IV accepted the so-called gift and granted the brothers their own letter of marque.[[9]](#footnote-9) There are records of payments in the Lord Treasurer’s Accounts the following year for payments made for the transport of another group of Moorish women from Dunfermline to Edinburgh.[[10]](#footnote-10) Though the women themselves made a success of their time in James’s court,[[11]](#footnote-11) we should not forget how they came to be there in the first place.[[12]](#footnote-12)

Unhappily, the use of black slaves in Scottish royal service did not end there. There are records of James IV’s great-grandson, James VI of Scotland, and later James I of England, mistreating four black slaves at his wedding in 1589.[[13]](#footnote-13) James VI was responsible for the creation of The Company of Adventurers of London Trading into the Parts of Africa, which was an early vehicle for British involvement in the slave trade, in 1618. [[14]](#footnote-14)

James VI’s reign also saw the development of slavery on Scottish soil. An Act of the Scottish Parliament in 1606[[15]](#footnote-15) resulted in the whole-of-life bondage of salters, colliers and coal-bearers to the coal or salt works with which their families were associated. The control of the works’ masters over these labourers was absolute. Even where a colliery was given up and the labourers moved on to new, lawful employment elsewhere, if the master chose to resume operations they were bound to return. Salters and colliers lived under terrible conditions and became segregated from the rest of the nation. [[16]](#footnote-16) The 1606 Act gave masters and owners of coal pits and pans the power to apprehend “vagabonds and sturdy beggars” and put them to work.[[17]](#footnote-17) Salters and colliers were excluded from the protection of significant piece of Scottish legislation passed in 1701, which prohibited the remand of any person pending trial without a warrant, and which created the time limits for the bringing of a trial which essentially exist to this day.[[18]](#footnote-18)

It was not until 1775 that an Act of Parliament decreed that any new labourers in salt and coal mines would be free.[[19]](#footnote-19) However, that Act did not apply to any existing workers. Those workers were not emancipated until 1799, eleven years after the decision in *Knight*. The two causes aided one another. Salters and colliers raised money to help Mr Knight’s wife Annie and their baby.[[20]](#footnote-20) The decision in 1778 led to representations on behalf of the colliers and salters in Parliament.[[21]](#footnote-21) Against that background, Scotland’s description as a land of liberty in 1778 may fairly be described as a veneer.

The laws by which Mr Knight had been enslaved may have been Jamaican, but Scotland’s complicity in the slave trade at that time cannot be glossed over. Looking at Jamaica alone, by 1796, almost twenty years after Mr Knight won his freedom on Scottish soil, Scots owned nearly 30 per cent of the estates in Jamaica and by 1817, 32 per cent of the slaves.[[22]](#footnote-22) Laws made by the Jamaican National Assembly were only passed once sanctioned by the governor on behalf of the British Crown.[[23]](#footnote-23) In other words, slavery was legal in Jamaica because the British government, which was our only government at that time, allowed it to be.

Some of the comments in *Knight* are surprising. Commemorative events such as this one today are important in improving public awareness and wearing away the myth that slavery was never practised or condoned in Scotland. They provide an opportunity for learning through the sharing of experiences and research, as well as being a space for remembrance and reflection. The public expects the courts to ensure that, fundamentally, justice is done. Whatever else may be said about it, *Knight v Wedderburn* is a good example of when fair thinking won the day and the right result was reached. Thank you all for coming along today to help us mark it.

