



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

Soc
1810
7

See 1810.7



HARVARD
COLLEGE
LIBRARY



Foreign Slave Trade.

ABSTRACT

OF THE

INFORMATION RECENTLY LAID ON THE TABLE OF
THE HOUSE OF COMMONS

ON THE

SUBJECT OF THE SLAVE TRADE;

BEING

A REPORT

MADE BY

A COMMITTEE SPECIALLY APPOINTED FOR THE PURPOSE,

TO THE

DIRECTORS OF THE AFRICAN INSTITUTION

ON THE 8th OF MAY, 1821,

*and by them ordered to be printed, as a Supplement to
the Annual Report of the present year.*

LONDON:

PRINTED BY ELLERTON AND HENDERSON,
JOHNSON'S COURT, FLEET STREET.

1821.

✓ Soc 1810.7



from the gift of Henry L. Hall

CONTENTS.

	Page
INTRODUCTION	5
Class A. Correspondence with Mixed Commission Courts at Sierra Leone, pp. 9—23.	
Instructions to Commissioners	9
Spanish Cases adjudicated	10
Portuguese Cases adjudicated.....	14
Discussion on Construction of Treaties of mutual Search	16
Netherlands Cases adjudicated	22
Class B. Correspondence with the Courts of Spain, Portugal, and the Netherlands, and with the Commissioners in the Colonies of those Powers, pp. 24—70.	
I. SPAIN:—Municipal Law on Slave Trade	24
Correspondence with British Commissioners at the Havannah, with Remarks.....	28
Correspondence with the Spanish Government	34
II. PORTUGAL:—Importation of Slaves into Brazil	36
Municipal Law on the Slave Trade	38
Mode of its being enforced	42
Correspondence with the King of Portugal.....	43
Negociations with Portugal.....	44
On relieving Slave-ships in British Ports	45
Conduct of the Governor of Prince's Island	46
III. THE NETHERLANDS:—Municipal Law on the Slave Trade.....	47
Slave Trade at Surinam	50
Discussions on the Subject with the Court of Brussels	55
New Law on the Subject, with Remarks	66
Supply of Canoes at Elmina	67
Class C. Correspondence with France, pp. 71—150	
Infractions of the Abolition Laws	71
Negociations to render abolition effectual	75
French cruizing Squadron	78
Case of La Sylphe	79
—— Le Voyageur	80
—— Le Rodeur, with Reflections	81
Renewed Negotiations, with Observations	90
Case of the Magnet	98
Farther Negotiations	100
Case of La Jeune Estelle	104

	Page
Slave Trade of Honfleur	106
——— of Senegal and Goree	107
——— of the Gambia	110
New Law wanted	111
Case of La Louise	112
Slave Trade at Martinique	113
Farther Negotiations	114
Case of the French Government stated	116
Examination of that Statement	119
Case of Les Deux Sœurs	ib.
——— L'Eliza	120
——— La Rosalie	121
——— Le Rodeur	122
——— La Sylphe	123
——— English Slave-ships	124
Conduct of French Authorities in the West Indies	125
Slave Trade of Guadalupe	ib.
Baron de Mackau's Report on Senegal, with Remarks	135
Promise of a New Law	141
Punishment of Functionaries trading in Slaves	ib.
Punishment of Ships proved to have traded in Slaves	142
Exemplary Conduct of the Governor of Bourbon	143
His Statement of the Case of L'Espoir, Sieur Lemoine	144
System of voluntary Engagements	146
Invigoration of cruising System	147
Necessity of a Law decreeing une Peine Infamante	ib.
Prospectus of a Slave-voyage from Havre in 1821	ib.
Class D. Correspondence with the United States, pp. 151—157.	
Note of Mr. S. Canning, and Reply of Mr. Q. Adams	151
Letter of Lord Castlereagh	156
Papers 1. Communications from the Governor of Sierra Leone, pp. 158—160.	
French and Portuguese Slave-ships	158
Outrage of Slave-traders in Rio Pongas	159
Papers 2. Communications from, and Instructions to, Naval Officers, pp. 161—180.	
Instructions to Officers	161
Mistake at p. 70 of this Report corrected	ib.
Communications of Captain Leeke and Sir G. Collier	162
Report of Sir G. Collier	168

TO THE DIRECTORS
OF THE
AFRICAN INSTITUTION.

THE Committee to whom it was referred to form a digest of the information relative to the Slave Trade, recently laid on the table of the House of Commons, and to communicate such digest, with their observations, to the Board, beg leave to report as follows:—

Your Committee have found that the following are the papers relative to the slave trade, which have recently been laid on the table of the House of Commons—viz.

Class A.—Correspondence with his Majesty's Commissioners at Sierra Leone, pp. 105.

Class B.—Correspondence with Foreign Courts and with his Majesty's Commissioners in the colonies of those powers, pp. 170.

Class C.—Correspondence with France, pp. 156.

Class D.—Correspondence with the United States of America, pp. 12.

Class 1.—Correspondence of Sir Charles MacCarthy, the Governor of Sierra Leone, pp. 30.

Class 2.—Communications from naval officers, and instructions given by them to the Admiralty, pp. 88.

Before your Committee proceed to execute the task assigned to them, they beg leave to offer to the Board a few preliminary observations.

They beg, in the first place, to express their regret that these papers did not appear early enough to receive that

particular notice in the Annual Report made to the Subscribers in March, to which from their interesting nature they are so well entitled. This disadvantage the Committee propose to remedy by the publication of a Supplemental Report which shall exhibit the principal points of these valuable documents in an analysis as concise as the variety and importance of their contents will admit of, and which, though drawn up hastily, will obviate the great disadvantage that would be incurred by delaying a communication of so much interest till another year.

The Committee feel that it will be impossible for any member of the African Institution to peruse these documents without strong emotions. They exhibit, on the part of our Government, a perpetual and painful struggle against the apathy and negligence (to use the very mildest terms of which the case will admit) of those whom it has been urging, almost without intermission, but hitherto almost in vain, to perform their solemn contracts, to redeem their repeated pledges, and to act up to their public declarations.

If a close scrutiny might be able to discover one or two instances in which opportunities of beneficial interference may have been overlooked, even by our own Government, yet the comparison between its conduct in regard to the slave trade, and that of the other members of the alliance, is too honourable to Great Britain, and too gratifying to the friends of Africa, to be passed without observation.

In other countries the men in power, with few exceptions, appear to have contented themselves with bare professions, and to have made few or no spontaneous exertions in this cause. Even some of the best disposed among them have appeared rather resentful of complaint, as if it implied a charge of insincerity, than earnest by their conduct to obviate the possibility of such an imputation. Nay, instances are not wanting, still judging from appearances, where they have sought rather to excuse criminals than to discover, to punish, or even to restrain them.—And when such are the dispositions manifested by persons in high station, it were folly to indulge any other expectation than that the subal-

tern agents both abroad and at home should be not only generally supine, but too frequently conniving and corrupt.

In the case of one power, the Committee find the attempt revived to hide the enormities of its slave trade under the miserable pretence of concern for the souls of those on whose bodily and mental feelings they scruple not to inflict the most grievous of all injuries.

In another, they discover an apparently fixed determination to cling to this flagitious commerce at all hazards, unless it can wring, from the sympathies of this country towards Africa, a large redeeming price for the blood it will otherwise deliberately shed, and for the agonies and tortures it will otherwise deliberately inflict.

By a third, of whom better things might have been expected, the utmost pains have been taken to establish such a limitation of its own solemn engagements as must fritter away or wholly destroy all the beneficial effects they were designed to produce, so long as one state in Europe shall be found unprincipled enough to connive at crimes it has professed to renounce and to punish; or so long as Portugal, persisting in her determination to perpetuate a trade she has declared to be a violation of the sacred principles of religion, and humanity, shall be able to supply a human victim from her own possessions in Angola, or to glean man, woman, or child from the interior of Africa.

Of the conduct of a fourth power, the Committee are unwilling to express themselves in terms that would appropriately convey their feelings. They will therefore abstain from the attempt, in the hope, that in a country where public opinion is not without very considerable influence, and where information may be widely diffused, the bare statement of the facts of the case will produce their due effect both on the Government and the People. They would only remark, that every one of these governments, whose subjects, it will be seen, carry on the slave trade, almost without disguise, and certainly with impunity, has joined in the unequivocal reprobation of the traffic, in language as strong as the most sincere detestation could suggest.

It seems important, also, to remark, that while Great Britain has been waging this unequal conflict with the avarice and profligacy of the traders of so many other States, which have certainly not shewn any extraordinary ardour in repressing the crimes of their own subjects, it has derived but little aid from the reclamations and remonstrances of Austria, Russia, and Prussia, who stand equally pledged with Great Britain to enforce and execute the solemn sentence pronounced upon the slave trade, by the powers of Europe assembled in congress at Vienna; and to provide that it shall not be rendered abortive by the arts or the influence of the miscreants who are engaged in carrying it on.

America alone has practically seconded our efforts with cordiality. But even this power—anxious as the Committee believe her to be in her wishes to destroy this enormous evil, in which too many of her own subjects still participate—is restrained, by certain constitutional considerations, from that full co-operation which is necessary to its effectual repression. If, however, the report shall be confirmed that she has, by a legislative enactment, stamped the slave trade with the brand of piracy, and subjected every citizen of the United States, as well as every foreigner sailing under the American flag, who shall be engaged in carrying it on, to capital punishment, she will have elevated her character to a height to which other nations may look with envy; and she will have set an example, which Great Britain, the Committee cannot doubt, will be among the very first to imitate, and which must, sooner or later, become a part of the universal code of the civilized world.

The Committee have only further to remark, before they proceed to lay their digest before the Board, that they have found it necessary to its completeness to insert in it some documents which already have been inserted in the Annual Report of the present year. This, they trust, will be excused, when the importance is considered of combining, in one view, all the materials necessary for forming a sound judgment on the whole of so complicated a case.

CLASS A.

THIS class contains the correspondence with the Commissioners appointed by his Majesty to act in the mixed Commission Courts established at Sierra Leone, under the treaties with Spain, Portugal, and the Netherlands, for preventing the illegal traffic in Slaves.

The powers and original instructions issued to the Commissioners at Sierra Leone are here given at length *.

The same powers and instructions, *mutatis mutandis*, were issued to his Majesty's Commissioners at the Havannah, at Rio de Janeiro, and at Surinam †.

They are accompanied with very minute and appropriate interrogatories to be administered to the witnesses belonging to the vessels under adjudication ‡, and by a variety of forms of declarations, certificates, monitions, oaths, claims, decrees, and other judicial proceedings adapted to secure the ends of justice §. These it seems unnecessary to specify more particularly.

Whenever special points arise which the interrogatories previously framed will not reach, the Commissioners are empowered to frame additional interrogatories to meet those points ||; the whole of the examination to be taken down in the language of the country in which the commission is established ¶.

In case of the condemnation of a vessel for an unlawful voyage, she is to be declared confiscated, together with her cargo, of whatever description the same may be, with the exception of the slaves ** ; and the vessel and cargo are to be sold for the profit of the two governments.

* A. pp. 1—7. † A. p. 12. ‡ A. p. 8. § A. pp. 20—44.

|| A. p. 7. ¶ A. p. 22. ** A. p. 40.

The slaves are to be emancipated, and, after receiving a certificate of their emancipation, are to be delivered over to the authorities of the country in which the commission is acting, a regular register of the slaves thus emancipated being to be kept by the Commissioners *.

Then follows an account of the proceedings of the mixed Commission Courts at Sierra Leone, and of the cases that have been brought before them for adjudication †.

I. SPANISH CASES.

1. The ship Josefa, Buenaventura Llarena master, sailed from Porto Rico on the 22d February, 1818, for the coast of Africa, commenced trading for slaves at Cape Mesurado, and had purchased forty-five slaves between that place and Cape Appolonia, when she was captured off the latter Cape by his Majesty's ship Cherub, Captain Willis, and taken to Jamaica, whence she was sent to the Havannah, and afterwards to Sierra Leone, where at length the surviving slaves were landed. The vessel being in a leaky state, sunk in that harbour before the mixed Commission Court was constituted. No doubt existed as to the illegality of the voyage; but the vessel having been lost, and the surviving slaves having already been provided for by the humane care of Governor MacCarthy, no judicial proceedings were had upon the case. The supercargo, an American citizen, of the name of Samuel Ives, escaped in the long-boat previous to the capture, taking with him ten slaves †.

2. The schooner N. S. de la Regla, Santiago Mazano

* A. p. 12.

† The following are the members of these mixed Commission Courts:—Mr. Gregory, Commissary Judge, and Mr. Fitzgerald (the Chief Justice of Sierra Leone), Arbitrator in all the three Courts: Spanish Commissioners, Don Francisco le Fer and Don Jose Campo: Portuguese Commissioners, M. Altavilla and M. Figaniere: Dutch Commissioners, M. Van Sirtema and M. Bonouvrié.

‡ A. p. 49.

master.—This vessel was fitted out at the Havannah, destined ostensibly to the south of the Equator; but she was captured on the 10th August, 1819, in N. latitude $4^{\circ} 48'$ and W. Longitude $9^{\circ} 3'$ by his Majesty's ship *Morgiana*, Captain Strong, and brought on the 19th of August for adjudication to Sierra Leone. No regular log-book appeared to have been kept. The vessel had one slave only on board, purchased at Petty Bassa. A question here arose as to the construction of the treaty, whether as it requires that there should be "slaves" on board to justify seizure and condemnation, the fact of one slave being found on board ought to be regarded as sufficient for that purpose. The Spanish Judge, after much discussion, agreed to concur in the condemnation, on the condition that the parties, if they thought themselves aggrieved by the sentence, might appeal to the mixed Commission at the Havannah*.

3. The schooner *Fabiana*, Juan Garcia master, sailed from the Havannah on the 4th of June, 1819, professedly destined for the south of the Equator. She was taken by his Majesty's ship *Morgiana*, Captain Strong, in latitude $4^{\circ} 10'$ N. and longitude $7^{\circ} 52'$ W., and brought to Sierra Leone for adjudication. Thirteen slaves were found on board, most of them in irons; and it was proved that they had been purchased on the windward coast, at a place called Trade Town. The vessel was condemned, and the slaves emancipated †.

4. The schooner *Juanita*, J. B. Nunez master, sailed from the Havannah on the 27th of July, 1819, ostensibly destined to the south of the Equator. She stopped, however, at Quitta, a slave-trading place, in latitude 6° N. and longitude 4° W., where her cargo was landed for the purpose of purchasing slaves. She was captured, with nine slaves on board, by his Majesty's brig *Snapper*, Lieutenant Henderson, and brought to Sierra Leone, where she was condemned, and the slaves liberated ‡.

5. The schooner *Esperanza*, Pedro Martin Puex master, sailed from Porto Rico in August 1819, with a passport for the Coast of Africa, south of the Equator. She was cap-

* A. p. 60. † A. p. 63. ‡ A. p. 71.

tured by the boats of his Majesty's ship *Morgiana*, in latitude 5° 49' N., longitude 9° 57' W., with forty slaves on board, purchased at Petty Bassa, Grand Bassa, &c. A stout resistance was made by the *Esperanza*; and in the conflict two of her men were killed and the master wounded, and Lieutenant Head and three seamen of the *Morgiana* were wounded. A person of the name of Stephen Charles, a British subject, who acted as supercargo, was on shore when the vessel was taken. She was condemned, and the slaves emancipated *.

6. The schooner *N. S. de las Nieves*, alias *Voladora*, Francisco Lopez master, sailed from the Havannah in June 1819, with a passport to trade for slaves south of the Equator. She was captured on the 11th of December 1819, by his Majesty's ship *Myrmidon*, Captain Leeke, in latitude 7° N. and longitude 12° W., near the Gallinas, where she had bought 122 slaves, all of whom were found on board. She was condemned at Sierra Leone, and the slaves emancipated †.

7. The schooner *Francisco*, Francisco Onez master, sailed from the island of Cuba, under Spanish colours. She was fitted out at Matanza, by Madden and Simpson, said to be subjects of the United States. The supercargo, the first and second mate, and eight of the crew, were also subjects of the United States. She was taken by the boats of his Majesty's ship *Tartar*, Commodore Sir George Collier, while at anchor in the Rio Pongas, with 69 slaves on board. The Court at Sierra Leone condemned the vessel and emancipated the slaves ‡.

8. The schooner *Gazetta*, Mariano Carbo master, sailed from Santiago de Cuba, in November 1819, destined ostensibly to trade for slaves south of the Equator. She was captured by his Majesty's ship *Tartar*, Commodore Sir George Collier, on the 2d of March 1820, in latitude 5° N. and longitude 10° W., with 82 slaves on board, that had been purchased at Grand Bassa and Trade Town. The vessel and cargo were condemned, and the slaves emancipated §.

* A. p. 75.

† A. p. 77.

‡ A. p. 75.

§ A. p. 86.

9. The schooner *N. S. de Montserrate*, Isidro de Urioste, Master, sailed from the Havannah, in November 1819, and on the 16th of October, 1820, was captured by his Majesty's brig *Thistle*, Lieutenant Hagan, with 85 slaves on board, at Little Cape Mount, in latitude $6^{\circ} 38' N.$ and longitude $10^{\circ} 55' W.$ Her original master, Isidro Pasqual, instead of proceeding to the south of the Equator, to which his passport permitted him to go, had landed his cargo at Little Cape Mount, where, while employed in procuring slaves in return for it, he, with the greater part of the crew, fell victims of the climate. The command of the vessel then devolved on the present master, who continued the same illicit traffic, until captured by the *Thistle*. On board the *N. S. de Montserrate* there was also found a Frenchman of the name of René Rialland, who had been first lieutenant of a French schooner, named *L'Industrie*, fitted out at Nantz by Haentgens Brothers of that place, for a slave voyage to Africa. This vessel having been wrecked at Little Cape Mount, Rialland shipped all the merchandize that was saved from the wreck, together with some slaves he had already purchased, on board of the *N. S. de Montserrate*, and there he continued to carry on his barter for slaves till the vessel was taken. The number collected by him was sixty, for which he was to pay freight to the Havannah, at the rate of ninety dollars a-head. The Spanish master had purchased 143 slaves, but of these only forty-eight remained on board. The rest had probably been either shipped off by some other conveyance, or were still on shore.

The above facts having been proved, the vessel with all the property found on board, whether Spanish or French, was condemned, and all the slaves were liberated. The French property shared the fate of the Spanish, under the 4th Section of the 5th Article of the Treaty with Spain, of the 22d of September 1817, which declares to be illicit any traffic in slaves, carried on under the British or Spanish flag, for the account of the subjects of any other government*.

