

# ***BELLE***

**Paula Byrne (2014)**

**ISBN 978 0 00 754272 7**

**Book review by Sally Ramage<sup>1</sup>**

## **The story**

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

Miss Dido<sup>2</sup> Belle was the illegitimate mixed-race daughter of a Royal Navy Captain and a slave woman. How did this come about? Captain Lindsay had spent 18 months in the West Indies and Belle's mother Maria might have been one of the slaves captured by Captain John Lindsay's ship *HMS Trent*.<sup>3</sup> Captain John Lindsay was a

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<sup>2</sup> 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, at pg 58.

<sup>3</sup> Mason, at pg 51.

member of the Scottish aristocracy. His father was Sir Alexander Lindsay, the 3rd Baronet of Evelix. Sir Alexander Lindsay had died on 6 May 1772 and Captain John Lindsay's older brother became the 4th Baronet of Evelix.<sup>4</sup> In 1770 Captain John Lindsay's bravery at sea made him Sir John Lindsay. Captain Lindsay never married. He was the nephew of Scottish William Murray, then Baron Mansfield who was the younger brother of John Lindsay's mother, Amelia Murray. Lord Mansfield also had a brother David Murray who was a barrister in Edinburgh. Lord Mansfield, William Murray married Lady Elizabeth Finch in 1738. They had no children of their own but raised Lady Elizabeth Murray, his brother's daughter from a first marriage and Dido, the baby who arrived to lived with them in late 1763.<sup>5</sup>

### **Dido's mother was a slave Maria Belle**

Dido's mother Maria Belle had been forcibly removed from her home in Africa and taken to the Caribbean to be exploited. She was among millions of people whose lives were dislocated over a period of centuries 'in a trade that took decades of military pressure before it came to an end...'<sup>6</sup> even though it is well known that slavery existed since at least the beginning of recorded history.

### **Slavery in history**

The Babylonians, Egyptians, Greeks and Romans had enslaved prisoners-of-war and conquered peoples then enslaving them. Later, in the Byzantine Empire, raiding Norsemen had abducted women and children to use as labourers on their Scandinavian farmland and to sell them onto others in slave markets. Slavery

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<sup>4</sup> Mason, at pg 36.

<sup>5</sup> Mason, at pg 63.

<sup>6</sup> Ibid.

continued after the Middle Ages in Eastern Europe and the Mediterranean. This can be verified because Poland made slavery statutorily illegal in the 15th Century; and in Russia where slaves became serfs by statute in 1723. Malta went to war and sold their captured enemies as slaves until the 18th Century. The Islamic armies and also the Muslim pirates from North America enslaved the millions of people they captured. When the New America needed labour to farm the vast tranches of land in the United States, they turned to slavery and the Spanish shipped thousands of captured Africans to Florida, South America and the West Indies. In the 1700s over ten million Africans from Togo, Benin, Angola, the Congo, Nigeria and the Cameroon were captured and shipped to forced labour in farms overseas and by 1762 Europeans were shipping 50,000 slaves a year to the West Indies, even though, domestically, Spain and the Netherlands had by this time banned slavery domestically but not in the colonies. By about 1807, the British realised that slaves would be useful labour on their warships and they went in search of travelling slave ships off the coast of Africa where they seized such slave ships to free the captives in order to free them to become labourers on deck and as personal servants in warships at sea and as slave labour at their dockyards in Jamaica and Antigua in exchange for becoming free after several years and living as freemen in Britain and/or the West Indian British colonies. This was a form of indentured slavery.

### **Into Lord and Lady Mansfield's care**

After her mother's death, Dido's father, a captain in the British Royal Navy, Captain Lindsay, took her to the home of his uncle Lord Mansfield, Chief Justice of England and beseeched Lord and Lady Mansfield to take his daughter whose mother had died and whom he was unable to keep aboard any ship he captained since she was such a

young child.<sup>7</sup> This they agreed to and Dido, as she was called in the Mansfield household, lived as part of Lord Mansfield's family alongside her cousin, another niece of Lord Mansfield whom he cared for because her mother had died and her father did not want her with his new wife and new family. Lord Mansfield whom both girls called 'Papa' commissioned their portrait and it still hangs in Scone Palace in Scotland: two young ladies, one black and one white, cousins by blood.

