

BELLE

By Paula Byrne

William Collins Publishers (2014)

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Book review by Sally Ramage

This book, *BELLE*, authored by Paula Byrne, was written in conjunction with the major box-office film of the same title. It stormed the cinemas in 2014 and has been a much-loved film that endures in popularity to this day.

Miss Dido Elizabeth Belle Lindsay

This book relates the life of a girl named Dido¹ Elizabeth Belle Lindsay who came to live at her great-uncle's home in London. Dido's great-uncle was a barrister-at-law, William Murray, who had become Lord Mansfield, the Lord Chief Justice of England.

¹ The African name Dido was known to be the name of the legendary founder and first queen of the North African city of Carthage. See Mason, F. (2014) *Dido Elizabeth Belle*, London: Bookcaps Study Guides, at pg 58.



William Murray, who became Lord Chief Justice of England

In 1738, William Murray had married, at age 32, Lady Elizabeth Finch, sister of the Earl of Winchelsea and grand-daughter of the Earl of Nottingham, former Lord Chancellor. Lord and Lady Mansfield had no issue and raised his two grand-nieces as if they were his own children.



Sisters Elizabeth and Henrietta Finch in 1732.
Portrait by Charles Gervas. Source: Google.

Lord and Lady Mansfield lived an extremely sociable high-ranking life in a glorious house named Kenwood House, one of the largest houses in 1754 in Hampstead Heath, on the outskirts of London, befitting of its new owner, England's most senior judge,

²formerly owned by Lord Bute. Here, Lord Mansfield and his wife entertained many leading aristocrats, politicians, clergymen, artists, foreign dignitaries and members of the bench and bar. Lord Mansfield had extended Kenwood House and had had built the most exquisite library at Kenwood House, said to be one of the finest neo-classical rooms in London.



Kenwood House in Hampstead, London, expended and redeccorated by Scottish architect Robert Adam whom Lord Mansfield appointed. Source: Google.

Dido was but a baby when she arrived in London to live with William Murray and his wife. She was the illegitimate daughter of Sir John Lindsay, then a captain of HM Royal Navy who had this little girl with a slave, some believe on board his ship or in London after Captain John Lindsay docked his ship.³

² Hampstead Heath then consisted of a few large houses in a huge expanse of 800 acres of grassland and woods at the northern edge of London. Mason, F. (2011) *Dido Elizabeth Belle*, London: Bookcaps, at pg 5.

³ Mason, F. (2011) *Dido Elizabeth Belle*, London: Bookcaps, at pgs 36-37.

Captain John Lindsay, Dido's father, a Scottish aristocrat



Sir John Lindsay, who was Captain Lindsay when his daughter Dido was born. Source: Google.

William Murray and John Lindsay were members of the Scottish aristocracy. John Lindsay's father was Sir Alexander Lindsay, 3rd Baronet of Evelix⁴, and as well as carrying British titles, the Lindsays were high-ranking members of the Scottish clan system. John Lindsay did not inherit the title of 4th Baronet because that title was only handed down to the eldest son and he was the second son, but he did become Sir John Lindsay in 1770, at age 33, for his war efforts as commander of a ship.

Captain John Lindsay had spent 18 months in the West Indies and Belle's mother Maria might have been one of the hundreds of slaves captured by Captain Lindsay's ship *HMS Trent*, a warship. Captain John Lindsay was 20 years old in 1757 but just six years later the Navy ordered *HMS Trent* to be scrapped at Portsmouth Dockyard, as author Paula Bryne told us in BELLE.

⁴ These land-owning Scottish aristocracy 'mostly lived off rents from their few tenants, not enough to make a man rich' as in the green fields of London or even in the Scottish lowlands. Ibid 2, at pg 48.