* A. p. 102.

II. PORTUGUESE CASES.

1. The schooner *Nova Felicidade*, Antonio Joaquin master, was taken on the 30th of July 1819, with seventy-one slaves on board, in latitude $2^{\circ} 23' N.$, by his Majesty's ship *Pheasant*, Captain Kelly. This vessel, measuring only eleven tons, was fitted out on the 23d of June, 1819, from Prince's Island, on the coast of Africa. The owner of her, José Feriara Gomez, the acting governor of that island, granted the vessel a pass (there being no royal pass on board) to proceed to Cabenda and Molembo, which are to the south of the Equator. The vessel, however, proceeded to Old Calabar, in latitude $6^{\circ} N.$, where she took her slaves on board. This fact being satisfactorily proved, the vessel was condemned, and the slaves emancipated *.

2. The schooner *Cintra*, Juan Dupeny master, was taken by his Majesty's ship *Morgiana*, Captain Strong, on the 26th of October, 1819, with twenty-six slaves on board, off Manna, in latitude $6^{\circ} 29' N.$ and longitude $11^{\circ} 12' W.$ The master of the *Cintra* declared on oath, that he himself was a French subject, though at present domiciled at Trinidad de Cuba; that James Dorley of Baltimore, an American citizen, had appointed him master of the *Cintra*; that the crew consisted of two Spaniards, nine Americans, and eight Frenchmen, most of whom were shipped at Bristol in the United States, where the vessel also took in her cargo to trade for slaves on the coast of Africa; that the voyage thus begun at Bristol was to have ended at Trinidad de Cuba; and that the owners of the vessel and cargo were James Dorley of Baltimore, and William Baker, now residing in Trinidad de Cuba, both American citizens. Notwithstanding this proof of American property, as the vessel was under the Portuguese flag, and as in a pass from the Governor of Port Praya she is called a Portuguese vessel, and as she had

* A. p. 81. For a detail of the horrid facts of this case, see the Fourteenth Report of the African Institution, p. 11.

taken her slaves on board north of the Line, she was condemned and the slaves liberated*.

The above two vessels were detained a considerable time before the Portuguese Commissioners reached Sierra Leone, but the provisional steps taken with respect to them were afterwards confirmed.

3 The schooner *St. Salvador*, Antonio José Alvarez master, was taken on the 25th of January, 1820, off Manna, by his Majesty's ship *Myrmidon*, Captain Leeke. She had been purchased by the master at Baltimore, for account of a Mr. Martinez, of the island of Bona Vista, one of the Cape de Verds; and had taken on board her cargo at Bristol in the United States, with which she sailed to Bona Vista, whence she was dispatched to the coast of Africa for slaves. Her crew consisted of thirty-three; viz. ten Americans, seven Portuguese, and sixteen Italians and French. She was fitted out for a slave-trading voyage, was armed with eight eighteen-pound carronades, and was to carry her slaves, when obtained, for sale to the Havannah.

On the *Myrmidon's* tender approaching the *St. Salvador*, a boat was seen endeavouring to reach the shore, but was prevented, and on board of it was found a Negro who declared himself to be a slave taken from the schooner. This man, named Popo, alias Will Carr, was a Krooman, and had lived two years at Sierra Leone. He declared on his oath that Charles Gomez, a slave-dealer at Manna, had sold him as a slave for a hundred bars, paid in rum, gunpowder, and tobacco, the pretence being a debt of three bars, which it was alleged he owed to Gomez; that he had been a day and a night in irons on board the schooner before Captain Leeke seized her; that as soon as the man of war was seen he was taken out of his irons and put into a boat, to be sent on shore, where twenty-two more slaves belonging to the schooner had been removed; that these had only been landed the same day, in order to elude the man of war, whose approach was apprehended; that since the capture the mate had several

* A. p. 78.

times offered him 100 dollars if he would deny that he was a slave; and that he had refused to do so. The illicit nature of the voyage was further apparent from a letter found on board, written by P. C. Greene the supercargo, a citizen of the United States, who was engaged in purchasing slaves on shore, addressed to the first mate, whose name was Fletcher. The Committee have inserted it as a specimen of this species of correspondence.

“ Peter Careful’s, Big-town,
Dec. 20, 1819.

“ Mr. Fletcher,

“ As soon as you receive this, go immediately to Gomez-town, and put those two boys, John and Peter, in irons secure, and see that that old yellow slave-man is secured hand and foot; as I learn by the Krooman they have sent word they will soon be clear; and give orders that there is a strict watch kept over them. I want, if the beach is smooth, to send a barrel of rice on shore for the slaves at Gomez-place, and see what slaves are collected from the gentlemen at that place. They are collecting slaves here as fast as they can. I shall be down in two or three days. Should Gomez ask any thing about my slaves at Cape Mount tell him I have one hundred, and am like to get the whole to bring down with me in three or four days. You can make your excuse to bring the rice; and it was my orders, before I left, to secure those boys, as I saw an uneasiness with them the last time I was there. I wish you to make dispatch in going to Gomez-town.

Your’s respectfully,

“ P. C. GREENE.”

On the whole of this case it was the opinion of Mr. Gregory, the British Commissary Judge, that the schooner had been properly detained and ought to be condemned as lawful prize. The Portuguese Commissary Judge, however, M. Altavilla, was of a different opinion. It became necessary, therefore, to have recourse to the method prescribed by the treaty, of drawing by lot the name of one of the Commissioners of Arbitration; when the lot fell on M. Figanieri, the Portuguese Commissioner, who, adhering to the view en-

tertained of the case by Mr. Altavilla, pronounced the detention to have been illegal, and ordered the vessel and cargo to be restored, and complete indemnification to be made to the owners for all losses*.

The reasons given by the Portuguese Commissioners for this decision, may be thus summed up.—

The Sixth Article of the Additional Convention states, that “no cruizer, Portuguese or British, shall detain any vessel not having slaves actually on board;” and the instructions to the men of war direct, that “ships on board of which no slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatsoever.” Now it is agreed on all hands that there were no slaves actually *on board* the St. Salvador at the time of capture; and the only Negro found was taken in a boat. The schooner, it is true, might be engaged in an illicit traffic; but still she cannot be detained and condemned under the treaty, unless captured with slaves actually on board. The legality of the detention of the vessel is the first consideration: the illegality of her employment only the second†.

The British Commissioners, Mr. Gregory and Mr. Fitzgerald, were of a different opinion. They thought that Captain Leeke was fully justified in detaining the St. Salvador, and that the seizure of the boat in the act of taking the Slave Popo from the vessel to put him on shore, was in effect a finding on board, the whole transaction passing under the view of the captors. The facts of the Negro being on board when the captors approached; of his being, in their sight, put into the boat in order to evade them; and of his being taken in that situation; when viewed in connection with the ample proofs of the vessel having been engaged in an illegal slave-trading voyage, seemed to furnish sufficient ground of condemnation. Not to allow their force would be to defeat the very object of the treaty. The device that had been resorted to, described in its just light, was a mere evasion contrived by the illicit slave-traders for the

* A. pp. 82—88.

† A. pp. 92—94.

purpose of screening themselves and their criminal adventures from the penalties which the treaty attaches to them, and ought not therefore to be sustained by the judges. And even supposing condemnation not to pass, yet surely in a case where the illegality of the voyage was clearly established, as it was in the present, the captor should be kept unharmed, even if he should have committed an error in detaining the ship. To give to the wrong-doer penal damages, would be to run counter to the plainest principles of justice. Indeed, the Eighth Article of the regulations for the mixed Commission, in conformity with this view of the case, provides, in order "to avoid as much as possible every species of fraud in the execution of the Convention, that if it should be proved in a manner evident to the conviction of the judges of the two nations, and without having recourse to the decision of a Commissioner of Arbitration, that the captor has been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship; in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated." But what could have been more fraudulent than the conduct of the captain in this instance? An actual illicit traffic in slaves with the cargo of the schooner was going on on shore at the time of the capture; and a slave seen on board was put into a boat and moved to a distance from the vessel, for the sole purpose of preventing, by this fraudulent abduction, the detention and condemnation of the vessel. Such a proceeding ought at least to be sufficient to preserve the captor from being visited with damages*.

A very important remark accompanies these reasonings of the British Commissioners, in a letter to Lord Castlereagh: "Your lordship," they say, "may be desirous of some explanation of the superior credit given to the testimony of the Negroes found in this vessel and in others, in the situation of slaves, in opposition to the testimony of the masters, and sometimes also to that of the mates and mariners. We

* A. p. 96.

lament to say, the reason is, that a system of perjury is organized and practised among all those slave-dealers, which is generally discovered by their prevarications upon some plain and apparently indifferent collateral object of examination, upon which no arrangement or preparation has been thought necessary. Some fact or some document that cannot be overcome is generally discovered, and the plain narrative of the Negro prevails by the inherent force of its truth *."

Lord Castlereagh, on the 22d September, 1820, addressed a letter on the subject of the evasion of the law which had been attempted, by the slave-traders, in the case of the *St. Salvador* and of several other vessels, to the British Ambassadors at Madrid and Rio de Janeiro, and at the Court of the Netherlands. It is as follows :—

" A case has recently occurred at Sierra Leone, in the adjudication of which a difference of opinion arose, as to the construction to be put upon that part of the Convention between Great Britain and the Netherlands (Spain and Portugal) for preventing illegal traffic in slaves, which enacts, that ships of war may detain and bring in vessels suspected of illegal traffic, in the event only of their actually finding slaves on board.

" The case I allude to was that of a vessel which was actually concerned in the traffic, and had already received one slave on board at the time she was discovered by the ship of war pursuing her. She, however, in this extremity, contrived to get the slave into a boat alongside, before the ship of war boarded her. At this moment, and before the boat with the slave could reach the shore, the vessel, the boat, and slave were detained, and brought into Sierra Leone. The circumstances above mentioned being proved, a difference of opinion took place between the members of the Commission, whether the capture was legal or not, according to the terms of the treaty above recited. The matter was then referred as usual, by lot, to one of the arbitrators ap-

pointed in such cases; and the arbitrator on whom the lot fell, adjudged that the vessel was illegally detained, and ordered her liberation, and subjected the capturing party to the expense of indemnifying her owners for her detention. No imputation is meant to be thrown upon the arbitrator for this decision; nor is it, of course, wished to invalidate it in the instance alluded to; but, at the same time, it is evident that the decision was in opposition to the design of the treaty, and to its general tenor and spirit. The continuance of such a narrow and imperfect construction, as that on which the arbitrator decided, if allowed to be drawn into a precedent for the guidance of the courts under the treaty, would open manifestly a door to the grossest fraud; and would prevent, in most instances, on the African Coast, the objects contemplated by the contracting parties. The vessels there concerned in the trade, keep close along shore, and would, when the capturing ship hove in sight, land at a short notice, or at any rate lower and stow into boats, and sometimes even force to swim on shore, the men whom they had unjustifiably confined on board; and if, one minute before the cruizer boarded, the slaves were outside the ship, (which would infallibly by one or other means be contrived), the illegal trafficker would be safe, and the object of the treaty effectually defeated.

“ I need not dwell more upon the subject to shew the necessity that some declaration should be made by the contracting parties, and some instructions jointly given by them to their cruizers and to their commissioners, which shall, in the explanatory construction of the treaty, prevent so palpable an evasion of its intent.

“ I have, therefore, received the King's commands to desire that you will bring these points under the consideration of the Court to which you are accredited; and, in his Majesty's name, urge them, on every principle of justice and expediency, to concur in a declaration, and in corresponding instructions to the cruizers and commissioners under the treaty, to the effect that, if there shall be clear and undeniable proof, that a slave or slaves have been, for t purpose

of illegal traffic, put on board a vessel in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the treaty, such vessel is to be detained by the cruisers, and finally condemned by the commissioners.

“You will lose no time in executing this instruction; and the King confidently trusts that the Government of the Netherlands (Spain and Portugal) will feel no hesitation in adopting a measure by which, without rendering a legal commerce liable to unjust condemnation, the due execution of the treaty may be assured in its fair and liberal construction, and according to the principle on which it was framed, of putting down by effectual means the illegal traffic in slaves.”

The Minister of the King of the Netherlands has admitted * that the construction complained of would, in a majority of cases, nullify the main object and spirit of the treaty; and he has given a hope that instructions corresponding to this view of the subject would be sent to the Dutch Commissioners: but the actual issue of such instructions has not yet been announced.

The Spanish Minister has distinctly acceded to the proposition of giving instructions to the Spanish cruisers and commissioners to seize, and pronounce legal the capture of, any slave vessel which, by such artifices, shall endeavour to evade the punishment of their misconduct †.

There has appeared no communication from the Court of the Brazils, on the subject; but it is impossible that that Court should uphold the construction which its Commissioners have given to the Treaty.

* B. p. 145.

† B. p. 169.

III. NETHERLAND CASES.

1. The schooner *Virginie*, B. Canez, a Frenchman, master, was seized by his Majesty's brig *Thistle*, Lieutenant Hagan, on the 10th October, 1819, in lat. $5^{\circ} 29'$ N. and long. 9° W. When approached by the *Thistle*, the crew cut the cables and endeavoured to run on shore; but not succeeding, they all quitted her except one seaman, John Peters, who was found on board, together with thirty-one slaves. The master proved to be a Frenchman domiciled at Guadaloupe, to whom possession of the vessel had been given at St. Thomas's by a Mr. Suffron. She sailed under Dutch colours. Some of the sailors and all the officers were Frenchmen. The voyage began at St. Eustatia, and was to have ended at Guadaloupe. The vessel was condemned, and the slaves liberated*.

2. The schooner *Eliza*, John Discombe master, was captured by his Majesty's brig *Thistle*, Lieutenant Hagan, on the 9th October, 1819, in lat. $5^{\circ} 35'$ N. and long. 9° W. Though the schooner sailed under Dutch colours, there was no Dutchman on board. The master declared himself a Frenchman who had become a subject of the Netherlands at St. Eustatia. A fictitious charter-party was found on board, purporting that the *Eliza* was to trade for African produce, and not for slaves, and to return with it to St. Thomas's, where the voyage began. She was fitted out, however, in every respect for carrying on the slave trade:—a tier of water-casks, large boilers, a quantity of rice, mess-tubs, irons and handcuffs, a platform over the water, grated hatchways, &c. sufficiently proved this. And in the master's pocket-book was found a note on the mode of procuring slaves. The vessel on being chased run on shore, and landed a number of slaves before the man-of-war's boats could reach her. One slave, however, was found on board, whose irons could not be got off in time. This man testified,

* A. p. 17.

that he had been bought as a slave, and that his legs had been ironed; and that nine more men, and several women and children, who were in the same situation, had been hurried on shore, the irons of the men being first taken off. The officers of the *Thistle* found these irons on her deck when they boarded her. Notwithstanding all this was clearly proved, the master and mate of the *Eliza*, and one of the seamen, and a person named Nelsthorp, who called himself a passenger, swore that neither the Negro man found on board, though in irons, nor the nine Negro men sent on shore, who had been in irons, nor the Negro women and children, were slaves, but that they were in the vessel merely as passengers. This statement was so manifestly false, though supported by very hard swearing, that the British Judge, Mr. Gregory, had no hesitation in condemning the vessel. Mr. Von Sirtema, the Dutch Judge, however, was of a contrary opinion, so that it became necessary to refer the matter to one of the Commissioners of Arbitration. The lot fell on the Commissioner of the Netherlands, Mr. Bonouvrié who confirmed the decision of the British Judge, and the *Eliza* was accordingly condemned*.

3. The brig *Marie*, Francis Vigne master, was taken on the 30th January, 1820, in the Rio Pongas, by the boats of his Majesty's ship *Tartar*, Commodore Sir G. Collier, with twelve slaves on board. The master was a native of Genoa. The command was given to him by a Mr. Suffron at St. Thomas's, from which island he went to St. Martin's, and procured from the governor of that island letters of naturalization as a Dutchman, and there also received a cargo, calculated for the slave trade, from Mr. Moses Phillips the owner of the brig. The vessel was condemned and the slaves liberated†.

The above is all that is material to be noticed in the first class of papers, with the exception of the Portuguese municipal law on the subject of the slave trade; the consideration of which falls more properly under the second class of papers, on which the Committee will next proceed to report.

* A. p. 73.

† A. p. 79.

CLASS B.

THIS class contains the correspondence with the Courts of Spain, Portugal, and the Netherlands, and with his Majesty's Commissioners in the colonies of those powers, relative to the Slave Trade.

I. SPAIN.

In December, 1817, a decree was issued by his Catholic Majesty, for the restriction and ultimate abolition of the Slave Trade, carried on by subjects of Spain, the whole of which document it seems important to lay before the Board. It is as follows *:

" The introduction of Negro Slaves into America was one of the first measures which my predecessors dictated for the support and prosperity of those vast regions, soon after their discovery. The impossibility of inducing the Indians to engage in different useful though painful labours, arising from their complete ignorance of the conveniences of life, and the very small progress they had made in the arts of social existence, required that the working of the mines, and the cultivation of the soil, should be committed to hands more robust and active than theirs.

