
Knight, Joseph

(c. 1753-?), Jamaican slave, runaway, litigant, and eventual freeman in Scotland,
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was born in West Africa. He was taken from Guinea as a child by a Captain Knight and later adopted the surname of the slave trader who sold him into chattel slavery in the West Indies. Although Joseph remembered nothing of this sale, a planter John Wedderburn purchased him soon after the human cargo landed in Jamaica around 1766. Neither could have known that Joseph Knight would become a litigant in one of the most celebrated court cases in Scottish legal history.

As a Jacobite loyal to the Stuarts, Wedderburn had fled from Scotland to the West Indies after the failed Jacobite uprising of 1745. In Jamaica, he acquired profitable sugar plantations, including Glenisla in Westmoreland. In a triumphant return home around 1768, he purchased the Ballindean estate in Perthshire. As he had developed “a liking” toward Joseph, he took him back home to work as a personal servant. In Scotland, Knight was taught to read and write and was instructed in the Christian religion before baptism. However, having “fallen under the dominian [sic] of one of the fair sex,” Wedderburn and Knight quarreled over the latter’s choice of partner—a fellow servant named Ann Thomson—and subsequently Knight also challenged his unfree status (National Records of Scotland [NRS], CS 235/K/2/2, pp. 29-30).

Although he had no written contract, Knight claimed Wedderburn had agreed to release him from servitude after seven years. Knight also alleged he was promised a parcel of land in Jamaica, which would have allowed him to live in some comfort. However, the liaison with Ann Thomson altered these plans. After Thomson became pregnant, Wedderburn discharged her from service. Nevertheless, Knight married Thomson in Edinburgh on 9 March 1773. Although Wedderburn agreed Knight was useful as a house servant, he was not prepared to pay him full wages or to provide accommodation for the couple, which escalated the conflict.

Joseph Knight read a paragraph in the *Edinburgh Advertiser* on 3 July 1773 concerning the Mansfield decision in which a slave named James Somerset was freed in England. Although differences existed between the English and Scottish legal systems, Knight assumed this ruling applied in Scotland and “that he was also entitled to be free” (NRS, CS 235/K/2/2, p. 99). Knight promptly ran away to be with his wife in Dundee, which led Wedderburn to initiate court action with local justices of the peace, who supported his position. However, Knight appealed to the sheriff of Perthshire, who issued his famous ruling in late 1774:

That the State of Slavery is not recognised by the Laws of this Kingdom, and is inconsistent with the principles thereof and Found that the Regulations in Jamaica concerning slaves do not extend to this Kingdom and repelled the Defender's Claim to perpetual Service.

(NRS, CS 235/K/2/2, p. 32)

Unsatisfied with this decision, Wedderburn appealed to the Court of Session in Edinburgh. At the subsequent hearing—eventually decided in 1778—the institution of chattel slavery was essentially placed on trial in the highest court of Scotland.

Wedderburn's position was clear; he was entitled to the perpetual service of Joseph Knight. Through his counsel, he cited precedents for slavery in ancient Greece and Rome, and argued that the slave trade from Africa was authorized by the British Parliament. Furthermore, according to the planter, the principle of slaves as legal property in the colonies was not altered by a "mere change of place." Finally, Wedderburn reserved the right to send Knight back to Jamaica, which provided an implicit threat (Morison, 1804, p. 14545).

Joseph Knight's defense was led by the advocate Henry Dundas, who would become the dominant Tory politician of late-eighteenth-century Scotland. Dundas mounted a multilayered defense that rebutted the Wedderburn stance. He described the iniquity of African slavery by referring to Antoine François Prévost's *Histoire générale des voyages* (1746-1759). The defense argued that domestic slavery in Africa was reserved for criminals and captives in war, which did not apply to Joseph Knight. Furthermore, Dundas asserted that colonial laws were not applicable in Scotland and that the perpetual servitude demanded by Wedderburn was contrary to the spirit of the established Presbyterian Church.

As legal scholar John Cairns has noted (2009), the eventual decision of the twelve judges in 1778 was split and heavily qualified. Although all accepted that Knight could not be returned to Jamaica, some supported the master's right to perpetual servitude. However, in a far-reaching decision almost thirty years before the abolition of the slave trade in the British Parliament, the court upheld the Perth decision of 1774 that released Joseph Knight.

Though his wife bore a child, there is no record of the life of Joseph Knight after 1778. The case was brought to life by James Robertson's novel *Joseph Knight* (2003), which imagined that Knight lived with his wife in Dundee while employed as a collier. This hint at class solidarity was appropriate since the colliers had been in state of legal bondage themselves during the same period. Although his actual fate is unknown, it is plausible that this rebellious African, survivor of Caribbean slavery, ended his days as a freeman in Scotland.

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