African slave, Maria Belle, Dido's mother

Dido's mother was an African slave, Maria Belle, who had been forcibly removed from her home in Africa and taken to the Caribbean to be exploited. She was among millions of others whose lives were dislocated over a period of centuries 'in a trade that took decades years of military pressure before it came to an end. Captain Lindsay, took little Dido to the home of his maternal uncle William Murray and begged him and his wife to keep and raise his daughter because being at sea was no place for a child. Lindsay expected is lawyer uncle to make her a free person, which did not happen until after Lord Mansfield's death. Captain Lindsay's daughter, Dido, was illegitimate and her African slave mother had died. This his uncle agreed to, and Dido, as she was called in the Lord Mansfield's household, lived as part of Lord Mansfield's family alongside her cousin, Elizabeth, another niece of Lord Mansfield whom he cared for because her mother had died also and whose father was also William Murray's maternal nephew but he did not want his daughter with his new wife and new family. Lord Mansfield whom both girls called '*Papa*' commissioned their portrait and it used to hang in their home at Kenwood House but now hangs in Scone Palace in Scotland: two young ladies, one black and one white, cousins by blood.



Lord Mansfield's two grand-neices raised as his own.
Portrait by Zoffany. Source: Google.

Research by BELLE's author

Paula Byrne, author of *BELLE* acknowledges that for many years others had sought to research Dido Belle and what became of her and this book's bib Dido was but a baby when she arrived in London to live with William Murray and his wife. She was the illegitimate daughter of Sir John Lindsay, then a captain of HM Royal Navy who had this little girl with a slave, some believe on board his ship or in London after he docked his ship. The book *BELLE* includes a bibliography among which is the following list of books and records:

1. Gene Adams, 'Dido Elizabeth Belle, a black girl at Kenwood: an account of a protégée of the first Lord Mansfield', *Camden History Review*, Vol. 12 (1984), pgs 10-14.
2. Charles Daviniere, at www.ancestry.com/
3. Dido Elizabeth Belle, at www.ancestry.com/
4. King, R. (2004) *Oxford Dictionary of National Biography*, Oxford: Oxford University Press.
5. Sarah Minney, 'The search for Dido', *History Today*, Vol. 55, Number 10, October 2005.

The historical facts

Dido Belle was a person the British (in those times) called a *mullato*, a term used for the offspring of white and black parents. The author Paula Byrne tells us that it is not clear whether Dido's mother was raped or seduced but that she had been taken on board the ship captained by Lord Mansfield's nephew; had become pregnant, and had been brought to England to give birth to Dido, according to historical records.

The book, *Belle*, largely relates the story of Dido Belle with the backdrop of a case Lord Mansfield was judging at the time. It was the case of the Zong ship which gripped Dido's attention in this book. However, we note that Lord Mansfield had employ Dido as his legal secretary, working in his study at Kenwood House, in which position she became well versed in English law. He apparently gave her a generous allowance which amounted to much more than his servants' wages. The *Zong* case occupied all of chapter 15 of this book, *BELLE*, caselaw reported as *Gregson v Gilbert*.⁵

Important caselaw

The author, Paula Byrne, relates details of several cases that occupied Lord Mansfield during this time, including chapter ten of this book on the Somerset (sic) case, which was a *habeas corpus* case of a Negro man named *James Sommersett*, decided at the King's Bench, London. Lord Mansfield had also decided on a huge number of cases over the years including *R v Staplyton*; *Lockyer v Offley*; *Inkle v Yarico*; *Hayes v Jacques*; *Stanley v Harvey*; and many admiralty cases. Lord Mansfield was a commercial lawyer, not a criminal lawyer.

⁵ In the infamous case of *Gregson v Gilbert*, which Lord Mansfield judged and which is better known as the *Zong* case, Captain Luke Collingwood submitted an insurance claim for cargo lost, the 132 slaves he threw overboard. Lord Mansfield's research unearthed that the ship could have stopped at several places to refill with food and clean drinking water etc, but it did not. He found for the insurers. In those days ship commanders profited greatly. As the *Zong* approached Jamaica from Guinea in Africa with 440 captured African slaves and 17 crewmen, the captain threw overboard 132 slaves because he intended to make a fraudulent insurance claim on the basis that the rule of the sea was that an insurer must pay for cargo thrown overboard if the reason for jettisoning it was to save the rest of the cargo. The slaves qualified as cargo but the insurers refused to pay after investigating the matter. At first Collingwood was charged with murder but was acquitted. He then pursued his insurance claim for loss of his cargo and claimed 3,960 pounds for loss of chattel and goods. In the civil court case that ensued the ship owners won their claim but the insurers appealed that decision. Lord Mansfield reversed the lower court's decision on the grounds that human beings- slaves included-could not be treated simply as goods. He found that the cause of the captain's action was not as he claimed- lack of water-because neither crew nor captives had been put to short allowance, and indeed the ship had 420 gallons of water stored in it when it docked. This trial publicized the cruelty of the slave trade. Rediker, M. (2007) *The Slave ship: a human history*, London: Penguin, at pgs240-241. See also Martin, S.I. (1999) *Britain's slave trade*, Basingstoke, Channel 4 Books, at pg 114.