" This measure, which did not create slavery, but only took advantage of that which existed through the barbarity of the Africans, by saving from death their prisoners, and alleviating their sad condition, far from being prejudicial to the Negroes transported to America, conferred upon them not only the incomparable blessing of being instructed in the

*** It will not, of course, be expected that the Committee should comment on any of the statements contained in the preamble of this decree.**

knowledge of the true God, and of the only religion in which the Supreme Being desires to be adored by his creatures, but likewise all the advantages which accompany civilization, without subjecting them, in their state of servitude, to a harder condition than that which they endured in freedom, when free in their native country. Nevertheless the novelty of this system demanded prudence in its execution ; and thus it happened that the introduction of Negro Slaves into America depended always on particular licences, which my predecessors granted according to circumstances of places and times, till the era when untrained slaves were generally permitted to be imported, both in national and foreign vessels, by the royal proclamations of the 28th of September, 1789, the 12th of April, 1798, and the 22d of April, 1804 ; in each of which the different places for their introduction were determined. All this clearly evinced, that the Christian wisdom of my predecessors considered always these provisions as exceptions to the law, and dependant on variable conditions. Although the licence granted the 22d of April, 1804, had not expired, when Divine Providence restored me to the throne to which it had destined me, and of which an unjust usurper had perfidiously attempted to deprive me, the disturbances and dissensions excited in my American dominions, during my absence, immediately fixed my sovereign attention ; and meditating incessantly on the most appropriate means of re-establishing good order in these remote possessions, and giving them all the encouragement of which they are capable, I was not slow in perceiving, that the circumstances which had induced my predecessors to permit the traffic in slaves on the coast of Africa, and their introduction into both Americas, had entirely changed. In these provinces the number of indigenous Negroes has increased prodigiously, and even that of free Negroes, under the fostering care of a mild government, and the Christian humanity of the Spanish proprietors: the number of the White inhabitants has likewise been much augmented, and the climate is not now so prejudicial to the latter as it was before the soil was cleared of wood and subjected to cultivation. The advantage, like-

wise, which resulted to the inhabitants of Africa from their transportation to a civilized country is not now so urgent or exclusive, since an enlightened nation has undertaken the glorious task of civilizing them in their own land. At the same time the general progress of improvement in Europe, and the spirit of humanity which directed its late transactions, in restoring the political edifice, which the wickedness of an usurped government had shaken to its foundation, have excited among European sovereigns a desire to see this traffic abolished; and at the Congress of Vienna, agreeing on the necessity of the abolition, they occupied themselves in facilitating its execution, by the most amicable negotiations with those powers which had colonies, meeting in me that disposition which became so laudable an undertaking. Those considerations moved my royal mind to inform itself from enlightened persons, zealous for the prosperity of my states, as to the effects which the abolition of the traffic would produce on them. Having seen their reports, and being desirous to attain certainty in a matter of so grave importance, I transmitted them to my Council of the Indies, with my royal order, of the 14th of June, 1815, that it might communicate to me its opinion and advice. Having collected all these copious materials, and having examined the proposition which the same supreme tribunal laid before me in its deliberation of the 15th February, 1816: answering to the confidence which I repose in it, and coinciding with its opinion respecting the abolition of the traffic in slaves; and co-operating with the King of Great Britain by a solemn treaty, embracing all the points of reciprocal interest involved in this important transaction; and determining that the time for the abolition was arrived, the interest of my American States being duly reconciled with the sentiments of my royal mind, and the wishes of all the sovereigns, my friends and allies; I have decreed as follows:—

“Art. i. From this day forward, I prohibit all my subjects, both in the Peninsula and in America, from going to buy Negroes on the coasts of Africa, north of the Line. The Negroes who may be bought on the said coasts shall be de-

clared free in the first port of my dominions at which the ship in which they are transported shall arrive. The ship itself, together with the remainder of its cargo, shall be confiscated to the royal treasury, and the purchaser, the captain, the master, and pilot shall be irrevocably condemned to ten years' transportation to the Philippines.

" Art. ii. The above punishment does not attach to the trader, the captain, the master, and pilot of the vessels which sail from any port of my dominions, for the coasts of Africa, north of the Line, before the 22d of November of the present year; to which period I grant, besides, an extension of six months, counting from the above date, to complete their voyages.

" Art. iii. From the 30th of May 1820, I equally prohibit all my subjects, as well in the Peninsula as in America, from going to purchase Negroes along those parts of the coast of Africa which are to the south of the Line, under the same penalties imposed in the first article of this decree: allowing likewise the space of five months from the above date to complete the voyages that may be undertaken before the above-mentioned 30th of May, in which the traffic in slaves shall cease in all my dominions, as well in Spain as in America.

" Art. iv. Those who, using the permission which I grant till the 30th of May 1820, shall purchase slaves on that part of the coast of Africa which lies south of the Line, shall not be allowed to carry more slaves than five to two tons of tonnage of their vessel; and any persons contravening this enactment shall be subjected to the penalty of losing all the slaves on board, who shall be declared free at the first port of my dominions in which the ship arrives.

" Art. v. This computation is made without a reference to those who may be born during the voyage, or to those who may be serving on board as sailors or servants.

" Art. vi. Foreign vessels which may import Negroes into any port of my dominions, shall be subjected to the regulations prescribed in this decree; and in case of contravening them, shall be subjected to the penalties contained in it.

“ And my royal pleasure being that the above decree should circulate in my dominions of America and Asia; for its punctual observance I communicated it to my Supreme Council of the Indies, signed with my own hand, under date of the 22d of September last past; and on its being published in that tribunal the 1st instant; a resolution passed, that steps should be taken to enforce it, and that the said tribunal should, for such purpose, circulate this my royal cedula, by which I direct all my viceroys, presidents, courts of judicature, commandants general, governors and intendants of the Indies, of the adjacent, and of the Philippine islands, to keep, fulfil, and execute, and cause to be kept, fulfilled, and executed, all that has been enjoined in this my sovereign determination, without transgressing or contravening, or permitting to be transgressed or contravened, its contents in any way; causing it, for that purpose, to be published as an Order, not only in the capital cities, but also in the chief towns of jurisdiction of their respective districts, and communicating it likewise, each in his territory, to the tribunals, justices, authorities, and persons, who in any way may be bound to observe it. And this my royal cedula shall be attended to by the accountants' general offices of my said council. Dated Madrid, the December, 1817.

“ Your Majesty prohibits for ever all your subjects of the Peninsula, as we also of America, from purchasing Negroes on the coasts of Africa, enacting, that voyages for that purpose may not be undertaken to the coasts north of the Equator after the 22d of November, nor to those south of the Equator, after the 30th of May 1820, under the penalties specified*.”

After many delays the judges of the mixed Commission Courts, established, under the treaty with Spain of the 23d September 1817, at Sierra Leone and the Havannah, were appointed. Those at Sierra Leone have been already named. The Commissioners at the Havannah are,—Henry Thomas

* B. p. 3.

Kilbee, Esq. Commissary Judge, and Robert Francis Jameson, Esq. Commissioner of Arbitration, on the part of Great Britain; and on the part of Spain, Don Alexandro Ramirez, Commissary Judge, and Don Francisco Arango, Commissioner of Arbitration. It has been already stated what have been the proceedings of the mixed Commission Courts at Sierra Leone. At the Havannah, down to the 10th of January, 1821, no vessel detained by the cruisers of either nation had been brought in for adjudication *, which seems extraordinary, considering the number of slave ships illicitly employed that will be found to have arrived at that port, and the facility with which a British man of war might have examined those vessels as they approached it.

On the 6th of February, 1820, Mr. Kilbee acquaints Lord Castlereagh, that “ the slave-trade continues to be very brisk, and that almost daily there are arrivals from, and departures to, the coast of Africa †.”

On the 29th of June, 1820, the same gentleman writes, that on the 30th of May, the very day on which, by treaty, the Spanish slave-trade was to cease every where and for ever, and during a few days before, about twenty vessels sailed from the Havannah to the Coast of Africa for slaves ‡, their owners having been led by the Spanish authorities there, to believe that there was no risk of capture in the case of vessels clearing out for Southern Africa on or before the 30th of May, even although they should not complete their voyages in the five months allowed by the treaty for that purpose; and this, notwithstanding the clear and express terms in which their own municipal law, as well as the treaty with Great Britain, limits the period.

On the 31st of August, 1820, Mr. Kilbee informs Lord Castlereagh as follows: “ No vessel detained in virtue of our slave-trade treaty with Spain, has yet reached this port for adjudication. I stated upon a former occasion that many of the slave ships that arrive here obtain their cargoes *on the coast of Africa north of the Line*. For some time after the mixed Commission was declared to be opened, these

* B. p. 167.

† B. p. 111.

‡ B. p. 140.

vessels were in the habit of landing their Negroes at Bataviano, or some other of the smaller ports in the island; fearing that if they came direct to the Havannah, where one of the British Commissioners was resident, their papers could be examined, and that they would be liable to the penalties stipulated by treaty. Finding, however, that such as did reach this port were not subjected to any special examination in consequence of the treaty, either on the part of the mixed Commission or on that of the authorities of his Catholic Majesty, they have latterly come direct to the Havannah, and make no mystery of having proceeded from the coast of Africa north of the Line." Mr. Kilbee adds, that "conversing upon this subject lately with the Intendant, who is the Spanish Commissary Judge, I stated to him, that if this infraction of the treaty continued to be committed in such an open manner, I should consider it to be my duty to mention the matter confidentially to the Captain-General, in order that the penalties denounced in his Catholic Majesty's decree of November, 1817, should be inflicted upon the persons guilty of such infraction*." The Committee are somewhat disappointed at the reserve which appears to have been exercised by Mr. Kilbee on this occasion. They should have expected, considering the nature of his mission, that he would not have scrupled, openly and officially, to have denounced to the Captain-General every infraction of the treaty with this country, of which he was a witness, whether committed in an open or in a more covert manner; and that he would have communicated *all* the particulars of each case of such infraction to his own Government, with a view to its making the necessary reclamations. Every slave thus illicitly introduced is by the treaty most clearly entitled to his freedom, and the British Government have besides a right to half the proceeds of every vessel employed in introducing them. It seems therefore scarcely to admit of doubt that such manifest violations of the engagements of Spain, and such gross negligence, to say the least, on the part of the local authorities, might have formed a proper subject,

* B. p. 146.

not less of the *official* denunciations of our Commissioners, than of the pointed remonstrances of our Government.

Neither in the treaty, nor in the municipal law of Spain, is there any ambiguity whatever on this subject: "From this day forward," says the King, "I prohibit all my subjects from going to buy Negroes on the coast of Africa, north of the Line. The Negroes who may be bought on the said coasts shall be declared free in the first ports of my dominions at which the ship in which they are transported shall arrive. The ship itself, together with the remainder of the cargo, shall be confiscated to the royal treasury; and the purchaser, the captain, the master, and pilot, shall be irrevocably condemned to ten years' transportation to the Philippines." What a mockery does such a law, as well as the treaty on which it is founded, become, when the authorities of the Havannah could knowingly permit the undisguised infractions of which Mr. Kilbee complains! The gratifying zeal with which our Government appears, from these papers, to have uniformly advocated the cause of humanity, leads the Committee to presume that there may exist reasons, unknown to them, why Mr. Kilbee should not have officially denounced those infractions, and demanded justice; or why no other means, as far as the Committee can discover, have yet been taken to enforce, in this particular case, the stipulations of the treaty, to call to account the local authorities who had thus strangely violated their duties, and to redress the wrongs of the wretched sufferers.

It remains further to be explained how all these vessels, so illicitly employed, and liable as they were, under such circumstances, to capture by our cruisers, should have entered the Havannah without a single instance of detention having taken place.

On the 25th of September, 1820, Mr. Kilbee informs Lord Castlereagh, that a few days before, a Swedish schooner, the *Maria*, Benoit master, arrived at that port from the coast of Africa, with a cargo of 100 Negroes*. It does not ap-

* B. p. 154.

pear, however, that any *official* representation has been made to the local authorities, or to the Government of Spain, on thus permitting foreign vessels to import slaves into her colonies, although such a transaction is expressly prohibited by treaty, and is farther prohibited by the municipal law of Spain, under the same penalties and regulations as its own illicit slave-trade. It would seem desirable, also, to make known to the Government of Sweden the prostitution of its flag to the purposes of this guilty commerce.

The last letter from Mr. Kilbee is dated November 8, 1820. It states that on the 30th of October, the term allowed by treaty for completing the voyages of Spanish slave-ships had expired; but that on the 6th inst. the brig *Tellus*, Don Juan Botel master, consigned to Messrs. Pelegrin, Marquez, and Co., had entered that port with 178 Negroes from the coast of Africa, and was admitted and allowed to land her cargo. Mr. Kilbee represented the matter to the Governor: but on his part it was alleged that this vessel having cleared out before the 30th of May, must be allowed time to finish her voyage, five months not being sufficient for that purpose; and it was contended that the penalties were only meant to attach to such as should commence their voyages subsequently to the 30th of May. He would therefore, he said, admit vessels, under such circumstances, until he should receive further orders from his Government; and in the mean time security would be taken for the value of their cargoes from the owners of vessels arriving subsequently to the 30th of October, until the decision of the two Governments should be known*.

Mr. Kilbee observes, that he had been at a loss how to act, so as to avoid being considered as negligent on the one hand of his duty, or as conniving at a manifest violation of the treaty; or, on the other, as exceeding his powers. "I have therefore," he says, "endeavoured to avoid both these difficulties, by mentioning the subject to the Spanish authorities; at the same time stating, that I did so not officially but in a confidential manner." The Committee regret that

* B. p. 160.

Mr. Kilbee should have found so much difficulty in a case which appears so plain; whether they consider the terms of the treaty, or of the third article of the Spanish law, both of which allow expressly only *five months* to complete the voyages undertaken to the south of the Line, before the 30th of May, 1820, and then subjects all Spanish slave-trading to the same rules and the same penalties which the first article had previously imposed on the trading for slaves north of the Line. But even if the case is itself admitted of doubt, which, considering the explicit terms of the treaty, and of the Spanish Decree founded upon it, it cannot be considered as doing, yet Mr. Kilbee had actually received more than two months before, a letter from the Under Secretary of State, dated the 17th of April 1820, to the following effect.

“Your letter to Mr. Hamilton, of March the 8th, has been received and laid before Lord Castlereagh.

“In reference to the extension of the term fixed by Article I. of the Slave-trade Abolition Treaty, and to the further extension thereof, which it would appear has been aimed at by persons engaged in this traffic, I am to acquaint you, that you have acted in strict conformity with Lord Castlereagh's view of the subject, in maintaining the necessity of acting up to the words of the article which, it must be remembered, was in itself a concession, on the face of the treaty, to the interests of the slave-trader.

“This extended term of five months, in addition to the time which will have elapsed between the first promulgation of the treaty and the 30th of May 1820, and which was intended as a notice to all parties interested, will have afforded ample time for the winding up all slave-trade speculations, so as to ensure the observance of this important article in the treaty. It is not denied, that the period of five months, from and after the 30th of May, would barely suffice for the clearing out and return of vessels engaged in this traffic; but at the same time that this extension of time was calculated to meet the fair claims and wishes of these traders, its very object was to discourage, rather than to

facilitate, the commencement of such enterprises, at so late a period as the day on which the virtual suppression was intended to take place.

“An application of this nature could only be considered as tending to defeat the purpose of the abolition, and Lord Castlereagh was therefore obliged to represent to the Spanish Government, both from the letter and in the spirit of the treaty, that those traders whom the love of lucre and of enterprise might betray into speculations in the face of a treaty which has been so long made public, must submit to pay the penalty of the risks which they had thus wilfully incurred.”

Fortified by such a clear and unequivocal expression of the sentiments of his own Government, it is conceived that Mr. Kilbee might have assumed a much stronger and more decided tone; and it is a subject of regret that on an occasion, so peculiarly calling for energetic remonstrance, and involving so materially the interests of this great cause, and the fate of so many miserable captives, there should have been any unnecessary hesitation.

The Spanish Government had, it is true, applied several times to Lord Castlereagh for an extension of the period of five months allowed for completing the slave-voyages begun before the 30th of May, 1820; but this application his lordship uniformly and strenuously resisted. An able note addressed to the Spanish Chargé d’Affaires, on the 11th of June 1820, affords a comprehensive and most satisfactory view of the whole of his lordship’s argument. The following extract from it will sufficiently shew its general bearing.

“The argument used in M. d’Usoz’s note, founding the present demands on the known impossibility of vessels being able to commence and complete an expedition in slave-trading, within the period between May and October 1820, so as to insure to the merchants the safety of their cargoes, is a position not to be denied; but the undersigned considers it as peculiarly corroborative of the spirit and intention of the article in question, which was to discourage rather than to facilitate the commencement of such enter-

prizes, at so late a period as the last day of the term in which the virtual suppression was to take effect. In fact, such an integral change in this part of the treaty, can only be considered by the undersigned as *pro tanto* defeating the very object for which it was framed; which object certainly was no other than the final abolition of the slave trade by Spain, at as early a period as the interests of its subjects, upon due notice, would permit, and to which interest so large a sacrifice in money was at the time made by Great Britain, in reliance on the good faith of the Spanish Government in carrying into effect the article which it is now proposed to defeat by the solicitation of a still longer period; and as the treaty was made public as far back as the year 1817, the undersigned does not see how Spanish merchants can plead ignorance of the provisions of the treaty, or entertain any expectation of an alteration in one of its most important articles.

“If there be any speculators, whose love of enterprize and thirst for lucre shall have led them into risks thus wilfully, not to say blameably, incurred, such traders must abide by the penalties which they knew to be impending over them; nor can they in justice claim the protection of their Government after the timely notice given to them.”

On receiving Mr. Kilbee's last letter, Lord Castlereagh addressed a dispatch to Sir Henry Wellesley, dated the 16th of February, 1820, repeating many of the arguments he had before employed, and desiring him to require of the Spanish Government an exact performance of the stipulations of the treaty*. “His Majesty rests his full assurance upon the well-known honour of Spain, that the Government will give orders for acting up to the treaty. There is every reason to believe that an additional and forced trade in human beings has been founded on the prospect of its termination, both by sending more ships than could be loaded on the coast of Africa within the ordinary time of trade, and by multiplying ships' papers, so as to allow of their being

* B. p. 162.

used at a future time. And it appears from the exchange more immediately referred to (that of the 10th or before vessels take their clearances from one settlement to the other) that His Majesty's Government would be expedient to admit of any alteration of the law in future par- would be impossible to establish any effect in renewing the ex- such evasions." He concludes with desiring the Brazils, under lesley to call upon the Spanish Government to such law his Most diate orders to the authorities at the Cape of Good Hope as much as where, and to their commissioners at the Cape of Great Britain. Sierra Leone to act faithfully up to the same law should have treaty. The result of this communication of January, 1818. from these papers.

The Committee have to remark with regard to this subject by Mr. Affaires at the Court can perceive in these papers no ground of May that the law cruizers have been stationed off the Cape of Good Hope. The Portuguese pose of enforcing the stipulations of the law had been promulgated on And this is the more to be lamented the day of which it bears the part of the local authorities, notwithstanding this statement, there is a punish the infractions of that treaty of January 1818, in which he sition to protect and encourage them, on account of the press been such as to deserve that a disjunct law.

should be made of it to their own to be bound, by good faith, to a displeasure.

to those to whom the present and effect of a law, shall come, II. PORTUGUESE slave trade in the ports of the Equator, established by the

In various communications dated the 22d of January, 1815, Majesty's Chargé d'Affaires mention, dated the 28th of July, some interesting statements of fresh measures, which, fixing Portuguese Slave-trade. penalties that shall attach to offenders,

On the 2d of October, 1815, and other persons charged with the preceding months the slave-trade, a standard for deciding upon suddenly and largely increased relative to this object, think smiled thence in that time, as follows:— number amounting to 10,000, of whatsoever quality or condition, year; and several more sent out or prepare vessels for the traffic

seven vessels, as many as twenty-one had cleared out for Cabenda, which Mr. Chamberlain attributes, with great appearance of probability, to the immediate vicinity of that place to the prohibited district, and the consequent facility of drawing slaves thence*.