LORD CARLOWAY

LORD PRESIDENT

6 December 2022

1. I am grateful to my law clerk, Ysabeau Middleton, for researching and preparing this talk. [↑](#footnote-ref-1)
2. See for example the thought-provoking collection of essays edited by Sir Tom Devine, *Recovering Scotland’s Slavery Past, The Caribbean Connection* (2015). [↑](#footnote-ref-2)
3. Annie Brown, Scotland and Slavery, Black History Month, 19 August 2015, accessed 28 November 2022 ([Black History Month 2022](https://www.blackhistorymonth.org.uk/article/section/history-of-slavery/scotland-and-slavery/)). [↑](#footnote-ref-3)
4. Accessible here: [Edinburgh Slavery and Colonialism Legacy Review Report and Recommendations.pdf](https://democracy.edinburgh.gov.uk/documents/s48188/Item%207.11%20-%20Edinburgh%20Slavery%20and%20Colonialism%20Legacy%20Review%20Report%20and%20Recommendations.pdf). [↑](#footnote-ref-4)
5. Accessible here: [Glasgow Slavery Atlantic Commerce - An Audit](https://www.glasgow.gov.uk/CHttpHandler.ashx?id=56499&p=0). [↑](#footnote-ref-5)
6. The first recorded Englishman to have taken enslaved people from Africa was John Lok, who brought five slaves from Guinea to England in 1555: Britain and the Slave Trade, Historic England, accessed on 30 November 2022 ([Historic England](https://historicengland.org.uk/research/inclusive-heritage/the-slave-trade-and-abolition/sites-of-memory/slave-traders-and-plantation-wealth/britain-and-the-slave-trade/)). [↑](#footnote-ref-6)
7. *Slavery and the Slave Trade*, National Records of Scotland, accessed 28 November 2022 ([nrscotland.gov.uk](https://www.nrscotland.gov.uk/research/guides/slavery-and-the-slave-trade#:~:text=Following%20the%20union%20of%20parliaments%20in%201707%2C%20Scotland,generating%20much%20of%20their%20wealth%20through%20enslaved%20labour.)). [↑](#footnote-ref-7)
8. “*The sultana and her sisters: black women in the British Isles before 1530”*, Sue Niebrzydowski (2001), Women's History Review, Volume 10, Number 2, 2001, pg 188, accessed 28 November 2022 ([tandfonline.com](https://www.tandfonline.com/doi/pdf/10.1080/09612020100200287?needAccess=true)). [↑](#footnote-ref-8)
9. Jennifer Melville, *Africans at the court of James IV*, National Trust for Scotland’s Facing our Past Project, 14 October 2020, accessed 30 November 2022 ([nts.org.uk](https://www.nts.org.uk/stories/africans-at-the-court-of-james-iv)). [↑](#footnote-ref-9)
10. *Ibid*, pg 188. [↑](#footnote-ref-10)
11. Megan McEachren, “James IV: New Rona Munro play to give black people their rightful but forgotten place in history of Scotland”, The Sunday Post, 20 June 2022, accessed 30 November 2022 ([The Sunday Post](https://www.sundaypost.com/fp/james-iv-national-theatre-scotland/)). [↑](#footnote-ref-11)
12. See also Niebrzydowski (2001), *supra*, pg 201. [↑](#footnote-ref-12)
13. Emily Weissbourd, *Were there slaves in Elizabethan England?,* BBC History Extra, 6 July 2020, accessed 30 November 2022 ([HistoryExtra](https://www.historyextra.com/period/elizabethan/were-there-slaves-elizabethan-england-queen-elizabeth-slavery/)). [↑](#footnote-ref-13)
14. *Timeline of The Slave Trade and Abolition*, Historic England, accessed 29 November 2022 ([Historic England](https://historicengland.org.uk/research/inclusive-heritage/the-slave-trade-and-abolition/time-line/)). [↑](#footnote-ref-14)
15. [1605/6/39], Records of the Parliaments of Scotland to 1707 ([rps.ac.uk](https://www.rps.ac.uk/)). [↑](#footnote-ref-15)
16. *“The Woeful Tale of Scottish Slavery”*, W. Forbes Gray, (1933) 45 Jur Rev 133 at 134. [↑](#footnote-ref-16)
17. *Supra*, at n 10. [↑](#footnote-ref-17)
18. Act for preventing wrongful imprisonment and against undue delays in trials [1700/10/234], Records of the Parliaments of Scotland to 1707 ([rps.ac.uk](https://www.rps.ac.uk/)). [↑](#footnote-ref-18)
19. Colliers etc (Scotland) Act 1775. [↑](#footnote-ref-19)
20. *Scots law and slavery*, Anna Poole, SLT 2019, 4, 9 -12 at 11. [↑](#footnote-ref-20)
21. Gray (1933), *supra* at n 11, at 143. [↑](#footnote-ref-21)
22. Annie Brown, Scotland and Slavery, Black History Month, 19 August 2015, accessed 28 November 2022 ([Black History Month 2022](https://www.blackhistorymonth.org.uk/article/section/history-of-slavery/scotland-and-slavery/)). [↑](#footnote-ref-22)
23. *Historical Foundations of Jamaican Law*, Raphael Codlin (2003), p 45. [↑](#footnote-ref-23)