

Eighteenth century case of Knight v Wedderburn commemorated at Court of Session

A plaque has been installed at the Court of Session to commemorate an historic decision which found that slavery was not recognised in Scots Law when it was heard there in 1778.

The case of Joseph Knight v Wedderburn decided that Knight, who was bought as a slave in Jamaica and brought to Scotland, should gain freedom from 'perpetual servitude'. The Sheriff Court in Perth which first heard the case brought by Wedderburn who wanted a warrant detaining Joseph Knight as a slave in 1773, ruled that "the state of slavery is not recognised by the laws of this kingdom, and is inconsistent with the principles thereof".

That decision of the lower court was upheld by a majority decision of the full bench of the Court of Session when it was appealed there some five years later.

Professor Sir Geoff Palmer who leads the Edinburgh Slavery and Colonialism Legacy Review Group unveiled the plaque at a ceremony attended by The Lord President, Lord Carloway and invited guests including senior members of the judiciary.

"This historical plaque is an important part of our history,"

he said. "Because it states publicly that Joseph Knight, the black servant of Sir John Wedderburn of Ballindean, the 6th Baronet of Blackness, no longer had to work for Sir John Wedderburn's household in Perth, Scotland, as a perpetual servant.

"Therefore, the Court of Session in 1778 gave Knight his freedom in Scotland."



Joseph Knight Plaque 1 SA :
Unveiling of the Joseph Knight Plaque

Lord President and Sir Geoff Palmer

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Sir Geoff added: "This plaque tells the world of a decision that is in keeping with the comment of one of the judges, 'we sit here to enforce right not to enforce wrong'. Indeed, that

‘right’ was the human right to be free.”

The Lord President said: “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 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. Laws made by the Jamaican National Assembly were only passed once sanctioned by the governor on behalf of the British Crown. 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.”

The case gave the Court of Session the opportunity to declare that slavery was not recognised by Scots law and that fugitives from slavery, or ‘perpetual servants’, could be protected by the courts if they wished to leave domestic

service or if attempts were made to forcibly remove them from Scotland and return them to slavery in the colonies.

The plaque marking the decision will be installed in the box corridor at Parliament House which is the row of boxes where papers relating to cases are delivered for advocates to collect.

It states: "On this site, on 15 January 1778, in the case of Joseph Knight v John Wedderburn, the Court of Session upheld the judgment of the Sheriff at Perth that 'The State of Slavery is not recognised by the Laws of this Kingdom and is inconsistent with the principles thereof'. The Court, by a majority of ten to four, found in favour of Joseph Knight's freedom."

Sir Geoff, who told us the story of this decision in a past episode of our [Edinburgh Report podcast](#), took the opportunity of relating the tale – and the way it related to Henry Dundas who is commemorated with a statue in St Andrew Square. You can listen to Sir Geoff telling the story by clicking below:

At the ceremony Sir Geoff said: "John Wedderburn went to Jamaica in 1747. His father was executed after the battle of Culloden in 1745. By 1769 John Wedderburn had become one of the largest and richest slave owners in Jamaica. Wedderburn purchased Knight as a boy. Knight was born in Africa and transported to Jamaica. Wedderburn helped Knight to become literate. In 1769 Wedderburn left Jamaica and returned to Scotland, bringing Knight with him.

"Knight continued to work as a pocket-money paid servant for Wedderburn at his estate in Bellindean, Perth. In 1774 Knight decided that he would leave Wedderburn's service. He wanted his own home because he had heard that in 1772, a black person, Somerset, had gained the right to remain in England

rather than be transported into slavery in the West Indies. Knight was married to one of Wedderburn's local female servants. She was expecting a child. Wedderburn effected Knight's arrest and was supported by the Justice of Peace Court in Perth. Knight appealed to the Sheriff Court in Perth and this Court denied Wedderburn the right to retain him as a perpetual servant without his consent.

"Wedderburn appealed this decision in the Court of Session from 1774 to 1778. For different reasons, significant numbers of those involved legally in this Knight vs Wedderburn case were distinguished and well known. For example, the Judges include, Lord Arniston (Henry Dundas' half-brother), Lord Baxfield (who transported the Scottish Martyrs), Lord Auchinleck (James Boswell's father) and intellectuals such Lord Monboddo, Lord Gardenstone and Lord Kames.