From the 1st of January, 1817, to the 1st of January, 1818, 6070 slaves, the same gentleman states, were imported into the captaincy of Bahia from the coast of Africa, in sixteen ships†.

The number imported in the same time into Rio de Janeiro, in forty-two ships, was 18,033. A much larger number, viz. 20,075 had been embarked, but 2042 had died in the Middle Passage. One vessel, the Protector, had taken on board 807 slaves at Mozambique, of whom 339 died during the voyage‡.

On the 9th of May, 1818, Mr. Chamberlain writes, that the slave-trade had now increased beyond all former example; twenty-five vessels having arrived since the beginning of the year, none bringing less, and many of them more, than 400 of these unhappy beings, which made the importation at least 10,000 during the preceding four months§.

The number of slaves imported into Rio de Janeiro, from January 1 to December 31, 1818, was 19,802. The number embarked had been 22,231, in fifty-three ships, of whom 2429 had died on the passage. One vessel, the Perola de Norta, from Mozambique, lost 161 out of 421; another the União Feliz, from Mozambique, lost 229 out of 659; a third, the St. Jose Diligente, from Kilimane, lost 238 out of 464||.

It is to be regretted that this account has not been continued; and also that the importations into the other captaincies of the Brazils should not have been mentioned.

The third article of the treaty concluded with Portugal on the 28th of July, 1817, for repressing the illicit slave-

* B. p. 2. † B. p. 12. ‡ B. p. 19. § B. p. 13. || B. p. 48.

trade, stipulated, that within two months after the exchange of the ratifications, which was to take place on or before the 28th of November, 1817, his most faithful Majesty should promulgate a law prescribing the punishment to be inflicted on such of his subjects as should in future participate in the illicit traffic of slaves; and renewing the existing prohibition to import slaves into the Brazils, under any other flag than that of Portugal; in which law his Most Faithful Majesty further engaged to assimilate as much as possible the legislation of Portugal to that of Great Britain. In compliance with this stipulation such a law should have been promulgated on or before the 28th of January, 1818. Repeated applications were made on this subject by Mr. Chamberlain, his Majesty's Chargé d'Affaires at the Court of Brazil; but it was not till the month of May that the law was communicated to him, or even printed. The Portuguese minister indeed affirmed, that it had been promulgated on the 26th of January, 1818, being the day of which it bears the date. But, in contradiction of this statement, there is a note of his own, of the 6th of February 1818, in which he says, that it had not been possible, on account of the press of business, as yet to publish the law.

The law is as follows: viz.

"I, the King, make known to those to whom the present Alvará, having the force and effect of a law, shall come, that as the abolition of the slave trade in the ports of the coast of Africa, north of the Equator, established by the ratification of the treaty, dated the 22d of January, 1815, and of the additional convention, dated the 28th of July, 1817, requires the adoption of fresh measures, which, fixing just and adequate penalties that shall attach to offenders, may afford to judges and other persons charged with the execution of those measures, a standard for deciding upon such cases as shall occur relative to this object, think proper to ordain as follows:—

"Art. i. All persons, of whatsoever quality or condition, who shall proceed to fit out or prepare vessels for the traffic

in slaves, in any part of the coast of Africa lying north of the Equator, shall incur the penalty of the loss of the slaves, who shall be declared free, with a destination hereinafterwards mentioned. The vessels engaged in the traffic shall be confiscated, with all their tackle and appurtenances, together with the cargo, of whatever it may consist, which shall be on board on account of the owners or freighters of such vessel, and of the owners of such slaves. The officers of such vessel—to wit, the captain or master, the pilot and supercargo—shall be banished for five years to Mosambique, and each shall pay a fine equivalent to the pay or other profits which he was to gain by the adventure. Policies of insurance cannot be made on such vessels, or their cargoes; and if they are made, the assurers who shall knowingly make them shall be condemned in triple the amount of the stipulated premium.

“ Art. ii. All persons of whatever rank or condition, who shall import slaves into Brazil, in foreign vessels, shall incur the same penalty of the loss of the slaves, who shall become freemen, and be provided for as hereinafter directed.

“ Art. iii. Informations shall be received relative to all the above cases. And if the vessel and her cargo have been confiscated, half of the whole proceeds of the property, sold by public auction, as well as half of the fines, shall be given to the informer, and the other half shall be paid into my royal treasury, to which the whole produce shall belong if there be no informer. In case, however, of a vessel having been captured by a ship of war, such vessel and her cargo shall be subject to the provisions specified in the seventh article of the regulations concerning the mixed commission, annexed, under number 3, to the above Convention of July the 28th 1817. But in case the ship should be captured or confiscated, it shall not be lawful to commence an action for the recovery of such ship and cargo, except within a term not exceeding three years, to reckon from the date of the ship's entrance into the port where she has unloaded, after the expiration of which period, the said action shall be inadmissible and void.

“ Art. iv. Informations, and all proceedings inclusive of the final sentence and its execution; shall be brought before the judges appointed to try causes respecting contraband goods and embezzlement in any place or district, whither the slaves have been carried, or before any other magistrate or judge competent to decide on those matters; to whom I deem proper to commit this jurisdiction, as well as the authority requisite for carrying into execution the sentences passed by the mixed commission, in cases cognizable by the latter, and for trying and determining other cases that may occur, as also those accruing from them, allowing the party to bring an appeal conformably to the ordinance. It shall, however, be lawful for either of the parties to apply to the mixed commission for them to determine, whether, or not, the case have reference to the abolition; in which event the proceedings upon it shall be delivered up to the commission in the state in which they are; and whatever the commission may decide, shall be carried into effect.

“ Art. v. The slaves made over to my royal treasury in the manner specified in the above seventh article of the regulations concerning the mixed commissions, and those declared free by the above article (as it would be unjust to abandon them without support) shall be delivered into the office of the judge of the district, or where there is none, into that of the Judge charged to watch over the rights of the Indians, whose powers I enlarge with that jurisdiction, to serve as freedmen for fourteen years in any public service of the navy, the fortresses, agriculture, or manual trades, as may be thought most convenient, being for that purpose enrolled in the respective stations; or shall be hired out to individuals of known property and probity, who shall be bound to support, clothe, and instruct them, teaching them some handicraft or labour, that may be agreed upon, during the stipulated period; the terms and the conditions of which shall be renewed as often as necessary, till the fourteen years are expired: the time of servitude may be shortened by two or more years, according as the good conduct of these persons may entitle them to the enjoy-

ment of full freedom. In case these freedmen are destined for the public service, the officer who shall have authority in the respective stations to which they are assigned, shall nominate a proper person to fix the period as above-mentioned, who shall be responsible for their education and treatment. They shall have as curator a person of known probity, who shall be nominated every three years by the judge, and approved by the judicial council or governor, and captain-general of the province. To him it shall belong to provide every thing which may contribute to their well-being, to testify abuses that may affect them, to procure them release after their proper term of service, and enforce generally, for their benefit, the observance of the laws prescribed for the protection of orphans, in as far as those laws are applicable to them, to the end that whatever is ordered concerning them may be strictly executed.

“ Art. vi. In the ports to the south of the Equator, where the traffic in slaves is still permitted, the regulations passed in the law of the 24th of November, 1813, shall be observed with the following modifications:—The distinction between vessels which shall exceed or shall not exceed 201 tons, shall be abolished, and the number of slaves shall be regulated according to the tonnage of the vessel, in the proportion of five to every two tons, according to the ancient measure. The prohibition respecting marks made with iron on the body of the slaves, shall not extend to marks imprinted with silver *carimbos*, which, being excepted, shall be permitted. It shall be allowed to the persons who own or freight slave-vessels, to use, indiscriminately, iron or copper kettles, provided the latter every voyage be tinned anew, which shall be ascertained by proper officers visiting those vessels. If surgeons do not sail on board such vessels, on account of the impossibility of procuring them, or for some other reason equally conclusive, the owners shall be obliged to carry with them *black sangradores*, experienced in the treatment of the diseases with which the slaves are commonly afflicted, and in the remedies proper for curing them; because, in regard to all these objects, experience has

evinced the necessity of specifying the provisions set forth in this Alvará, which, under the above modifications, shall be observed in all its details.

“ Art. vii. Whereas the alteration effected in the slave trade by the restrictions contained in the above treaty and additional convention, requires considerable modifications in the provisions of the former laws enacted on this subject, independent of the last change, which will tend to render many of them void, I think proper to order, that it shall be permitted to import into the ports of Brazil, slaves from any ports where this traffic is not prohibited, and that the freight shall continue to be settled by the parties.

“ The present injunctions shall be strictly complied with ; wherefore I direct the Tribunal of the Privy Council, of Conscience and of Orders ; the President of my Royal Exchequer ; the Council of my Royal Treasury : the Chief Justice of the supreme Court of Appeal in Brazil ; the President of the Tribunal of Bahia ; the Governors and Captains General ; and the other Governors of Brazil, and of my dominions beyond sea ; also all the Ministers of Justice, and other persons whom the present Alvará may concern, to comply with and observe the same, notwithstanding any decision that may be at variance with it, and which I rescind for this end only : and it shall have the force and effect of a letter issued by the Chancellery, though it be not actually issued by the same, and though its validity extend beyond a year, notwithstanding the law to the contrary. Given at the palace of Rio de Janeiro, the 26th of January 1818.”

This law, if properly followed up, would doubtless do much to repress the illicit Portuguese slave-trade ; and it might have been expected that the Court of Brazils, being really anxious to carry it into effect, would have given authority to the Portuguese Judges of the mixed Commission Court at Sierra Leone to have taken cognizance of any infractions of it which might be brought under their view. So far, however, was this from having been done, that in June 1820, eighteen months after the date of the law, those judges having before

them a clear and undoubted case of illicit slave-trading, not only permitted the parties to depart, with their vessel and her cargo restored to them, but assigned to them a full indemnification, to be paid by the captor*. Supposing them to be right in considering the case in question, that of the *St. Salvador*, as not within the jurisdiction of the mixed Commission Court, yet surely they might have been authorized to hand the delinquents over to the proper tribunals, in order to their being dealt with according to law. Instead of this the parties are permitted to depart, and to prosecute if they please a voyage clearly proved to be criminal; and they have damages awarded them against the captor in a case which involved no blame whatever on his part.

The different manner in which our own Government has acted in a similar case, is worthy of notice. Lord Castlereagh has addressed, to the different Commissioners of his Majesty, an order that if any British subject, or any person residing in a British territory, should be found concerned in the slave trade, they should be reported to him, or to the nearest British Envoy, that effectual means may be adopted for bringing the offenders to justice, under the Slave-trade Felony Act; and our Ambassadors at the Courts of Madrid, Rio de Janeiro, and Brussels, are desired to apply to those Courts to require that orders may be issued to the local authorities where the Commissions are situated, that British subjects found employed in the slave trade may be given up upon application being made to that effect†.

In addition to what has thus been so well done, it would seem expedient that the British Commissioners should further be directed, in all such cases, to make the necessary application to the local authorities for the delivery of such offenders.

The Board will recollect that at the Congress of Aix-la-Chapelle, the powers assembled there agreed to make a solemn and joint appeal to the King of Portugal, to induce him entirely to abolish the slave trade. The letters of those different powers having been presented to him; on the 21st of

* A. pp. 82—88.

† B. pp. 154 and 156.

August, 1810, he addressed a letter to his Majesty in reply to one received from him, in which he states that he had caused his subjects to observe the stipulations of the treaty for abolishing the slave trade to the north of the Line, and that he had given to that traffic "the direction which was most conformable to these stipulations, without risking a general commotion in the Brazils, in order to substitute White colonists for a Black population, from whom rude labour alone can be expected, without either industry or activity" in such labours. "It is extremely disagreeable," he adds, "to be thus placed between two evils, one of which would prevent the increase of industry in general; whilst the other, by opposing the prejudices of two centuries, would be revolting to the opinions of the proprietors, and perhaps inflame the minds of the slaves. In this crisis I have preferred indirect means: the traffic has already much decreased; and I hope that in time you will have the satisfaction of seeing your views realized*."

So far as this letter is intelligible, it appears intended to postpone the abolition of the Portuguese Slave-trade to an indefinite period. The only facts asserted in it—namely, that the King had caused his subjects to observe the stipulations of the treaty abolishing the slave trade north of the Line, and that the trade had much decreased—are contradicted, it is to be feared, by incontrovertible evidence.

Our Government has not limited its efforts to induce Portugal entirely to renounce the slave trade, to the above communication. There appear in these papers several urgent applications to the Portuguese minister, calling upon him to fulfil the pledge given at the Congress of Vienna, that in eight years at most from that time, the Portuguese Slave-trade should cease. These applications are evaded by the minister, on the ground that the pledge then given was only conditional, and that the abolition of the Portuguese Slave-trade in eight years was made to depend on our immediately annulling the Treaty of Commerce of 1810; and that as we

* B. p. 72.

had not annulled, but had merely proposed to modify it, his Most Faithful Majesty was not bound to adhere to his engagement on the subject of the slave trade. Lord Castlereagh ably combats this view of the case, and has instructed our Ambassador at the Court of Rio de Janeiro, Mr. Thornton, to renew there the negotiations which had been broken off in London by the departure of the Count Palmella for the Brazils.

Several points of minor importance are discussed in these papers.

The Governor of the Cape of Good Hope had applied to Government for instructions respecting the course he should pursue as to affording relief or assistance to Portuguese slave ships touching at that colony in their passage from Mozambique to Brazil, and not found contravening the subsisting treaties. The Law-officers of the Crown being consulted, give it as their opinion that it is illegal for any person, and of course for the Governor, to afford assistance to Portuguese slave-ships touching at the Cape, for the purpose of enabling them more conveniently to carry into effect the transport of slaves, even though such traffic should be permitted by the laws of Portugal. Supplies, therefore, either of articles of food or of money, cannot safely be afforded to them. As the Slave-trade Acts, however, provide for cases of absolute distress, the burden of proof in such cases being on the claimant, they are of opinion that where assistance or relief is required at the Cape in consequence of the distressed state of the crew and slaves, it may and ought to be afforded; but that the extent of such relief and assistance should be measured and limited by the necessity and urgency of the case.

The mixed Commission Court was constituted at Rio de Janeiro, in the month of December 1819, but no proceedings whatever have been had before it. The British Commissary Judge is H. Hayne, Esq.; and the Commissioner of Arbitration, A. Cunningham, Esq. The King of Portugal has named to the corresponding situations Silvestre Pinheiro Ferreira, and Joao Pereira de Souza. It does not appear that any

of our men of war have examined the ships bringing slaves to the Brazils, in order to ascertain whether they had come from Northern Africa, or that any inquiries have been instituted by the Commissioners on this point.

Sir George Collier, in 1819, had detained two slaving vessels, which were found to be the property of the Governor of Prince's, on the coast of Africa; and the Nova Felicidade, whose case is mentioned above in the proceedings of the mixed Commission Court at Sierra Leone, and which, though only eleven tons burden, had seventy-one human beings crowded into her hold, is stated to have belonged to the same person. Lord Castlereagh preferred a complaint against him to the Portuguese Government, urgently requesting "that no time may be lost in instituting an inquiry into his conduct, and that as there are the strongest reasons to believe that he has been deeply implicated in the abuses which have been practised on that coast, in carrying on the slave trade, in violation of the treaty between the two countries, he may be removed without further delay from the command of that island?" He presses it also upon that Government, "how eminently it becomes their character, as directing the affairs of a civilized nation, and how important to their fair name, at a moment when the continuance of the Negro Slave-trade is a subject of general abhorrence in every civilized country, with the single exception of the Brazils, that they should adopt the most decisive and vigorous measures to arrest the progress of an evil which appears to be increasing, rather than to diminish in its most horrid character." "The documents," his Lordship adds, afford "ample proof of the horrid and disgraceful manner in which this odious traffic is still carried on by his Most Faithful Majesty's subjects; how in its most illicit form, it is encouraged and connived at by the Portuguese authorities, and how seriously it becomes the duty of every Government, and of every individual friend of humanity, to do all in their power to put an end to such unjustifiable outrages*."

* B. p. 73.

The papers do not state what was the actual result of these spirited representations. Count Palmella says, that "in case the crime is proved (alluding to the excessive number of slaves found on board the *Nova Felicidade*), I have no doubt that the guilty parties will suffer the utmost severity of punishment which they have deserved, and which humanity demands;" and with regard to the Governor of Prince's, his Government, he says, will lose no time in making the necessary inquiries, and putting an end to such abuses*.

The minds of the Committee are here led back to the conduct of the Spanish authorities at the Havannah; and they trust that remonstrances have been addressed to the Government of Spain respecting them, similar to those which have been so properly addressed to that of Portugal on the conduct of the Governor of Prince's.

III. THE NETHERLANDS.

On the 4th of May, 1818, a treaty was signed between his Majesty and the King of the Netherlands, "for preventing their subjects from engaging in any traffic in slaves." In that treaty these sovereigns profess the mutual desire "to adopt the most effectual measures for putting a stop to the slave trade by their respective subjects, and for preventing their respective flags from being made use of as a protection to this nefarious traffic." And "the King of the Netherlands, referring to the eighth article of the convention entered into with his Britannic Majesty, engages in pursuance thereof"... "to prohibit all his subjects in the most effectual manner, and especially by penal law the most formal to take any part whatever in the trade of slaves:" and if these measures should be found ineffectual, then to adopt such farther measures as may most effectually prevent his subjects from taking any part whatever in this nefarious

* B. p. 92.

traffic. The treaty then gives the reciprocal right of visit and detention to twelve ships of the respective royal navies, excepting within the Mediterranean sea, and the European seas lying northward of the latitude of 37° N. and eastward of the longitude of 20° W. from Greenwich*.

It remains now to be seen how these stipulations have been fulfilled by the Government of the Netherlands.

On the 20th of November 1818, the following law, entitled a law "denouncing penalties in order to prevent and check the slave trade," was promulgated by that Government, and a copy of it reached England on the 4th of March, 1819.

"We, William, by the grace of God, King of the Netherlands, Prince of Orange Nassau, Grand Duke of Luxemburg, &c. &c. &c.