Intellectual Property Law

As is allowed by Intellectual Property Law, it takes ‘poetic licence’ in certain respects, making it a lovely ‘story’ but the facts are not all included and sometimes embellished and in some cases, are left unwritten and silent. The film based on this book, *Belle* by Paula Byrne, also takes poetic license and portrays Dido Belle as planning a marriage to a vicar’s son, Davinier, who became a barrister with Lord Mansfield’s help and they lived happily ever after.

Lord Mansfield’s death and Dido’s marriage in London

The truth is that Dido cared for her Papa, Lord Mansfield, until his death, after which time, (she was already 31 years old, an ‘old maid’ as considered in those times) she married a French caucasian servant; bore five children it is believed, three of whom died at birth, and Dido herself dying quite young at the age of 43 (Lord Mansfield died at age 88 and Lady Mansfield died six years earlier, with Lady Elizabeth marrying Lady Mansfield’s nephew the following year). Dido’s father died in England, aged 53.

Dido -Lord Mansfield’s carer until his death

Historical research revealed that Dido Belle did not marry until after Lord Mansfield’s death in 1793, (5 years after Lady Mansfield’s death in 1788) and despite her handsome trust funds provided by her own father and by Lord Mansfield, her father in every way. Lord and Lady Mansfield enjoyed an exemplarity marriage lasting over four decades and

after Lady Mansfield died, Dido cared for Lord Mansfield until his death. Her sister (and cousin by blood) with whom she shared her early life with Lord and Lady Mansfield has long since married a minor member of the nobility and never invited Dido into the bosom of her family. Dido was the dutiful and loving daughter Lord Mansfield raised.

Dido in 1794, after Lord Mansfield died, left Kenwood House and married a white French servant in London and lived in Pimlico where, of the five children she bore, two sons were lucky enough to survive childbirth, Charles and William Davinier. Dido did not have 2,000 pounds inheritance as the book and film BELLE, stated, but 500 pounds from Lord Mansfield probate.

Dido's demise after Lord Mansfield died in 1793

It leaves a bitter taste in the mouth to read of Dido's demise after Lord Mansfield died and reveals the still entrenched racism in Britain, then, as now, centuries later. Dido's husband, the former manservant Davinier, now 'a gentleman', inherited all the money left to her by Lord Mansfield (William Murray, 1st Earl of Mansfield) in his Will and after Dido's death, Davinier quickly found a Caucasian partner with whom he fathered a second family, a boy and a girl and to whom he became legally married a few years later. Of Dido Belle's two surviving sons, Charles Davinier became an officer in the Indian Army and himself fathered a son to whom he gave the Christian name Lindsay, his natural grandfather's surname. Nothing is known about Dido's second surviving son named William Davinier (after Lord Mansfield).

Dido's grave in London

The whereabouts of Dido's grave is still unknown today, although she was attached and was genetically part of such an eminent and prominent aristocratic family.

Conclusion

This most enjoyable book, *BELLE*, by Paula Byrne, was written at a time when the United Kingdom's Modern Slavery Act was passing through Parliament and it is an opportune time to retrospectively consider the Slave Trade and United Kingdom's statutes that followed several centuries later.