## **Research**

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 bibliography includes the following 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/](http://www.ancestry.com/)
3. Dido Elizabeth Belle, at [www.ancestry.com/](http://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 book and film and 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

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<sup>7</sup> By 1750, Liverpool shipbuilders had begun to custom-build slave ships. See Rediker at pg 53.

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 employed 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*. 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*<sup>8</sup> case of a Negro man named James Somerset, decided at the King's Bench, London.

### **Somerset v Stewart (1772)**

The facts of this case were that James Somerset, an enslaved African, was purchased by Charles Stewart or Stuart, a Customs officer whilst Stewart was overseas in Boston, Massachusetts, which state was at that time, a British Crown colony in North America. Stewart returned to England in 1769 and Somerset accompanied him, but in

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<sup>8</sup> The habeas corpus writ was developed in 17th Century English law. It originated from an order to bring a person before a court and later it developed by legislation and is still today one of the main protections of a person from wrongful detention in common law countries and it used to be under English law that once a person has been discharged under habeas corpus, he or she cannot be detained again or committed for the same offence. However legislation altered this principle that was in place for hundreds of years- by way of the UK Criminal Justice Act 2003 (retrial for Serious Offences) Order 2005, which came into force on 4th April 2005.

1771 escaped, and was recaptured and imprisoned on a ship bound for Jamaica. Stewart had arranged for Somerset to be sold in Jamaica. Three people claiming to be Somerset's godparents from his baptism as a Christian in England made an application before the Court of King's Bench for a writ of habeas corpus. The ship's captain was thereby ordered to produce Somerset before the Court of King's Bench, which would determine whether his imprisonment was legal. The existence of slavery was deemed to be illegal. The advocates also argued that English contract law did not allow for any person to enslave himself, nor could any contract be binding without the person's consent. However, since property was paramount it would be dangerous to free all the black slaves in England. But Somerset was freed, and his supporters, immediately celebrated his victory. Lord Mansfield appeared to believe that a great moral question had been posed, and he deliberately avoided answering that question in full, because of its profound political and economic consequences.

### **Lord Mansfield judged Admiralty, Contract and Civil Fraud**

Lord Mansfield had also decided on a huge number of other 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 as can be seen in the list of cases he judged:

Caselaw *Miller v Race* (1758)

Caselaw *Haylin v Adamson* (1758)

Caselaw *Moses v Macferlan* (1760)

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)

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 Rex v Minnish (1776)

Caselaw Foone v Blount (1776)

Caselaw DaCosta v Jones (1778)

Caselaw Hawkes v Saunders (1779)

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)

Caselaw Rex v Shipley (1784)

### **Intellectual property law**

As is allowed by Intellectual Property Law, the book 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. The truth unearthed by researchers 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).

### **Dido Belle cared for Lord Mansfield until his death**

Historical research revealed that Dido Belle did not marry until after Lord Mansfield’s death, (long after Lady Mansfield’s death) 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), Lady Elizabeth Murray, 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.



However, Dido remained the dutiful and loving daughter Lord Mansfield raised. She helped him as his legal secretary and later, as he became infirm and lost his teeth, it was Dido who fed him, nursed him and cared for him until he died at age 88.

After Lord Mansfield died, she married a white French servant in London and lived in Pimlico where two sons were lucky enough to survive childbirth and lived on- Charles and William Davinier. But what became of Captain Lindsay's trust fund to Dido which was equivalent to Four Million Pounds per annum?

### **Several unsettling queries**

\*Did Lord Mansfield give the money that Dido's father left her to Lady Elizabeth Murray?