"Having considered our decree of June 15, 1814; likewise article eight of the treaty concluded August 13, 1814, between our kingdom and that of Great Britain; as also article one of the treaty dated the 4th of May, of the same year, all relative to the abolition of the slave trade; and article sixty of the fundamental law; and being solicitous to prevent a traffic so disgraceful to humanity, we, on the proposal of our minister for justice and foreign affairs, and after hearing the council of state, have decreed and do decree:—

"Art. i. No one, of whatever description, in our West-India colonies and settlements, or on the coast of Guinea, shall be permitted to carry on the slave-trade, or to be directly or indirectly connected with that traffic, whether by fitting out ships or vessels for that purpose, or by having an interest in the fitting out, to that end, of national or other ships and vessels, and by designedly letting them by contract for such object, or by shipping, buying, selling, bartering, and openly or surreptitiously importing, or causing to be imported, Negroes as slaves, into any Nether-

* See Twelfth Report of the African Institution, p. 100.

land or foreign colony or settlement out of Europe, on pain, to transgressors and their accomplices, of incurring a penalty of five thousand florins, besides being declared infamous, and imprisoned for the period of five years.

“ Art. ii. To the same punishment shall be liable all foreigners, who, subsequently to April 1, 1819, shall have carried to, or imported, or attempted to import, into our above-mentioned colonies and settlements one or more Negroes, and who shall be apprehended in our said colonies and settlements: and any ships and vessels laden with Negroes, which, previous to that period, may put into any of the Netherland harbours in those parts of the world, shall immediately be warned off.

“ Art. iii. Penalties similar to those specified in article 1. shall be inflicted upon all masters of vessels, steersmen, and supercargoes, whether Netherland or foreign, who shall have lent their assistance towards the carrying on of the prohibited traffic in slaves, and shall, in consequence, after the above period, have carried to, or imported into, or attempted to carry to, or import into, the said colonies or settlements, any cargo of Negroes.

“ Art. iv. Sailors, and other seafaring men, who shall be apprehended in our colonies on a charge of having deliberately entered into the service of ships or vessels knowing them to be engaged in the slave-trade in general, or in the importation of slaves into our above-mentioned colonies and settlements, shall, by way of punishment, be imprisoned for two years; and those who discover it afterwards, shall immediately stand discharged from their service, and take the first opportunity, unattended with danger to themselves, to quit the same, on pain, in the contrary case, of incurring the punishment alluded to.

“ Art. v. The above denunciations of punishment, however, shall no way apply to slaves now existing in the colonies, or to their children, whether born or that may be born, respectively, who shall be transferred to and from any Netherland colony in the West Indies, or to and from any foreign colony, or any portion thereof; and we ex-

pressly declare, that no one whosoever shall, on that account, be suffered to be at all molested, inasmuch as such importation and transfer does not come within the meaning of the prohibited slave-trade.

“ Art. vi. Neither shall the punishments threatened by the present law be made applicable to those who shall save and succour any slave vessel in distress, or who may have transhipped from such vessel any slaves, provided the commander give due information of it within fourteen hours of his putting into the first port he shall make.

“ Our Ministers of Justice and Public Instruction, of National Industry and the Colonies, are directed, each according to his department, to see the above carried into execution; and the latter shall cause the present decree to be proclaimed and affixed, as usual, in the before-mentioned colonies and settlements; and copies of the present decree shall likewise be communicated to our ministers for foreign affairs, and to the council of state for their information *.”

The fifth article of the above law, it will be obvious, goes far, by a kind of side-wind, to nullify the whole of the preceding enactments, as well as the entire effect of the treaty which it professes to enforce; for that article permits the unrestricted import and export of slaves between the Dutch colonies in the West Indies reciprocally; and between those colonies and the colonies of all other nations.

It ought not, perhaps, to excite any surprise that the evasive nature of this provision should not have immediately arrested the attention of his Majesty's Government. It appears indeed to have been overlooked, until the practical evils which might naturally be expected to flow from it called loudly for interference.

On the 12th of January 1819, the above law was proclaimed at Surinam.

On the 23d of November, in that year, his Majesty's Commissioners at Surinam, for carrying the treaty into

* B. p. 66.

effect, C. E. Lefroy, Esq. the Commissary Judge, and T. S. Wale, Esq. the Arbitrator, informed Lord Castlereagh, that "under the fifth and sixth articles" of that decree, of which they inclose an official copy, "a trade in slaves with the West-Indian islands does exist; that two vessels, one from Guadaloupe, the other from Martinique, under the French flag, but consigned to inhabitants of this colony, are at the present time discharging their cargoes of slaves in the river Surinam; and that a ship under the Netherland colours has sailed from hence for the purpose of purchasing slaves at Pernambuco *."

Again, on the 27th of December, 1819, the same gentlemen informed Lord Castlereagh, "that the trade in slaves, under the French flag, is carried on in great vigour, and that the majority of the slave cargoes admitted under that flag are recent importations from Africa. Every circumstance of appearance and language of the Negroes, and even the admission both of buyers and sellers, render this a fact too notorious to permit us to conceal it from your Lordship †."

On the 1st of April, 1820, these gentlemen further stated: "We are extremely sorry to report, that several fresh arrivals of slave vessels under the French flag have taken place; and that as nearly as we can compute upon the whole, since the publication of the decree, of which we had the honour to inclose to your Lordship a copy in our dispatch of the 23d of November last, no less a number than 2800 slaves (the greater part recently from Africa) have lately been introduced into this colony. We have had some conversation with the captain and officers of a Dutch frigate, the Comet, which is commissioned under the treaty to cruize upon this station; but they do not think their authority extends to an interference in any case with the French flag, or with the interception of slaves imported under its protection. Our official colleagues, Messrs. Changnior and Graafland, are likewise of the same opinion; and that neither the letter nor the spirit of the authority with

* B. p. 98.

† B. p. 109.

which the mixed Courts are at present invested comprehends any means of repressing or controlling this method of evading the object of the treaty.

“ Under these circumstances, it will be manifest to your Lordship, that unless in compliance with the last clause of the first article of the treaty, the Dutch Government repeals the permission, contained in the decree to which we have before had occasion to refer, of importation from ‘ friendly colonies,’ whose vessels have not been subject, by any express treaty, to the right of search, or has recourse to some further measures, your Lordship’s efforts in this great cause will be in part at least defeated *.”

Again, on the 6th of April 1820, they wrote as follows:—

“ Although we had so recently the honour of addressing you, a circumstance has occurred since we made up our last dispatch, of which we think it our duty to put your Lordship in possession—viz. the arrival of a vessel, under Dutch colours, with not less than four hundred and eighty slaves on board (with papers professedly from a ‘ friendly colony,’ under the authority of the decree of the Dutch Government, accompanying our dispatch of the 23d of November, but which papers, from the appearance, manners, and every circumstance attending both the vessel and her cargo, we can feel no doubt to have been collusive), without the least obstruction either from the Dutch ships of war in the river, or from the governor or local authorities in this place. With regard to the Dutch naval officers, as they had before expressed an opinion, that their commissions under the treaty were entirely suspended and superseded by the authority of the local government within the colony; and as we felt persuaded, that this was a complete misconception of the duty of the naval officers commissioned under the treaty, we waited on M. Chagnior to submit to him our opinion to that effect, and request, if he concurred in it, that he would join us in expressing the same to Captain Blow, of the Comet, that he might be induced to intercept the slave ship in her passage

* B. p. 116

up the river. M. Changuier, however, concurred in the opinion of Captain Blow, and said, that whatever might be the practice in the British navy, a Dutch naval officer could not act in a colonial harbour upon any general commission from home, without express instructions from the local government. In consequence of this opinion, we had no alternative but the very unpleasant one of remaining quiet spectators of the arrival of this vessel, and the free disposal of her cargo, in evasion of the treaty in the execution of which we have the honour to be employed, and in violation of one of the express conditions upon which the colony was restored. Although we have not thought ourselves warranted in assuming a diplomatic character, by remonstrating with the colonial government, we should scarcely have satisfied the trust reposed in us by his Royal Highness the Prince Regent and the country, if we had not expressed to the other members of the 'mixed Court' our disapprobation of the circumstance, and taken the earliest opportunity of acquainting your Lordship with its occurrence*."

His Majesty's Commissioners at Surinam, on the 14th of August 1820, again addressed Lord Castlereagh to the following effect.

"When we had before the honour of addressing your Lordship, we communicated the circumstance of the French and Dutch flags being made covers to the importation of slaves into this colony, evidently new comers from Africa, though perhaps alleged to have been procured immediately from neighbouring colonies: since then we have seen the Portuguese colours also employed in a similar service; and in the course of the last week three vessels under the flag of France, apparently direct from the African coast, have discharged their cargoes of slaves in this port†."

The only remaining communication from these gentlemen is dated so late as December 12, 1820, and is as follows:—

"We beg leave to inform your Lordship that the importation of slaves into this colony, which has been the

* B. p. 117.

† B. p. 154.

subject of our former letters to your Lordship, is still continued, and that in a recent instance, a slave vessel with her cargo, prize to, and brought in by a South-American privateer, has been admitted *by this Government* to the market*."

It is obvious that, according to the stipulations of the treaty, all the slaves who have thus been introduced into Surinam ought to have been emancipated, the ships to have been confiscated, and the parties concerned to have undergone the punishment prescribed in the decree of the King of the Netherlands.

Having thus detailed the facts of the case, the Committee cannot help expressing their regret on this as on some former occasions, that while such enormities are openly and almost daily practising, not a single seizure should have been made by his Majesty's ships in the West Indies. The conduct also of the authorities at Surinam is so outrageous, as to call for the most exemplary reprehension. It is in direct violation even of the lax and evasive law which they themselves promulgated, and yet so openly and systematically persisted in as to amount to a strong presumption of the sanction and approbation of their own Government. On the part of that Government a deep feeling of the great moral guilt of these transactions might naturally have been expected, even if it had not been bound to this country, by the most solemn engagements, to provide for the effectual prevention of all slave-trading by its subjects. But it will be seen in the sequel that such an expectation would not have been fully answered.

In the communications of the Commissioners, however, important as they are, there is an obvious defect which Lord Castlereagh, in December last, instructed them to rectify. "I have to desire," says his Lordship, "that in all such cases (*viz.* of slave-trading) which may come under your observation or knowledge, you will furnish me with the names of the vessels and of their commanders, the place from whence they come and where they land their slaves,

* B. p. 169.

the number of slaves on board, and the names of the persons they are consigned to, and of the other persons connected in that instance with the illegal traffic; and also with any other circumstances at the knowledge of which you may arrive, so as to enable his Majesty's Government to form a judgment, and to make such representations as may be deemed necessary, upon the subject in question*."

The Committee trust that similar instructions may have been given to the Commissioners at the Havannah and Rio de Janeiro.

On the 14th of July, 1820, Lord Castlereagh transmitted to the Earl of Clancarty, the British Ambassador at the Court of the Netherlands, the dispatches of the Commissioners at Surinam of the 23d of November 1819, and 1st and 6th of April 1820, quoted above, and desired him to make an immediate representation on the subject, and to require that instructions should be given to carry into effect the true meaning of the Convention†. This was accordingly done by Lord Clancarty, (but still without complaining of the inconsistency of the Dutch municipal law with the treaty entered into on this subject,) in a note addressed to Baron de Nagell, dated the 22d of July, 1820‡. No answer whatever appears to have been returned by the Baron de Nagell to this communication. On the 22d of September 1820, Lord Castlereagh again wrote to Lord Clancarty as follows.

"In reference to my correspondence with your Excellency on the subject of the existence of a slave trade between the French West Indian islands and Surinam, I must again press upon your Excellency the very great importance that the Dutch Government should, without delay, send out such explanations and instructions to the several departments and officers concerned as may be necessary to put a stop to that illegal traffic, and to establish and carry into effect the true meaning of the treaty on the point in question; and also that no further unnecessary delay should take place in expediting such legislative measures, as you have stated to be requisite, to give the necessary powers for

* B. p. 156.

† B. p. 130.

‡ B. p. 133.

organizing the mixed Court at Surinam, and for putting it into full activity*."

Lord Clancarty accordingly addressed another note to the Baron de Nagell, calling upon him "to put an immediate and final stop to the traffic in slaves in the colony of Surinam." "This trade," his Lordship added, "is understood to be in full existence, more especially between the French West India islands and Surinam; and it can scarcely be necessary for the undersigned to use any argument except the bare statement of the facts, to induce his Majesty the King of the Netherlands to adopt the most prompt, vigorous, and efficient measures, fully to execute the treaty upon this subject between the two Crowns, and to carry into effect its stipulations, according to the spirit and true meaning thereof.

"Abstracted from the immediate consideration of these, his Netherland Majesty will no doubt feel, that to permit the longer continuance of so vile a traffic, so hostile to the humane doctrines of the Christian religion, would be not less at variance with the high notions and laudable principles by which his Majesty is at all times guided, than it would be essentially derogatory to his honour and kingly dignity.

"It becomes the more important to press this subject upon the serious consideration of this Government at the present moment, because if, for the purpose of empowering this Crown to give life and efficacy to the mixed Court at Surinam, by organizing and putting the same into full activity without further delay, any legislative measures should be requisite, the approaching session of the States General furnishes an opportunity adequate to the end in view, and which the undersigned is confident will be eagerly and promptly embraced by the Netherland Government†."

No answer was received to this appeal till the 9th of November, 1820, when a note was addressed by Baron the de Nagell to Lord Clancarty, to the following effect.

"The pressing and reiterated remonstrances of the Bri-

* B. p. 141.

† B. p. 143.

lish Government against the illicit introduction of slaves at Surinam, have, given rise to a thorough inquiry into this subject, affecting as it does the observance of the treaty, by which the King of the Netherlands has humanely shewn his anxiety to promote the beneficent views of his Britannic Majesty.

“ It is to this inquiry that the delay is to be attributed which has taken place in replying to the several notes which his Excellency Lord Clancarty, &c. did the undersigned the honour to address to him on the 22d of July and on the 9th of October last.

“ It is with regret that the Government of the Netherlands finds reason to acknowledge that the fact itself cannot be entirely contradicted:—but it is equally in justice called upon to declare, that no unfavourable suspicion attaches to the Governor of Surinam. It is he who first, as long ago as last spring, reported upon the suspicious arrival of slaves into the colony over which he presides. His reports prove the attention with which he applied himself to the examination of the papers of the vessels on board of which slaves were shipped;—even keeping copies of these documents, at least of the most important of them, and permitting the introduction of the slaves only when it appeared from these papers that they had been already acknowledged as such in some one of the European possessions in the West Indies—viz. at Cayenne, Martinique, St. Eustatia, St. Thomas, &c.

“ As far as concerns the Governor, the permission so granted cannot furnish any cause for blame. It is contrary neither to the stipulations of the treaty nor to the regulations of the King's decree of the 17th of September 1818, nor to the penal law of the 20th of October. The Government of the Netherlands has ever considered the object of the convention with England to be confined to prohibiting the subjects of the two contracting parties from trading in slaves on the coast of Africa; and that it is to this traffic principally, if not solely, that the first article of that convention, referred to in the notes of Lord Clancarty, is applicable.

“ On the other hand, the upright feeling of the Netherland Government will not allow them to deny that the salutary objects of this treaty might be evaded, if all those Negroes who had once set foot ashore in the West Indies, might on that ground alone be freely imported into Surinam. In that case the French and Portuguese colonies, where the slave trade is still permitted, would become a depôt to furnish the colonies of Holland; and the result would be, that the planters and merchants residing there, without directly carrying on an illicit traffic, would promote and encourage it in an indirect manner. The intention of the fifth article of the law and of the decree before mentioned, in specifying those slaves who are at this moment in the colonies, is evidently to put down such an abuse.

“ The Government of the Netherlands has considered it thenceforth incumbent upon them, and expedient, rigidly to enforce the execution of this condition, although from the information received from the Governor of Surinam, they have felt it impossible to conceal the innumerable difficulties which are inseparable from it.

“ If the colonial institutions of the Netherland Government were similar to those of the British Government, the surprise of the latter would cease in respect to the refusal of officers of the royal navy to detain, and visit on the Surinam river, and consequently in the colony itself, ships having slaves on board. The British commanders appear to be furnished with this authority, but such conflicting powers could not be exercised in the colonies of the Netherlands. From the moment the King's ships of war anchor there, they pass under the orders and jurisdiction of the local government, which alone is responsible for the execution of the King's orders. Lord Clancarty proposes that this arrangement should be altered, and that the powers of the Dutch naval commanders should be increased to the same extent as those of the British navy. But, after having well weighed both sides of this question, it appears that there are too many obstacles and inconveniences attending it, to allow of such an arrangement being acceded to at

present. Nevertheless, no disadvantageous consequences are likely thence to result to the punctual fulfilment, not only of the letter, but even of the spirit, of the convention in question.

"The King is persuaded that the intentions of the British Government, which are not less his own, would be sufficiently carried into effect by the orders which his Majesty has determined to renew to the Governor of Surinam, the only one of our colonies which can come under consideration in this place. Instructions are about to be issued to him, that, upon every importation of Negroes by any vessel, the Governor shall be bound to satisfy himself by a formal inquiry, not only whether these Negroes have resided in or are natives of, any other American possession, but particularly whether they have been slaves, and whether they have been residing in such possession since the month of September 1818; and prohibit the admission, under any pretext whatever, of any Negroes, but such with respect to whom both these conditions shall be proved, in a satisfactory manner, to have been fulfilled.

"By the observance of these orders, the Netherland Government will have conceded to such of the complaints of the British Government as are well founded, without being under the necessity of having recourse to so delicate a measure as that of altering the convention and the existing law, or of extending the powers of their naval officers with regard to the detention and visit of vessels beyond what is now customary; or lastly, of giving the mixed Court a jurisdiction or a control over the administrations of the colony where it is established, the exercise of which would inevitably multiply disagreements and inconveniences of every kind *."

The Committee have given the whole of this note with a view of exhibiting more clearly the spirit in which the Government of the Netherlands seems disposed to act in relation to this question, a spirit which will be found, even after all its concessions, to be wholly at variance with

* B. pp. 150, 151.

the recognized object, and the express stipulations of its treaty with this country. Lord Clancarty's just comment upon it in his letter to Lord Castlereagh, dated November 10, 1820, is as follows:—

“Your lordship's very serious attention will no doubt be attached to this paper.

“Therein this Government asserts, as quite of course, the right to carry on the trade in slaves, by their introduction into Surinam from foreign colonies, provided such slaves had already been recognized as such in any European possession in the West Indies; as, for example, at Cayenne, Martinique, &c. And this is said not to be contrary to the dispositions of the treaty; it being alleged that the Government of the Netherlands has always been of opinion that the object of the convention with England was merely to prevent the subjects of the two countries from trading in men upon the coast of Africa, and that it is to this traffic to which principally, not to say solely, the first article of the treaty is applicable.