Recently a British television series examined the abolition of the slave trade and the compensation to slave owners by the government to the tune of approximately SEVENTEEN BILLION POUNDS STERLING in today's money, a British television series in which British historian David Olusoga traced the bitter propaganda war waged between the pro-slavery lobby and the abolitionists and examined how in 1834 the British Government arrived at the extraordinary decision to compensate the slave owners with the equivalent of £17 Billion in today's money, revealing that this was the only way to bring the slave trade to an end.

The National Archives hold the names of the 46,000 owners⁶ of slaves from across the British Empire⁷ who benefited from this 17 Billion Pounds Sterling. Not one penny

⁶ Note that, of the 46,000 names of owners of slaves in the 1834 compensation records, the 3,000 British owners of slaves in the West Indies owned fifty percent of all of the West Indies slave population. They, and not the slaves, were amply compensated for the statutory abolition of slavery.

⁷ Originally, it was the Utrecht Treaty of 1713 that gave Britain the chance to become the world's leading beneficiary in the slave trade business. The Utrecht Treaty was signed to end the war of the Spanish Succession in North America and British negotiators

compensation went to the slaves themselves who continued in some form or another, to live in slavery and abject poverty.⁸

Not a penny in compensation for the millions of slaves

The slaves themselves had not a single penny in compensation for being captured and transported to a life of abject horror. After the statutory abolition of slavery, the slave trade, for awhile, continued by using loopholes in the law of the time.

Concluding, the reviewer admits that Dido Belle was indeed a very brave lady and it is fitting that her memory lives on in the book and expensive film made about her life and in past books about her. This book is a balm to the horror of slavery and has embedded into many, a deep-founded admiration for English law and the rule of law. Laura Payne, author of *BELLE*, tells us (at page 237) that the body of Dido Elizabeth Davinier (nee Lindsay) was buried in London but that her grave was moved ‘*in the 1970s due to the redevelopment of the Bayswater area*’.

The portrait of Dido Belle and her cousin Lady Elizabeth Murray was moved from Kenwood House in London to Scone Castle in Scotland (a Perthshire family estate within a 27,000-acre estate with polo grounds, a racecourse and extensive shooting and fishing rights on the Tay).⁹

demanded and succeeded in their demands to win ‘massive concessions from the French, including the North American colonies of Nova Scotia, Hudson Bay, New Foundland and half of St Kitts and the contract to supply slaves to Spanish America, etc.

⁸ Love of money and greed can find ingenious way of sidestepping the most draconian laws passed by government.

⁹ <http://www.dailymail.co.uk/news/article-2087422/Earl-Mansfields-son-James-Murray-accused-raping-schoolgirl-16-cleared.html#ixzz3nO7Z8x8P/>.

It is a valuable piece of art and so the family kept it. Elizabeth's father, Dido's uncle by blood, the Earl of Mansfield after the Lord Chief Justice had died (the title *Earl of Mansfield* bestowed upon him because Lord Mansfield had no offspring) must have surely been told by the authorities of the plans to move his blood-niece's grave.



Scone Castle, Perthshire, Scotland, resident of the 8th Earl of Mansfield. Source: Google.

The present Earl of Mansfield at Scone Palace, Viscount Stormont, the 8th Earl of Mansfield, could have paid for Dido's grave to be moved to a prominent place or to the Family Crypt, had he wished to do so, but as it was, their own left *'flesh and blood'* to be forgotten into obscurity in some unmarked place. What a wicked travesty of history. However they kept the oil painting which included the Lord Chief Justice of England's paralegal clerk, his grand-niece, Dido Elizabeth Lindsay.¹⁰