"During the Knight case, Lord Gardenstone cited a Scottish Judge's statement of 1687 regarding reference to slavery, "But we have no slaves in Scotland." Knight was represented by Henry Dundas (Lord Advocate) and John MacLaurin (who became Lord Dreghorn resident of Dreghorn Barracks, Edinburgh). Dundas (1776) agreed that Knight could be freed from his servitude in Scotland (Britain) but he would be "doomed" like "every black man" as a chattel slave in Jamaica.

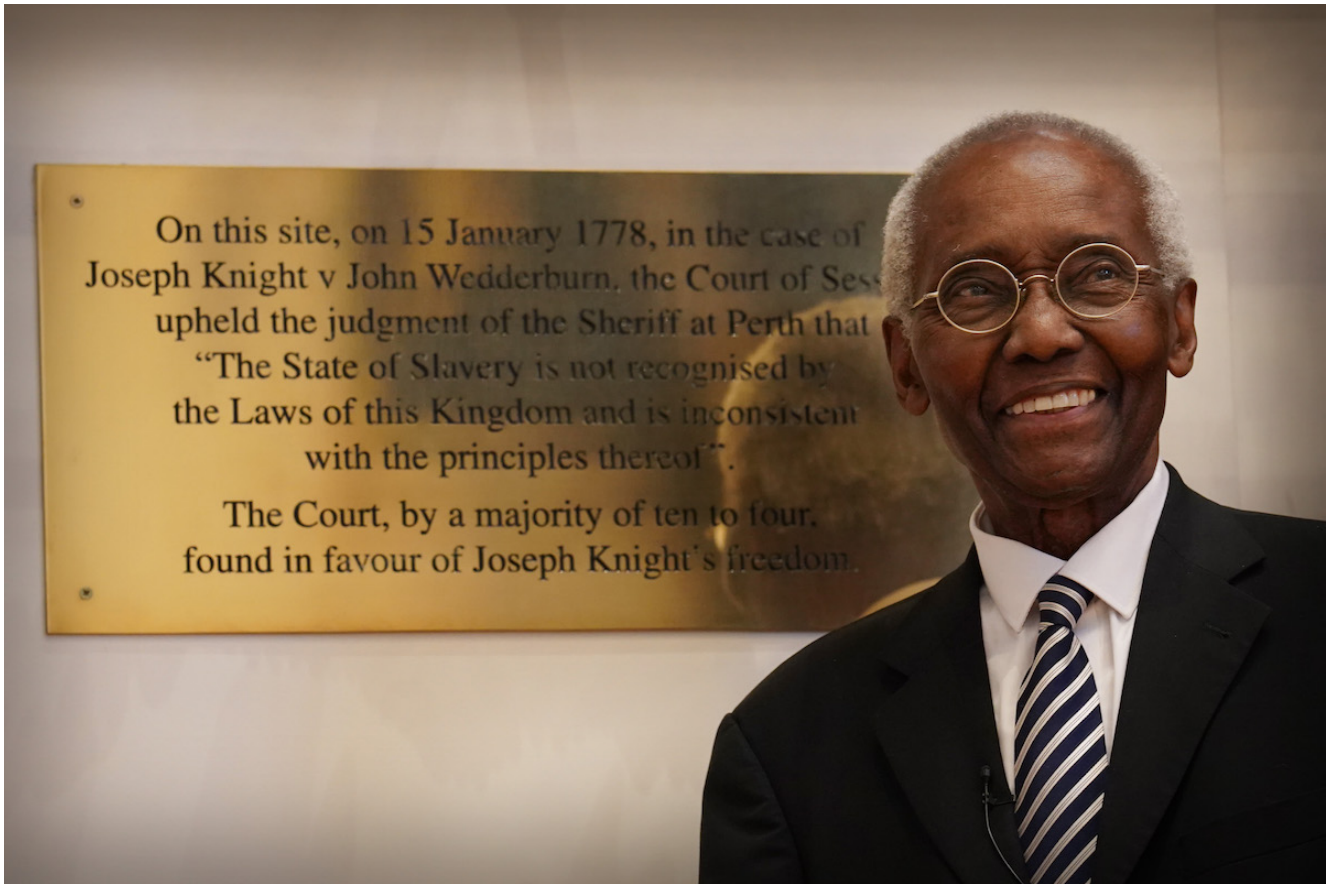
"Dundas later (1792) delayed the abolition of the slave trade for a "generation" to benefit slave owners. After much discussion (1774-1778) of the rights of all people and the "necessity" of legal slavery in the West Indies, in 1778 a majority of the Judges of this Court of Session case in Edinburgh rejected Sir John Wedderburn's claim for "perpetual service" regarding Joseph Knight. This plaque tells the world of a decision that is in keeping with the comment of one of the Judges, "we sit here to enforce right not to enforce wrong". Indeed, that "right" was the natural human right to be free."