“This interpretation is no doubt given to the treaty of 1818, in consequence of its first article referring to the eighth article of the convention of 1814, which possibly may be taken to refer principally, if not solely, to the trade upon the coast of Africa, though even here the engagement is ‘à défendre à tous ses sujets, de la manière la plus efficace, et par les loix les plus formelles de prendre aucune part quelconque à ce trafic inhumain:’ while, according to the subsequent part of the note itself, this could scarcely be done with any prospect of probable success, in opposition to the efforts of fraud by simulated papers, and other obvious means, as long as any traffic should be allowed in slaves with foreign colonies*.”

Lord Castlereagh, in his reply, dated the 18th of December, 1820, concurs in Lord Clancarty's view of the question, expresses his surprise at the narrow construction given to the treaty by the Baron de Nagell, and directs his Excellency instantly to make a fresh and earnest appeal ou

* B. pp. 147, 148.

the subject to the Netherlands Government *. Accordingly, on the 23d of December, the Earl of Clancarty addressed the following note to the Baron de Nagell, nearly the whole of which the Committee deem it right to insert.

“ His Excellency M. le Baron de Nagell will have no difficulty in recollecting that at the earliest possible hour after the receipt by the undersigned of his Excellency's official note of the 9th of November last, the undersigned, &c. did himself the honour of waiting upon M. le Baron de Nagell, in order to represent to his Excellency his impression of the mistaken construction of the true, plain, and essential meaning of the stipulations between the two Governments, upon which the reasoning of that note appeared to be grounded, and to express his surprise that so restricted a sense, so hostile to the enlarged views of the contracting parties, to the very principle upon which the conventions were founded, and to the clear expressions with which their object was sought to be carried into execution, should have been for a moment adopted by any of the authorities of this Government.”

“ The note of the 9th of November asserts a right to carry on the trade in slaves, by the introduction into the colonies of the Netherlands of slaves, provided such slaves had been already recognized as such in any European possession in the West Indies ; as, for example, at Cayenne, Martinique, St. Eustatia, St. Thomas's, &c.—nay, it absolutely and in terms avows that the Government of the Netherlands has always been of opinion that the object of the convention with England was limited to the interdiction of the subjects of the two high contracting parties from trading in men upon the coast of Africa, and that it is to this traffic, principally, if not solely, that the first article of the convention of May, 1818, is applicable.

“ By what course of reasoning it is, that such an opinion has been formed by this Government, the undersigned confesses himself entirely at a loss to understand. Most certainly no such idea was entertained by the British Govern-

* B. p. 156.

ment; and most confidently answering for himself he firmly believes that no opinion of this nature was ever formed by the honourable plenipotentiaries at this Court, with whom the undersigned had the satisfaction of negotiating the principal treaty.

“ Without stopping at present further to insist upon the necessary consequence of such a construction to be that of reducing the principal stipulations between the two courts, on the subject of the slave trade, nearly to a nullity, it will be sufficient upon this part of the subject merely to remark, that the reasoning of the note itself, and the innumerable difficulties which his Excellency, with his usual candour, admits to exist in the way of any adequate securities against fraud under such a construction, appear to afford ample ground for its rejection. But to take the matter on a still higher ground, can any words be stronger, more clear, or more explicit than those employed by the convention to exclude the possibility of the asserted construction ?

“ His Netherland Majesty stipulates, (see first article of treaty of 4th of May, 1818,) ‘ to prohibit all his subjects in the most effectual manner, and especially by penal laws the most formal, to take any part whatever in the trade in slaves;’ and again (same article), both parties solemnly contract to ‘ prevent all their respective subjects from taking any share whatever in this nefarious traffic.’

“ In the second article also, the very object of the high contracting parties is declared to be the entire and absolute exclusion of the possibility of such a construction as that now advanced.

“ The words are these :—‘ for the more complete attainment of that object (of what object?), of preventing ALL traffic in slaves.’

“ Is it necessary to do more by way of observation upon these words as applicable to the argument, than to ask, if the colonists of the Netherlands shall be permitted to import and purchase slaves from foreign colonies, will they not be permitted (instead of being prohibited) to take an effective part and share in the trade in slaves ?

“Would not such a permission be in direct violation of the professed, and clearly expressed object of the treaty, viz. that of preventing ALL traffic in slaves ?

“But if the words of the treaty were as doubtful as they are clear and explicit, as weak as they are in effect strong and conclusive,—still the limited construction advanced by the note would be entirely inadmissible,—because not only inadequate even to the confined object alleged to be in view, but at variance with it.

“The note under consideration has fully admitted the innumerable difficulties inseparable from an endeavour to execute the treaty under such a construction: indeed, who is there at all acquainted with the modern practice of commerce, who can shut his eyes to the frequent recourse had to false and simulated papers, which no doubt form one of those innumerable difficulties alluded to in the note.

“The former of these have unfortunately, in some states, been too often issued under authority, while the latter, ingeniously fabricated by the parties immediately engaged, are, even with the best disposition to try their validity, of difficult detection, and would run little risk before investigators whose interests in this respect were at variance with their duty. Thus, instead of abolition, encouragement would be directly afforded to a circuitous trade in slaves immediately with the coast of Africa: and in lieu of the humane object so religiously sought by both the high contracting parties, another source of demoralization and turpitude would be opened to debase their subjects, and those in the employment of one of them.

“Such would be the inevitable effect of acting upon such a misconception of the true intentions of the treaty.

“But to go a step further, and to put aside the question of *simulated papers*, what would be the obvious result, under this view, even if the authorities in the foreign exporting colony acted with good faith, and that in fact no other slaves should actually be sent to Surinam, &c. but such as were so at a particular date, or their descendants? Is it not obvious that in this (the strongest case which can be put in

favour of the alleged construction) the necessary effect must be to reduce the treaty, for every humane purpose, nearly, if not entirely, to a dead letter?

"If the demands at Surinam were therefore thus supplied (and supplied they would be) can it be controverted, that to the same extent those of the foreign exporting colony would be furnished by fresh purchases from the coast of Africa? and thus the whole object of the treaty, even if it could be made capable of the confined construction put upon it by the note, would be rendered utterly null and abortive.

"Such construction then, hostile to the well-known rule of argument, '*ut res magis valeat quam pereat*,' if even a doubt could be raised in the case, would be altogether of impossible admission.

"The undersigned cannot conceive it requisite to argue this matter further; confiding in the true spirit of humanity in which the conventions were negotiated and ratified—confiding fully in the good faith and honourable regard to treaty, which form so splendid an attribute of the Netherland Government, he cannot doubt that this point, thus seriously brought under the consideration of the King, will be at once and finally decided in the sense herein contended for—that obviously expressed in the treaties, and which can alone give force and efficacy to the clearly expressed and well-known object of the two high contracting parties.

"The undersigned will not conceal from his Excellency, that his note of the 9th of October occasioned both surprise and regret to the British Government. He has in consequence received the commands of the King, his master, to lose no time in laying this matter before the Netherland Government, to solicit their most prompt and immediate attention to it; and further to urge the issue of instructions, at the earliest period, to the colonies belonging to this Crown in the West Indies and elsewhere, in full conformity with the clearly expressed letter, and in the true spirit of the principal treaty*."

* B. pp. 158—160.

To this energetic remonstrance no reply appears as yet, to have been made.

The only remaining document on the subject, is a letter from Lord Castlereagh to the Earl of Clancarty, dated March 21, 1821. It is as follows:—

“Your Excellency’s dispatches of the 26th of December 1820, and of the 27th ult. upon the subject of the representations you have made to the Netherlands Government, respecting the due execution of the treaty for abolishing the traffic in slaves, have been received and laid before the King; and I am happy to have to convey to your Excellency his Majesty’s most gracious approbation of the zeal which you have shewn in executing the orders transmitted to your Excellency upon this point, although it is matter of sincere regret to his Majesty that as yet the result has not been satisfactory.

“The inclosed letter, under date of the 12th of December last, from his Majesty’s Commissioners at Surinam, will shew your Excellency that a vessel loaded with slaves and brought in by a South-American privateer to that colony, has actually been permitted by the Colonial Government to dispose of her cargo by sale.

“This circumstance renders it necessary for me to direct your Excellency again thus early to press the Government of the Netherlands for a satisfactory answer as to the due execution of the treaty of the 4th of May 1818, whereby the King of the Netherlands engaged to prohibit all his subjects from taking any part whatever in a commerce in slaves.

“Your Excellency will perceive, and you will impress upon the attention of the Netherlands Government, that the continuance of this horrible trade, or its abolition within their dominions, to which his Netherland Majesty is solemnly pledged by treaty, depends entirely upon the tenor of the orders which they may send out to their colonial possessions.

“The present system acted upon at Surinam leads manifestly to an evasion of the treaty, which his Majesty feels

quite confident the Netherlands Government cannot, after due consideration, intend or wish to countenance.

"His Majesty trusts that it will be sufficient for your Excellency to lay this statement before the Netherlands Government, in order to decide them immediately to give full effect to that stipulation of the treaty whereby, 'in the event of the measures already taken, and to be taken, by the contracting parties, being found ineffectual or insufficient, they mutually engage to adopt such further measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated, in the most effectual manner to prevent all their respective subjects from taking any share whatever in this nefarious traffic*.'"

The Committee are persuaded that the Board will feel with them how deeply the view taken of this subject by the Government of the Netherlands is to be deplored, and how clearly that Government is bound by every principle of humanity and good faith to put a stop to the outrageous violation of its engagements with this country, respecting the slave trade, which have taken place at Surinam. Whether any representations ought to be made to his Majesty's Government respecting the propriety of requiring, in this and other instances, that slaves imported contrary to the faith of treaties should obtain the freedom to which they are entitled, and which this country seems bound to reclaim for them, the Committee will content itself with suggesting for the consideration of the Board. In any case, it is obvious that some explicit statement of the intentions of the Netherlands Government, with respect to the introduction of slaves into Surinam, is indispensably due to this country †.

* B. p. 170.

† As this Report was going to press, there appeared the following decree from the King of the Netherlands:

"Hague, April 23.

"We, William, by the Grace of God, King of the Netherlands, &c. &c. considering that, according to reports which have been received, slaves are now and then imported into the colony of Su-

A representation having been made to Lord Castlereagh by the African Company, and by Sir George Collier to the

rinam from certain foreign colonies, where the slave trade with Africa direct is still permitted,—referring to the treaty concluded between the Netherlands and Great Britain on the 4th of March 1818; referring to the law of the 20th of November, 1818; having examined the reports of our Ministers for Foreign Affairs, Justice, Public Instruction, National Industry, and Colonies; by the advice of our Privy Council,—have thought fit and determined to prohibit the importation of slaves into the colonies of our kingdom, and especially into that of Surinam, from those colonies where the direct slave trade with Africa is still permitted, as we do by these presents, and under the same penalties as are denounced against the importation of prohibited goods there.

“ Our Minister of Public Instruction, National Industry, and Colonies, is charged with the execution of this decree; of which communication is to be made to our Ministers of Foreign Affairs and Justice, and to the Council of State, and this our resolution is to be inserted in the official Journal.

(Signed) “ WILLIAM.

“ By his Majesty’s command,

(Signed) “ J. G. D. MEY VAN STREEFKERK.

“ Brussels, April 10, 1821.”

This decree was doubtless intended by its framers to satisfy the just and pressing demands of our Government. The Committee are nevertheless compelled to say, that however honourable may have been its intention, as it now stands it is a mere evasion of them; for it prohibits the importation of slaves into Surinam only when it is made from those colonies where the direct slave-trade with Africa is still permitted. But there is no such colony in the West Indies. The prohibition therefore, if not perfectly nugatory, may be regarded as giving a legal sanction to what was formerly at least not admitted, namely, the right to import slaves into Surinam from all the other colonies in the West Indies. Take the case, for example, of an importation from Martinique, or Guadaloupe, or Cayenne, or Porto Rico, or the Havannah: in none of these is the direct slave-trade with Africa still permitted, to whatever extent it may *illicitly* subsist. From all of them therefore, notwithstanding this decree, nay, even under its implied sanction, may slaves be imported into Surinam without restriction. But this was the very abuse against which our Government had remonstrated. The Government of the Netherlands professed to yield to our remonstrances; and in fulfilment of that profession it promulgates a

Admiralty*, that Spanish and Portuguese slave-ships were supplied with the canoes which were required for the prosecution of their slave trade, at the Dutch settlements of Elmina and Accra, on the Gold Coast, the Government of the Netherlands was called upon, on the 11th of April, 1819, to repress this abuse †. On the 11th of August, 1820, an answer to this application was returned by the Baron de Nagell‡, in which an attempt is made, on the authority of the President at Elmina, and of the Commander of the ship of war Comet, to shew that the transaction complained of is of small importance, and that a prohibition of the sale of canoes at Elmina would be ineffectual to any purpose of preventing the slave trade; a view of the case directly contrary to that which is given of it, not only by all British naval officers, but by the British authorities at Cape

decree which not only leaves the abuse complained of wholly untouched, but seems to render it legal. Our Government, it cannot be doubted, has already pointed out this disappointment of the humane expectations which the appearance of the decree must have raised, and has called for a measure more consonant to the letter and the spirit of our existing treaties;—a measure, to use the words of our treaty, “*calculated in THE MOST EFFECTUAL MANNER to prevent ALL their respective subjects from taking ANY SHARE WHATEVER in this nefarious traffic.*” It is lamentable to see with what tenacity this Christian power clings to every remnant of this execrable commerce, to which the special pleading of its colonists can give any colour of consistency with its engagements.

Then as to the punishment denounced by this new law, while it places a human being, or a cargo of human beings, on a level with a keg of gin or a firkin of butter, is it not a relaxation, instead of an aggravation, of the penalties already affixed to slave-trading, namely (see above p. 49), “a penalty of 5000 florins, besides being declared infamous, and imprisoned for the period of five years?” If the undefined penalty attached to the importation of prohibited goods be, as the Committee apprehend, one of less severity, then the measure assumes a still more reprehensible character. But be it so, or not, the decree is still a most inefficient and unsatisfactory fulfilment of the solemn engagements of the King of the Netherlands, and of the just expectations of the British Government.

* See the Fourteenth Report of the African Institution, pp. 118, 119,

† B. p. 52.

‡ B. p. 139.

Coast Castle. But harmless as the President represents this practice to be, he nevertheless states that during his administration, before granting vessels a permission to buy canoes, he had required proof that they were not intended for the slave trade; and if they were, he had constantly refused such permission; and some fraud having taken place, he had subsequently prohibited the selling of canoes to all vessels touching at Elmina. At the same time, the President states the known prejudice as well as the extreme discontent occasioned by this *provisional* prohibition to which he had "thought it his duty to have recourse, in order to remove the appearance of favouring the traffic in slaves, of which Elmina was accused by some jealous individuals*."

As long as the practice is discontinued of supplying to slave-trading ships these necessary implements of their traffic, it can be of little moment to canvass the motive in which the prohibition originates. It seems, however, to the Committee exceedingly important that the Dutch Government should be called upon to make that prohibition permanent, which the President of Elmina regards only as provisional.

The note of the Baron de Nagell, already referred to, confirmed the accounts previously received from so many concurrent quarters, that during several years a considerable French, Portuguese, and Spanish slave-trade had been carried on on the Gold Coast and in its vicinity. But he added (still on the authority of the President of Elmina and of the Captain of the Comet), that "no traffic in slaves has been carried on under any fort belonging to the subjects of the King of the Netherlands or of his Britannic Majesty, either at Elmina or at Cape Coast Castle, openly or clandestinely; and that a public agent, who was suspected of having connived at some fruitless attempts, had been obliged to return home†."

The mixed Commission Court was formed at Surinam, on the 3d of November, 1819. It consists of Mr. Lefroy and

* B. p. 140.

† B. p. 140.

Mr. Wale on the part of his Majesty, and of Mr. P. J. Changnior as Judge, and Mr. J. P. Graafland, as Arbitrator, on the part of the King of the Netherlands. They do not appear to have had a single case brought before them, notwithstanding the numerous contraventions of the treaty relating to the abolition of the slave trade which had notoriously taken place. One cause of this appears to have been, that owing, among other circumstances, to the death of Admiral Campbell, on the West-Indian station, no instructions had been issued to any of our cruizers, to detain vessels infringing the treaty with this country. Only two sets of instructions, indeed, appear to have been sent out by the Admiralty; a number which perhaps, under all the circumstances of the case, was hardly adequate to the occasion.

CLASS C.

THIS class of papers contains the correspondence with France relative to the slave trade.

It commences with a complaint made by the British Admiral on the Leeward Island station, on the 5th of November, 1816, that a large French ship had imported 500 slaves into Martinique, who were immediately advertised for sale, not only in the public papers of the island, but in hand-bills stuck up at the corners of the streets*; and that several other vessels were expected both at Martinique and Guadaloupe.

A similar complaint was made by Colonel Maxwell, the Governor of Dominica, on the 5th of October 1816†.

In the month of January 1817, our ambassador, Sir C. Stuart, communicated these facts‡ to the Duke de Richelieu, together with some representations made by the British Consuls at Corunna and Nantz, on the subject of French slave-ships calling at Spanish ports, in order fraudulently to obtain Spanish papers for the purpose of carrying on the slave-trade‡.

The Duke de Richelieu does not appear to have taken these communications in very good part. He observed to Sir C. Stuart that he saw with regret that the constant repetition of remonstrances on this subject implied a doubt of the sincerity of the French Government which he did not think their conduct had warranted: and that the same vigilant attention on the part of French agents to the British colonies, and particularly to the Isle of France, might, he was sure, lead to the discovery of infractions of our laws respecting this trade which we should find it difficult to justify.

* C. p. 2.

† C. p. 3.

‡ C. pp. 5—11.

The British Government, however, it may be presumed, would have been thankful for any such discovery; and, instead of resenting it, would have availed itself of it for the purposes of investigation, and of punishment or prevention.

The tone of the French Minister is the more remarkable, as it was, at the very period of his writing this letter, that our Ambassador, having applied for correct copies of all laws, ordinances, instructions, or other public acts for the abolition of the slave trade, received in return the single *Ordonnance du Roi* of the 8th of January 1817*, which, as was stated by Sir William Scott, in his judgment in the case of *Le Louis*, could not be considered as having the force of law†. As yet, therefore, no effective step had been taken by France to fulfil her engagements with this country. And this being the case, the remonstrances of the British Government cannot be regarded as altogether so misplaced or unreasonable as the Duke de Richelieu's expressions would intimate.

Explanations, however, were given on the subject. The ship which had landed and sold her slaves at Martinique, was stated to have done so under circumstances altogether peculiar, and which might be considered as a justification of what had taken place in this particular instance‡.