\*Was this why Elizabeth never saw Dido again on marrying into the aristocracy and bearing children born alive?

\*Was this the reason that Lord Mansfield gave £500 per annum in his Will to Dido?

\*On this supposition, where is that huge amount of money?

\*Or did the present day sum of £4,000,000 annual income that should have been Dido's go towards the upkeep of Castle Scone in Scotland?

\*Why did rioters burn down Lord Mansfield's London residence and most of his caselaw working papers?

\* Was Lord Mansfield funding the anti-royalty movement?

\*Or was this complete arson a staged act in order to dispose of Lord Mansfield's papers?

\* Some history books relate the fact that Lord Mansfield sired an illegitimate son during his marriage to Lady Mansfield: was this son the recipient of Dido Belle's fortune.

\* Was Dido Belle killed at age 43?

\* If so, who killed her and why?

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 must have inherited all the money left to Dido Belle by her own father, Captain Lindsay (who had died at sea) and who had no other surviving relatives except for Dido, his daughter.

Dido Belle should have been a multi-millionaire when Lord Mansfield died. Lord Mansfield (William Murray, 1<sup>st</sup> Earl of Mansfield) in his Will, ensured that Dido was deemed a free person and not a slave and he left Dido two sums of money in trust - an annual income totalling £500 a year.

Dido Belle's father, Captain Lindsay, left Dido a trust fund which released £2,000 a year annual income to her, which in total was equivalent to income value today of £4,825,000.00.<sup>9</sup>

She should have been an extremely wealthy woman and a free person with the equivalent of millions of pounds in annual income and after Dido's death at the young age of just 43 years old, her widower Davinier quickly found a Caucasian partner with whom he fathered a second family, a boy and a girl and whom he married a few years later. Of Dido Belle's two surviving sons, Charles Davinier become an officer in the Indian Army and himself fathered a son<sup>10</sup> 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.

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

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<sup>9</sup> See webpage on measuring worth at <http://www.measuringworth.com/ukcompare/>

<sup>10</sup> Payne, at pg 236.

## **Conclusions**

Laura Payne wrote a most enjoyable book, 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 UK statutes that followed several centuries later, noticing the length of time that passed before Britain passed a Human Rights Act:

Legislation: 1713 -Utrecht Treaty.

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

Legislation: 1807- UK Slave Trade Act

Legislation: 1824- UK Slave Trade Act

Legislation: 1833- UK Slavery Abolition Act

Legislation: 1843- UK Slave Trade Act

Legislation: 1873- UK Slave Trade Act

Legislation: 1926- League of Nations- Slavery Convention

Legislation: 1946- United Nations- Human Rights Convention

Legislation: 1998- UK Human Rights Act

## **Slavery Abolition rewarded slave owners with £17 BILLION**

With regard to the slave trade, a recent British television series examined the abolition of the slave trade when slave owners were compensated by the government to the tune of approximately seventeen billion pounds sterling in today's money. This television series included historian David Olusoga who 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 (seventeen) billion pounds sterling equivalent amount 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 owners of slaves from across the British empire who benefited from this 17 billion pounds sterling.<sup>11</sup>

However the slaves themselves had *not a single penny in compensation* for being captured and transported to a life of abject horror.<sup>12</sup>

After the statutory abolition of slavery, the slave trade, for awhile, continued by using loopholes in the law of the time.<sup>13</sup>

In conclusion, 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 Dido Belle's body 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. Elizabeth's father, Dido's uncle by blood must have surely been told by the authorities of the plans to move her

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<sup>11</sup> 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.

<sup>12</sup> 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 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...'

<sup>13</sup> Love of money and greed can find ingenious way of sidestepping the most draconian laws passed by government.

grave. He could have paid for it 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' was left to be forgotten into obscurity in some unmarked place. What a wicked travesty of history. Our gratitude goes to all historians everywhere for they have the learning and skilled acumen to uncover the truth.

Lord Mansfield had 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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