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Lord President

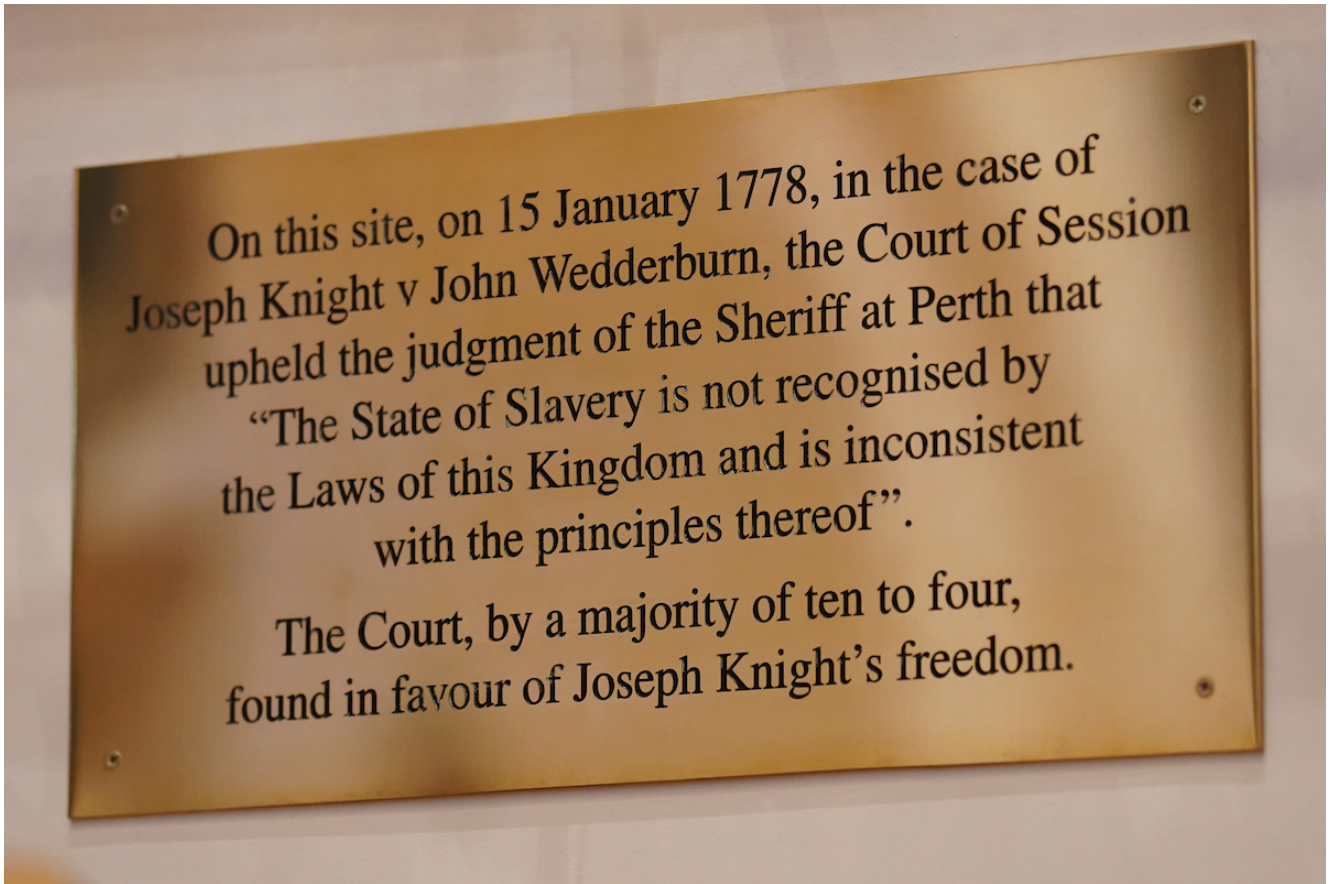
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Sir Geoff Palmer

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