To a subsequent complaint contained in a letter of Lord Castlereagh, of the 8th of March 1817, stating that five French ships had entered the ports of Martinique with slaves from the coast of Africa between June 1815, and October 1816; that a Portuguese brig, the *Eleanora* of Lisbon, Captain Victor Debrito, had imported into that island 265 slaves; that vessels had lately been fitted out from St.

* C. p. 8.—See the Eleventh Report of the African Institution, p. 57.

† C. p. 30.—And yet so highly was this measure thought of by the French Minister of the Marine, the Viscount du Bouchage, that he represented it as rendering unnecessary any new proof of the care taken “to proscribe in his majesty's dominions the commerce in slaves.” “This act of royal authority,” he added, “should prevent all remonstrance in future.” (C. p. 17.)

‡ C. p. 16.

Pierre's for the slave trade, and were then on their voyage to or from Africa; and that a fast-sailing schooner was fitting out at that time in the same port for a similar voyage; no answer appears to have been returned.

As to the vessels which were stated to have fraudulently assumed the Spanish flag, it was observed that "the laws of France permit the sale of French vessels, in favour of Spain;" (so they do, it may be presumed, in favour of every other power); that in consequence of this, vessels had been constructed in French ports on account of merchants of the Peninsula; but that "the part which the subjects of France took on these occasions was confined to the building of the vessels, and was totally unconnected with the destination which might afterwards be given to such vessels by their owners*." And it is added, that the Minister of Marine "is positively assured that no slave-trade adventure whatever has taken place in our ports; the orders which have just been renewed, and the measures which have been recently adopted, render it *certain* that at *no* period *can* any French vessel be engaged in the traffic." This last assurance, it need not be remarked, has been most lamentably falsified by succeeding events.

With respect to the explanation that is given on the subject of French ships assuming the Spanish flag, for the purposes of the slave trade, it is obviously unsatisfactory, the specific complaint having been that French subjects availed themselves of the law which permits the sale of French vessels in favour of Spain, in order to cover their illicit commerce; and particular cases having been pointed out by the British Consuls in which this had been done.

It is not now material, however, to follow up this part of the investigation; this circuitous mode of carrying on the trade having been soon abandoned as unnecessary, and the total abolition of the slave-trade by Spain having indeed rendered it no longer practicable.

During the succeeding twelve months representations continued to be made to the French Government of various

* C. p. 5.

gross infractions of the abolition laws at Senegal, at Goree, and elsewhere * ; but the particulars need not be specified in this place, as they already appear in the Twelfth Report of the African Institution.

These representations were much better received by the Duke de Richelieu than those of the preceding year. On the 29th of January, 1818, Sir C. Stuart stated, that the Duke expressed his hope, " that the difficulties which oppose the endeavours of the French Government to extirpate this commerce will be justly appreciated " by the British Government; adding, " that he trusted in our goodwill to make known to him the abuses " which might be committed, and to point out the system most likely effectually to check them †. Again, on the 19th of February, 1818, Sir Charles Stuart thus expressed himself:—

" I have communicated to the Duke de Richelieu the several papers contained in your lordship's dispatch, detailing the infractions of his Most Christian Majesty's Ordinance for the abolition of the slave trade in the possessions lately restored to France on the coast of Africa ; and I have endeavoured to impress upon his Excellency's mind, the urgent necessity of measures which shall give force to a law, which these papers prove to have remained a dead letter in the French colonies.

" The Duke de Richelieu thanked me for the communication ; adding, that he was desirous I should specify the measures which your lordship is of opinion will contribute most efficaciously to the suppression of this traffic, so as to enable the French Government to prove the sincerity of their intentions by adopting a similar system in all the colonial possessions.

" Two days after this conversation had taken place, Mons. Molé, the Minister of the Marine, informed me, that the French Government having instituted inquiries respecting the facts which are stated in the memorial I lately delivered to Mons. de Richelieu, he had the mortification to find the result of the information he had obtained, proved

* C. p. 22, et seq

† C. p. 40.

your lordship's intelligence to be correct, and left no doubt that repeated violations of the royal ordonnance on the part of the French authorities on the coast of Africa, had defeated the plans of the Government for the civilization of the natives, and had given rise to mischiefs which years of unwearied attention will hardly remedy.

"Orders have been sent out for the immediate destitution of the persons inculpated in these proceedings, and fresh instructions will be sent out to the colonies to give full effect to the king's ordonnance respecting the Abolition.

"Mons. Molé expressed his belief, that the French authorities in Senegal have not participated in the proceedings which have given rise to animadversion in other parts*."

It will be important to keep in view these candid admissions of M. Molé, because two or three years later an attempt was made to invalidate the statements which his inquiries at the time proved to be authentic.

The Duke de Richelieu having expressed a wish that the system might be pointed out which would most effectually check the illicit slave-trade; on the 21st of February 1818, Lord Castlereagh addressed both Sir C. Stuart and the Marquis d'Osmond, the French Ambassador at our Court, on the subject. His letter to the former was accompanied by a memorandum laid before a conference of the plenipotentiaries of Austria, France, Russia, and Prussia, on the 4th of February 1818, and of which the substance has already been given in the Thirteenth Report of the African Institution, pages 3—11†. The object of the communication was to induce the Government of France to concur in adopting, with a view to the prevention of the slave trade, the mutual right of visit which had been agreed to by Spain, Portugal, and the Netherlands. The objections which might be made to the proposal were thus obviated by his lordship:—

"1st. The right is completely reciprocal between the contracting parties.

"2dly. It is strictly confined to ships of war, and it is further not generally exerciseable by all the ships of war.

* C. pp. 50, 51.

† C. p. 46.

belonging to the contracting parties, but exclusively by those which shall receive from their respective Governments the special instructions *ad hoc*, as set forth in the convention, by which the power will be localized and confined to the known scenes of the traffic.

" 3dly. The power to visit can only be exercised by a commissioned officer, and subject to regulations imposing the utmost personal responsibility on such officer.

" 4thly. Detention of the vessel visited can alone take place upon the fact of slaves being found on board, and with a further saving in favour of domesticated slaves, which may, *bona fide*, make a part of the crew.

" 5thly. The ship so detained must be immediately carried before a mixed commission, who are to pronounce upon the grounds of detention, with full power to make compensation to the party detained, in case of any act having been committed, either of error or injustice.

" I trust the Government of France will at once see, that, under this arrangement, the rights of all parties are not only saved, but protected; that without such a reciprocal concession on the part of the powers, whose flags are found on the coast of Africa, the illicit slave-trader must, by a fraudulent use of whatever flag may at the moment best serve to conceal his real national character, continue to defy every attempt at detection; and that the grant of such a power not only may take place consistently with the strictest maintenance of the maritime rights of the respective parties, but that it may admit of such modifications and restrictions as to render it next to an impossibility that it should be abused.

" Should any further regulations be desired, for the purpose of guarding the exercise of this power, beyond those which are to be found in the Spanish and Portuguese Conventions, you may assure the French Government, that the Prince Regent's Ministers will be most willing to entertain, in this respect, any suggestions which France may have to propose *."

The fate of this proposition is already known to the

* C. p. 45.

Board. It was declined by the Duke de Richelieu in the first instance, on the ground "that the offer of reciprocity would prove illusory; and that disputes must inevitably arise from the abuse of the right, which would prove more prejudicial to the interests of the two Governments than the commerce they desired to suppress." Afterwards when the proposal was renewed at the Congress of Aix-la-Chapelle, the Duke entered into a more lengthened statement of his objections to the measure, the substance of which will be found in the Thirteenth Report of the Institution, page 23, et seq.

Lord Castlereagh's letter to the Marquis d'Osmond of the 21st of February 1818, already referred to, represented the existing state of the law in France as falling short of the full measure of Abolition which his Most Christian Majesty had announced his intention to enforce. The only public act as yet promulgated in France was the royal ordonnance of the 8th of January, 1817; but even this decree, supposing it to have the force of law, was partial and inadequate, not interdicting the traffic in slaves generally to French ships and subjects, but only their importation into French colonies. His lordship therefore submitted whether it would not be right to render the prohibition against slave-trading universal, confiscating all property so engaged, and visiting the offence with a punishment suitable to so serious a crime*. The Duke de Richelieu admitted the justice of this reasoning†; and an act soon after passed the French legislature, which remedied some of the more glaring defects in the existing state of the law on the subject‡. But it still was exceedingly inadequate to the exigency of the occasion. The observations of Sir Charles Stuart upon it are perfectly just: On the 9th of March, 1818, he wrote that he had taken the liberty to observe, that the provisions of the law fell very far short of the suggestions he had had the honour to communicate; that the punishments of the persons convicted of carrying on the trade under the French flag were by no means sufficient to check the mischief; that they did not

* C. p. 49.

† C. p. 53.

‡ See the Twelfth Report of the African Institution, pp. 20 and 122.

approach the pains of felony which were incurred by every British subject engaging in this traffic; and that the crews of French slave-traders remained wholly unpunished, under the most rigorous interpretation of the Act,—all which, he added, “render me extremely doubtful if this law will fully answer the purpose intended *.”

On the 24th of June, 1818, a royal ordonnance was published for stationing a cruising squadron on the coasts of the French African settlements, to prevent all violations of the above law †. On this occasion Sir C. Stuart inquired whether this measure had been occasioned by a confirmation of the intelligence he had transmitted to the French Government on the subject ‡. The Duke de Richelieu, on the 4th of July 1818, replied, that the decree in question had not been issued in consequence of Sir C. Stuart’s communications, but because “the Government of his Majesty had learnt, in the course of the last year, that the traffic carried on by Spanish, Portuguese, and even English vessels appeared to revive; that notwithstanding the greatest precautions, an importation of 4000 slaves had been successively effected into the Mauritius; and that an English vessel had been detained at Bourbon, at the moment of her introducing into that port 240 slaves; and because his Majesty’s Government being actuated by a sincere desire to put a complete stop to that odious traffic was solicitous to do all in its power to prevent its own subjects from engaging in it §.”

It is to be regretted that the Duke de Richelieu had not, in the first instance, communicated to our Government any authentic information he might have received relative to English slave-trading. Not even the name of the English vessel is given; and on looking over a statement subsequently furnished (viz. in April 1820), of all inquiries, prosecutions, and proceedings, that had taken place in France and her colonies, on the subject of the slave trade, the Committee have not discovered any case which can be identified with this.

But supposing the allegations to be correct, it is not very obvious that a squadron cruising “on the coasts of our

* C. p. 54.

† C. p. 61.

‡ C. p. 65.

§ C. p. 66.

African settlements, in order to visit all French vessels which may appear off our possessions on the said coasts," (the words of the decree), could have any influence in preventing the importation of Slaves into Bourbon or the Mauritius; the slaves imported into these islands being brought, not from the west coast of Africa, where the French settlements are situated, but from Madagascar and Mosambique.

On the 15th of June, 1819, Sir C. Stuart informed the Marquis Dessolles, the prime minister of France at that time, that his Majesty's ship *Redwing*, Captain Hunn, had captured a French ship, the *Sylphe*, on her passage from Bonny to Guadaloupe, with a cargo of 388 slaves on board, of whom twenty had died on the passage, and the remainder had been set at liberty at Sierra Leone. He expressed the regret of the British Government at this unauthorised proceeding, and its readiness to make every suitable reparation to the French flag; but added, "that so unequivocal a proof of the infraction of the French laws, and of the continuation of this traffic by his Most Christian Majesty's subjects, merits the most serious attention, and offers a fresh argument in favour of reciprocal arrangements between the two Courts, to prevent the continuance of so great an evil*."

The Marquis Dessolles, after acknowledging the communication, observed, that it "cannot but prove satisfactory to his Majesty's Government, which desires, as ardently as the British Government, the total abolition of the slave trade. The measures which it has taken for that purpose seem to have been successful, inasmuch as it was informed but very lately, that a vessel which arrived in the Isle of France, and which carried on the slave trade under the English flag, has been detained by order of the Government of the Isle of Bourbon, and given in charge to the Captain of the *Magicienne* English frigate. It being probable," the Marquis added, "that the Governor of Sierra Leone will have thought proper to place the vessel captured by Captain Hunn, at the disposal of the authorities of the nearest French settlement, your Excellency may rest assured that both the owner

* C. p. 71.

and the crew of the vessel in question will be proceeded against and punished to the utmost rigour of the laws*."

This last suggestion was particularly satisfactory and conciliating; and if authority had been given to act upon it in all cases, where the naval officers of France met with English slave ships, or the naval officers of England met with French slave ships, the best effects would have followed. The reason, however, which is given in the preceding part of the letter for believing that the measures taken for abolishing the slave trade, by the Government of France, had been successful, is not very conclusive. The reason is, that a vessel which arrived in the Isle of France, and which carried on the slave trade under the English flag, had been detained by order of the Government of the Isle of Bourbon, and given in charge to the Captain of his Majesty's ship *Magicienne*.—Now the facts of the case from which so large an inference is drawn, were simply these:—In the month of August, 1818, the schooner *Le Voyageur*, owned and commanded by ———, landed, at an obscure bay in the Isle of France, sixty Malays, who had been carried off from one of the Malay islands, after their village had been surprised and burnt by the crew of this vessel; and having landed them, she then made off, and proceeded to the Isle of Bourbon. His Majesty's ship *Magicienne*, Captain Purvis, pursued her thither; but on the frigate's appearing in sight, the master and crew of *Le Voyageur* jumped into a boat, and got on shore. The *Voyageur* was then delivered up to the *Magicienne*, and the papers found on board furnished ample materials for her condemnation by the Court of Admiralty at the Isle of France†. These proceedings, doubtless, furnish a proof of the vigilance of Captain Purvis, and of the disposition of the Governor of the Isle of Bourbon to afford the necessary facilities for bringing the agents in this piratical transaction to punishment: but they furnish no proof whatever of what they are adduced to prove; namely, that the measures adopted for abolishing the French slave-trade had been effectual.

* C. p. 72.

† See the Fourteenth Report of the African Institution, p. 23.

On the 15th of October, 1819, Sir C. Stuart conveyed to the French Government a list of French vessels engaged in the slave trade, with the names of their supposed owners, and the ports from whence they sailed. This list has not been given in these papers; and nothing more is there said of it, except an assurance from the Marquis Dessolles, that he had requested the Minister of the Marine to cause these infractions to be punished with the utmost severity of the law, if after due inquiry it should be found that the facts were correct*.

Shortly after this, on the 7th of November, 1819, Sir C. Stuart, added another vessel to the list; namely, "The French vessel the Rodeur, of 200 tons burden, belonging to a banker in Paris, and commanded by Captain Boucher, which had left the port of Havre for the coast of Africa last spring." To this information the Minister of the Marine replied as follows: "Le Rodeur, commanded by Captain Boucher, arrived at Havre on the 6th of November†, from St. Thomas," "and I have directed the Commissary of the Marine at Havre to set on foot a strict inquiry respecting this vessel, and to report the result to Government‡."

On the 9th of December, 1819, the promised inquiry having been made, the Baron Pasquier, the Minister for Foreign Affairs, thus addressed Sir C. Stuart:—"I have the honour to inclose the extract of a deposition made by the Captain of the French vessel Le Rodeur, of Havre, on his return from the coast of Africa and the island of St. Thomas. It is stated, in this document, that the Spanish and Portuguese vessels employed in the slave trade assume the name of such French ships as they fall in with at sea. Your Excellency will not fail to remark this circumstance, which may explain the frequency of the reports attributing

* C. p. 77.

† This date appears to be a mistake. In the Bulletin de Commerce of the Journal de Paris, the Rodeur is said to have arrived at Havre on the 22d of October, 1819.

‡ C. p. 80.

to French vessels the infraction of the laws which prohibit this traffic."

The following is the extract from the deposition of Captain Boucher, which was inclosed in the Baron Pasquier's letter.

"He had no knowledge in the river of any vessel either engaged in the slave trade, or stationed there for its prevention; but after having left the river, he fell in with several Spanish and Portuguese vessels which he supposed to be slave-traders; which, however, he could not positively ascertain, having had no communication with them. On this subject, he remarks, that he learnt at St. Thomas's, that the vessels of both these nations, whenever they fell in with any French ships, were in the habit of assuming the names of the latter instead of their own; but he is not aware of the motive of this proceeding."

The Committee have given the whole of the statements made by the French Government respecting this vessel, for the purpose of exemplifying both the shocking system of deception practised upon it, in order to veil the extent and enormity of the French slave-trade; and also the extraordinary degree of credulity with which that Government, assuming it to be perfectly sincere, seems disposed to receive, as true, explanations which are not only improbable, but obviously false.

It happens that the Committee have it in their power, from other sources, to trace the history of this voyage of the Rodeur, Captain Boucher, from its commencement to its close. They have before them a periodical work, published in Paris, bearing date the 30th of November, 1819, (only about five weeks after the return of the Rodeur to Havre), which is intitled "*Bibliothèque Ophtalmologique, ou Recueil d'Observations sur les Maladies des Yeux, faites à la Clinique de l'Institution Royale des Jeunes Aveugles, par M. Guillié, Directeur Général et Médecin en Chef, de l'Institution Royale des Jeunes Aveugles de Paris, &c.*" "Avec des

* C. p. 81.

† C. p. 82.

Notes, par M. M. Dupuytren, Pariset, &c." The particular article in which the case of *Le Rodeur* is introduced has for its title, "Observation sur une *Blepharoblénorrhée contagieuse*." The case itself is thus stated, omitting merely such of the medical details as are not necessary to the present purpose.

"The ship the *Rodeur*, Captain B——, of two hundred tons burden, left Havre, the 24th of January, 1819, for the coast of Africa, and reached its destination the 14th of March following, anchoring at Bonny, in the river Calabar*. The crew, consisting of twenty-two men, enjoyed good health during the outward voyage, and during their stay at Bonny, where they remained till the 6th of April. They had observed no trace of ophthalmia among the natives; and it was not until fifteen days after they had set sail on the return voyage, and the vessel was near the Equator, that they perceived the first symptoms of this frightful malady. It was then remarked, that the Negroes, who, to the number of one hundred and sixty, were crowded together (*entassés*) in the hold, and between the decks, had contracted a considerable redness of the eyes, which spread with singular rapidity. No great attention was at first paid to these symptoms, which were thought to be caused only by the want of air in the hold and by the scarcity of water which had already begun to be felt. At this time they were limited to eight ounces of water a day, which quantity was afterwards reduced to the half of a wine glass." "By the advice of M. Maignan, the surgeon of the ship, the Negroes, who had hitherto remained shut up in the hold, were brought upon deck in succession, in order that they might breathe a purer air. But it became necessary to abandon this expedient, salutary as it was, because that many of those Negroes, affected with *Nostalgia* †, (meaning the passionate desire

* This is obviously the river alluded to in Captain Boucher's description.