¹⁰ There is a saying that 'what goes around comes around' and recently the present Earl of Mansfield's son, aged 42, with family wealth of 60 Million Pounds Sterling, had been charged with rape of a schoolgirl. He was acquitted. See 'An Eton-educated aristocrat who admitted having sex with a schoolgirl within days of her 16th birthday walked smiling from court yesterday after he was cleared of rape', *Daily Mail*, 18.1.2012. Accessed on 2.10.2015. See <http://www.dailymail.co.uk/news/article-2087422/Earl-Mansfields-son-James-Murray-accused-raping-schoolgirl-16-cleared.html#ixzz3nO4iWQ7U>. An Eton-educated aristocrat who admitted having sex with a schoolgirl within days of her 16th birthday walked smiling from court yesterday after he was cleared of rape. The Honourable James Murray, 42, second son of the Earl of Mansfield, thanked his family for their 'unstinting support' as the tawdry details of his relationship with the troubled foster child were detailed in court. The girl had claimed that, during one of her many visits to Murray's flat, he must have spiked her Ribena soft drink. She woke to find her tracksuit trousers tugged down to her knees and him naked beside her. <http://www.dailymail.co.uk/news/article-2087422/Earl-Mansfields-son-James-Murray-accused-raping-schoolgirl-16-cleared.html#ixzz3nO60paaA>.

Our gratitude goes to all historians everywhere for they have the learning and skilled acumen to uncover the truth.

Lord Mansfield himself was a diligent, hard-working lawyer with his paralegal grand-niece assisting him in his library over many years. Through his company Dido developed clarity of language and rational legal thinking skills. She must have been so frustrated living her married life with a Butler as Davinier was. What a travesty. What a waste.

What inequity that the grand-niece who knew little of the law gained the most from the proceeds of a lawyer's life. The highly esteemed Lord Chief Justice, William Murray, was a dedicated lawyer and lived his life for the law. He judged numerous cases, among which are caselaw *Miller v Race* (1758)¹¹; caselaw *Haylin v Adamson* (1758) ; caselaw *Moses v Macferlan* (1760)¹²; caselaw *Pelly v Royal-Exchange Assurance* (1761) ; caselaw *Rex v Barker* (1762) ; caselaw *Rex v Delaval* (1763); caselaw *Pillans v Van Mierop* (1765); caselaw *Carter v Boehm* (1766)¹³; caselaw *Rex v Wilkes* (1768); caselaw *Lowe v Peers* (1768); caselaw *Rex v Webb* (1768); caselaw *Millar v Taylor* (1769); caselaw *Perrin v Blake* (1770); caselaw *Rex v Woodfall* (1770); caselaw *Somerset v Stewart* (1772); caselaw *Mostyn v Fabrigas* (1774); caselaw *Rex v Tubbs* (1776); caselaw

¹¹ 'The second big way negotiable instruments differ from contracts is the 'good faith purchaser' or 'holder in due course' rule which is illustrated by *Miller v Race*'. Three distinctive characteristics of negotiable instruments are the assignability of the chose in action, the ability of the *bona fide* holder for value to obtain good title and the presumption of a valid consideration. Oldham, J. (2004) *English common law in the age of Mansfield*, USA: University of North Carolina Press, at pg 152.

¹² Chapman Joseph had made out four promissory notes to Moses for 30 shillings each. Moses endorsed these notes to Macferlan, transferring his rights to the money to him. Prior to Moses endorsement, Macferlan assured him that his endorsement would not prejudice him. In other words, Macferlan would not seek to get the value of the notes from Moses. There was also an agreement signed by Macferlan that Moses should 'not be liable to the payment of the money or any part of it'. Despite Macferlan's assurances and agreement with Moses; he summoned Moses into the Middlesex Court of Conscience as the endorser of the four promissory notes. The lawyer for Moses put the agreement before the court and offered to give evidence of it in Moses defence. However, the Court rejected this defence, refused to receive evidence of it and gave judgment against Moses; holding that his endorsement establishing his liability. Moses paid the money, to the value of the four promissory notes, into court. Macferlan then withdrew the money at the order of the court. At trial in the King's Bench court, the jury found that Moses was entitled to the money subject to the opinion of the court on the question, 'Whether the money could be recovered in the present form of action, or whether it must be recovered by an action brought upon the special agreement only'.

¹³ *Carter v Boehm* (1766) 3 Burr 1905 is a landmark English contract law case, in which Lord Mansfield established the duty of utmost good faith or *uberrimae fidei* in insurance contracts.

Rex v Minnish (1776); caselaw *Foone v Blount* (1776); caselaw *Da Costa v Jones* (1778); caselaw *Hawkes v Saunders* (1779); caselaw *Amissa* (1779)¹⁴; caselaw *Liardet v Johnson* (1779); caselaw *Rhodes v Peacock* (1781); caselaw *Folkes v Chadd* (1782); caselaw *Ringsted v Lady Lanesborough* (1783); caselaw *Rex v Eccles* (1783); and caselaw *Rex v Shipley* (1784).¹⁵

Lord Mansfield cited the Latin phrase in his decision of the *Zong* appeal:

'Fiat justitia ruat caelum'

'Let justice be done though the heavens fall.'

Further reading

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Editor, 'Slavery and Justice Exhibition at Kenwood House', *Historic England*, at <https://historicengland.org.uk/.../slavery-and-justice-exhibition-at-kenwood-house/>

¹⁴ The *Amissa* case was a slave case. See Wise, S.M. (2005) *Though the heavens may fall*, USA: Da Capo Press, at pgs 206-207. *Amissa* was a free African black, who brought a charge of assault and false imprisonment against a Liverpool ship's captain who had sold him in Jamaica, then spread the lie that *Amissa* had died. Three years later *Amissa* was redeemed and brought to London. Lord Mansfield recommended to the jury that they award punitive damages because such legal actions were, he thought, humane and good policy. *Amissa* was awarded the huge sum of 300 pounds in damages.

¹⁵ For all of the listed cases, see Poser, N.S. (2013) *Lord Mansfield: Justice in the Age of Reason*, USA: McGill-Queens University Press.

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Legislation: 1713 -Utrecht Treaty.

The Treaty of Utrecht established the Peace of Utrecht, a series of individual peace treaties, rather than a single document, signed by the belligerents in the War of the Spanish Succession, in the Dutch city of Utrecht in March and April 1713. The treaties between several European states, including Spain, Great Britain, France, Portugal, Savoy and the Dutch Republic, helped end the war.

Legislation: 1788-UK Slave Trade Act (or Dolben Act).

The Dolben Act was passed by Parliament. The act was introduced by William Dolben, abolitionist and Member of Parliament for Oxford University and was intended to improve the slave trade, not end it altogether. It restricted the number of slaves that could be carried on a ship according to its weight in tons.

Legislation: 1807- UK Slave Trade Act.

The act abolished the slave trade in the British Empire, in particular the Atlantic slave trade, and also encouraged British action to press other European states to abolish their slave trades, but it did not abolish slavery itself.

Legislation: 1824- UK Slave Trade Act.

The purchase, sale, or contract for slaves declared unlawful; as also the exportation and importation of slaves; the shipping of slaves in order to exportation or importation; the fitting out vessels; making loans or guarantees; the shipping of goods, &c. or serving on board ships employed for any of the aforesaid purposes; or the insuring of slave adventures.

Legislation: 1833- UK Slavery Abolition Act.

An Act for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves.

Legislation: 1843- UK Slave Act.

The *Slave Act* 1843 struck at insurance and mortgages of enterprises engaged in the slave trade.

Legislation: 1873- UK Slave Trade Act.

An act for consolidating with Amendments the Acts for carrying into effect Treaties for the more effectual Suppression of the Slave Trade, and for other purposes connected with the Slave Trade.

Legislation: 1926- League of Nations- Slavery Convention.

Taking into consideration the report of the Temporary Slavery Commission appointed by the Council of the League of Nations on June 12th, 1924, desiring to complete and extend the work accomplished under the Brussels Act and to find a means of giving practical effect throughout the world to such intentions as were expressed in regard to slave trade and slavery by the signatories of the Convention of Saint-Germain-en-Laye, and recognising that it is necessary to conclude to that end more detailed arrangements than are contained in that Convention, considering, moreover, that it is necessary to prevent forced labour from developing into conditions analogous to slavery.

Legislation: 1948- United Nations- Human Rights Convention.

This Universal Declaration of Human Rights is a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

UK Human Rights Act 1998

The Human Rights Act had two aims in ‘bringing rights home: enabling us to access our human rights here at home, instead of only being able to go to the European Court of Human Rights and to promote a ‘culture of human rights’ by making sure that basic human rights underpin the workings of government at the national and local level.

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