† In the printed papers, C., p. 138, this word is improperly translated "insanity."

to revisit their native land) "threw themselves into the sea, locked in each other's arms."

"The disease which had spread itself so rapidly and frightfully among the Africans, soon began to infect all on board, and to create alarms for the crew. The danger of infection, and perhaps the cause which produced the disease, were increased by a violent dysentery, attributed to the use of rain water. The first man of the crew who caught the infection was a sailor who slept under the deck, near the grated hatch which communicated with the hold. The next day a landsman was seized with ophthalmia; and, in three days more, the captain and almost the whole of the crew were infected by it."

The means of cure which the surgeon employed are then detailed. They proved inefficient. "The sufferings of the people, and the number of the blind, augmented every day; so that the crew, previously alarmed by the apprehension of a revolt among the Negroes†, were seized with the farther dread of not being able to make the West Indies, if the only sailor who had hitherto escaped the contagion, and on whom their whole hope rested, should become blind like the rest. This calamity had actually befallen the *Leon*, a Spanish vessel which the *Rodeur* met with on her passage, and the whole of whose crew, having become blind, were under the

* A circumstance is here omitted in the printed work, probably as not being necessary to the elucidation of the medical case, which nevertheless is substantiated by the most authentic testimony, and is important as throwing light on the nature of the slave trade. The captain caused several of the Negroes, who were prevented in the attempt to throw themselves overboard, to be shot and hung, in the hope that so terrible a spectacle might deter the others from a similar conduct. But even this severity proved unavailing, and the slaves were again confined entirely to the hold.

† "The apprehended revolt did not occur, because the Negroes who had belonged to rival and hostile tribes, far from thinking to profit by their situation and their number to assert their liberty, continued to indulge their mutual hatred, even in chains, and were ready in their rage to tear each other in pieces."

necessity of altogether abandoning the direction of their ship. They entreated the charitable interference of the Rodeur: but the seamen of this vessel could not either quit her to go on board the Leon, on account of the cargo of Negroes, nor receive the crew of the Leon on board the Rodeur, in which there was scarcely room for themselves. The difficulty of taking care of so large a number of sick, in so confined a space, and the total want of fresh meat and of medicines, made them envy the fate of those who were about to become the victims of a death which seemed to them inevitable, and the consternation was general *."

"The Rodeur reached Guadaloupe on the 21st of June, 1819, her crew being in a most deplorable condition. Three days after her arrival, the only man who, during the voyage, had withstood the influence of the contagion, and whom Providence appeared to have preserved as a guide to his unfortunate companions, was seized with the same malady." "Of the Negroes, thirty-nine had become perfectly blind, twelve had lost an eye, and fourteen were affected with blemishes more or less considerable. Of the crew, twelve lost their sight entirely, among whom was the surgeon; five became blind of one eye, one of them being the captain; and four were partially injured." Of the captain, it is added, that "he did not cease in the midst of the greatest danger, to lavish his attentions on the Negroes and the sailors, with a zeal and devotedness which exceed all praise."

Such is the account of the voyage of the Rodeur, as given by M. Guillié. But in this account, one of the most horrid circumstances connected with the transaction is wholly omitted, probably because it illustrated no medical principle; namely, the fact, that the slaves who are stated to have become blind were thrown into the sea and drowned †. The policy of this measure is very obvious. Had they been landed at Guadaloupe, no one would have bought them:

* The Leon has not been heard of since, and doubtless was lost.

† See the Petition of M. Morenas to the Chamber of Deputies, presented 14th of June, 1820. Printed for Correard, bookseller, Paris.

even those blind of one eye would sell for a mere trifle. The proprietors would therefore have incurred the expense of feeding them without the chance of any return. By throwing them overboard, not only was this certain loss avoided, but ground laid for a claim on the underwriters, by whom the cargo had been insured. The owners could allege, for instance, that on the great want of water, which existed on board, it had become necessary to throw a part of the cargo into the sea to save the rest. But whatever was the special plea alleged by the owners, it is said that their claim was allowed, and that the value of the thirty-nine slaves was paid to them by the underwriters.

Another most important fact, also omitted in the printed account, is this, that the *Rodeur*, having returned to Havre as has been already mentioned, on the 22d of October 1819, was refitted, it is understood, by the same owners, and dispatched on a second slave voyage from Havre, early in the next year; and, as a reward for the conduct which is so much extolled in the *Bibliothèque Ophthalmologique*; the command of her was continued to the same captain who had charge of her on the first voyage.

The case of the *Rodeur* doubtless exemplifies many of the horrors of the Middle Passage; but it is still more important, as furnishing a striking proof of the impunity with which the most open and notorious contraventions of the Abolition Laws may be committed in France. The facts of the case must have been well known to the authorities in Guadeloupe, where the slaves that had not been thrown overboard are stated to have been sold. The case has also been well known for many months to the Minister of the Marine*. And yet not one effectual step appears to have been

* In the Petition of M. Morenas to the Chamber of Deputies, in June 1820, already referred to, there is the following passage:—

“In support of these facts, which sufficiently prove the existence of the slave trade, may be mentioned the capture, by the English, of five French slave-ships, as recorded in the *Sierra Leone Gazette*, of the 17th of July, 1819, and the mutiny which befel the ship *Rodeur*, which sailed from Havre, the 1st of January 1819, and

taken to bring the authors of this flagrant contravention of the laws to punishment. Neither the vessel nor the cargo has been confiscated. The captain, the immediate actor in this murderous transaction, so far from being stript of his employment and rendered incapable of ever holding a command, as the law requires, is invested afresh with the command of the same ship, in order to renew his criminal enterprize. The owners and equippers of the vessel do not appear to have been called to any account; but are allowed to enjoy, without question, the fruit of their illicit commerce, and to devise and perpetrate fresh outrages against the natives of Africa.

Nor can it be alleged, in this case, that there was any want of proof. The surgeon, M. Maignan, was lately, and, it is believed, is now, at Paris. Many, if not all, of his eleven blind companions have returned to France, and must be accessible. There are also nine other persons belonging to the crew, who might have been discovered by means of the *rôle d'équipage*. And surely, if ever there was a case which, independently of these facilities of proof, called for the interference of the French Government, it is the case of the Rodeur.

Such, then, are the facts of the very case which has fur-

landed a cargo of one hundred and sixty slaves at Guadaloupe, the 21st of June in the same year; and all whose slaves and crew, with a single exception, were attacked by a contagious ophthalmia, which is described in the *Bibliothèque Ophthalmologique* of Dr. Guillié, printed at the Royal Establishment of the Young Blind at Paris. The Doctors Dupuytren and Pariset, who viewed this deplorable transaction only in a medical light, do not state that they threw into the sea thirty-six wretched Negroes, who had been blinded by the disease." M. Morenas further refers for the particulars of the five French slave-ships, stated to have been captured, to the journal called *L'Impartial*, of the 23d of February 1820. They are as follows: 1. A schooner, Captain Breton, with three hundred and forty slaves; 2. A schooner, Captain Marteau, with three hundred slaves; 3. A schooner, Captain Meinard, three hundred and forty slaves; 4. The Cintra, Captain Dupuis, of Bourdeaux; 5. The Sylph of Guadaloupe, with three hundred and sixty-three slaves, taken by the Redwing near the Cape de Verd Islands.

nished to the French minister an opportunity of throwing discredit on all the complaints of the British Government respecting the French slave-trade. On the 7th of December 1819, after "a strict inquiry" said to have been set on foot in order to ascertain the truth of the matter, he wrote a letter to the British Ambassador, the exact purport of which is not very precise, but which appears to have been intended to convey the impression that Captain Boucher, of the *Rodeur*, had satisfactorily disproved the charge against him; and that he, and many others of his countrymen, had been subjected to injurious and unjust imputations, through the insidious conduct of Spanish and Portuguese slave-traders, who, whenever they fell in with French ships, assumed their names. Captain Boucher, indeed, swears to the truth of this strange statement. This is not to be wondered at in the person who commanded the *Rodeur* during the above voyage. The matter of surprize is, that the French Minister should have listened for a single moment to so absurd and improbable, nay impossible, a story; and not only so, but should have made it the ground of a sweeping conclusion against the truth of all similar charges preferred against the subjects of France.

It would be curious to trace all the steps of that "strict inquiry" which the Minister of the Marine set on foot in order to ascertain whether the complaint of the British Ambassador respecting the *Rodeur* was well founded; and it seems important to the character of the French Government to trace them; for it is manifest that nothing but a well-arranged system, designed to conceal the truth, and to protect delinquents, in the case of illicit slave-trading, could have prevented a complete development of the whole of this murderous transaction. It was on the 7th of November, 1819, that Sir Charles Stuart first denounced the *Rodeur* as engaged in the slave trade. That vessel had reached Havre a fortnight before. The captain, the mate, the blind surgeon, and the blind crew, must then have been all upon the spot. The fact of their blindness must have been known at Havre, where they landed; and it is hardly to be

supposed that all the sufferers, if questioned, would have been silent as to the causes of their loss of sight, and the circumstances attending it. Indeed, so little were they disposed to concealment, that within five weeks of the time of the vessel's arrival, the statement which has been given above had already been communicated to persons of distinction, men of science, at Paris (one of them the oculist of the Duchess d'Angoulême), by whom it was printed and published to the world. By what means, then, was the whole of this notorious affair so hidden from the view of the French Government, that they should think of Captain Boucher as a slandered individual, while the details of his murderous voyage were fully known, in all their enormity, to the Parisian public? It would be most curious to know the precise steps by which the French Government, with a police proverbially active and penetrating, and with means of judicial interrogation so powerful and extensive, should have been so grossly practised upon in this instance, as to be kept in utter ignorance of what it so much behoved them to know. It highly concerns the honour of that Government, and especially of the Ministry of the Marine, to trace this mysterious system of fraud and falsehood to its source, and to pierce the veil which appears, from first to last, to have shrouded from its view those continued and disgraceful infractions of the national engagements, which stand so clearly proved to the view of all besides. What possible explanation could the captain and owners of the *Rodeur* have given of the object of a voyage from Havre to Bonny, and thence to St. Thomas's, that was not illegal? No one purpose, except that of slave-trading, could by any possibility have been answered by such a voyage.

But it would further be important to know, what steps have been taken by the French Ministers, since this transaction has been forced upon their notice, to bring the delinquents to justice. Even supposing that the direct reference to it in the Petition of M. Morenas, presented to the Chamber of Deputies in June 1820, had been overlooked (although this is hardly possible, that Petition having

evidently been the subject of anxious and minute consideration in the bureau of the Marine), yet it was communicated to them by Lord Castlereagh, with the same particularity with which it is detailed above, early in December 1820 *. What steps have since been taken? The *Rodeur*, her captain, and owners, have now, it is said, a second voyage of the same description to answer for. Does, then, any doubt still hang on her former or on her more recent destination? Are not the parties in the transaction known? Are not the proofs accessible? It concerns our own Government, it still more deeply concerns France, to have this matter thoroughly sifted. But to proceed—

On the 20th of January, 1820, Lord Castlereagh addressed the following letter to Sir Charles Stuart.

“ The discussions in London on the important question of the Abolition of the Slave Trade, I regret to say, have latterly been altogether suspended, in consequence of certain of the allied ministers, and particularly the French Plenipotentiary, not having received the necessary instructions from their Governments.

“ Your Excellency will, therefore, in concert with General Pozzo di Borgo, represent to Mr. Pasquier the state in which the negotiation now stands; the unabated interest which it inspires in this country; our deep regret that its progress has latterly not corresponded with the high expectations which so powerful an union entitled us to form of its success; and you will invite the French Government to devote, without loss of time, their serious attention to this subject, in order to give to the measures which the Five Courts are solemnly pledged conjointly to take, a renewed impulse.

“ I trust that your Excellency will find the French Government disposed, either to embrace a measure founded upon a modification of a mutual system of visit (an expedient which has always appeared to the Court of London the only one really effectual to the object), or to bring

forward some other adequately operative system for consideration, upon which it may be their opinion that the united exertions of the powers can be directed to the common purpose.

"You may assure M. Pasquier, that, in the latter case, any such proposition will be met, on the part of the Prince Regent's Government, with every disposition to give it the most candid examination, and, if approved, to co-operate in its execution.

"In discussing this matter with the French Government, your Excellency will endeavour to combine your exertions as much as possible with the Russian Minister; and in order to do justice to the view which has been hitherto taken by your own Court, of the most effectual measures for repressing the illicit traffic now so extensively carrying on, I have to refer your Excellency in extenso, to the proceedings which took place at Aix-la-Chapelle.

"The report of an interview which I had, when at Paris, with M. Laisné and M. Molé on this subject, deserves particular attention, as the proposition therein stated to have been laid by me before these Ministers involves no permanent sacrifice whatever of any right. It proceeds upon the principle of an experimental measure, for the purpose of trying the efficacy or inefficacy, the convenience or inconvenience, for a limited number of years, of a local system, by which the united naval means of the two powers on the African coast should be turned against the illicit slave-trade. Supposing, after a trial of four or five years, the system proved more objectionable than useful, or should the evil in the mean time have been entirely put down, the convention, once expired, need not be renewed. On the other hand, if, as we believe, this mode of repression should be found to operate favourably, and not to be productive of embarrassment, the experiment thus made might induce the high contracting powers to renew the arrangement for a further term.

"I recommend the whole of this subject to your Excellency's earliest and most particular attention, which

presses the more as Count Palmella leaves England for the Brazils early in April *."

To this letter Sir Charles Stuart replied, as follows, on the 23d of February, 1820.

"I have received your lordship's dispatch of the 20th of January last, pointing out the mode in which it will be expedient to call the attention of the French Government to the adoption of some alternative for preventing the continued infraction of the laws enacted in France and England for the suppression of the slave trade.

"I lost no time in mentioning the subject to Baron Pasquier and to M. de Cazes. In my first interview with the former he manifested some reluctance to enter into the subject, saying, that he saw no reason at present to concede the right of visit; that the infractions of the law, which had been attributed to French subjects in many of the communications from England, had been greatly exaggerated, and, in some instances, had been the result of mercantile arrangements for the employment of English capital; that besides, it was not fair to press the subject exclusively upon France. I answered, that the papers transmitted respecting the infractions of the law on the part of French subjects, contained statements which had been transmitted to his Majesty's Ministers; and that, so far from expecting the French Government to separate their opinion from that of Foreign Powers, my Court would be perfectly satisfied if they would adhere to any common arrangement which the Ministers of Russia and Austria might be prepared to suggest, conjointly with myself.

"I afterwards sought an interview with M. de Cazes, to whom I stated at some length the wishes of his Majesty's Government to check the abuses which are equally odious to the public in both countries. M. de Cazes said that he would do his utmost to forward some combination which should meet the wishes of my Court; but he expressed a desire to know from me what arrangement would be

* C. pp. 82, 83.

considered satisfactory by my Court. I told him that, if the principle of a mutual right of visit could not be generally admitted for a limited number of years, perhaps he would consent to equip a squadron of ships of both nations, under conditions to be agreed upon, to cruize upon the coast of Africa for a certain period; and as he appeared to consider this arrangement practicable, I communicated to him the several papers respecting the Abolition which had been laid before Parliament this session.

“ M. de Pasquier on Tuesday told me, that this question had been examined by the Government with the greatest care; that they could not feel any repugnance to meet the wishes of my Court; but that he is convinced no partial arrangement on the part of the two Powers is likely to attain the object; and that, unless the measures we propose are acted upon simultaneously by all the Powers in whose colonial possessions slaving is tolerated, the traders will always contrive to elude the regulations we may adopt; that the best way of preventing the purchase of Negroes on the coast of Africa would be to prohibit their sale in the colonies; that France can easily enregister and number the slaves in the colonies she possesses, and forbid the sale of a single Negro, if other powers will do the same. He did not appear to make any allowance for the extreme difficulty which I observed must occur in the enforcement of such regulations in the Spanish and Portuguese colonies, if ever they should be enacted; and he insisted that the mere employment of an armed force to prevent their conveyance across the Atlantic was insufficient, so long as the insurance offices in London continued to insure, at so much a head, the passage of slaves under flags of all nations from the coast of Africa to the West Indies, notwithstanding my solemn declaration that I believe the report is not entitled to credit*.”

A second letter from Sir C. Stuart, dated the 7th of February, 1820, is to the following effect.—

* B. pp. 85, 86.

"As the attention of the French Ministers is now thoroughly awakened to the necessity of putting their regulations respecting the abolition of the slave trade upon a better footing, I have pressed the subject in repeated conversations with M. de Cazes, M. Pasquier, and Baron Portal, during the last three days; and my instances have been supported by the Russian Minister, to whom I represented, that the present opportunity is particularly well chosen to give effect to the instructions he has received upon that subject.

"The Count de Cazes and Baron Portal told me, that they fully enter into the feelings of my Court upon this question; and that they see the necessity of proving to the world, by measures, their determination to go hand in hand with his Majesty's Government in their endeavours to prevent the infractions of the laws which constantly take place. When I pressed the latter to state to me in detail his opinion respecting the steps, which, under the present circumstances, can be carried into effect without inconvenience, he said that, although he had lately considered the subject a good deal, he regrets to find that none of the alternatives which present themselves to his mind appear to be wholly free from objection, or likely to lead to that decisive result which could be wished: that he had, in the first instance, thought they might prohibit all trade from Africa to the West India; but, upon considering the effects of such a regulation, he found it would be prejudicial to the fair trade which may be carried on in that part of the world, without preventing, in any respect, the passage of slave-traders from the coast of Guinea to the Brazils; that although the register of the slaves in the colonies in the possession of France can, without difficulty, be effected, even this measure would not prevent their alienation, unless it is accompanied by a law attaching them to the soil, and changing the state of slavery to that of service by engagement; which notion he threw out rather for the consideration of the British Government, than from a conviction that it may be adopted. He expressed his fears, however, that so long as the system of secret insurances of slave-ships shall prevail in England, and that

the trade of the Portuguese shall not be abolished, no measure he can propose is likely to be thoroughly effectual: that since the first mischief is to be traced exclusively to his Majesty's subjects, he must look to the British Legislature to find an adequate remedy; and that the latter difficulty can only be overcome by the joint efforts of all the Governments which have decreed the Abolition; and he assured me, that instructions will be sent to M. de Caraman, which will show that the French Government will not be tardy in giving their hearty concurrence to any arrangement likely to obtain that object.

"Two days after this conversation took place, I saw M. Pasquier: he said that his colleagues would have told me the measures to which my overtures are likely to give rise; that if his Majesty's Ministers shall bring forward the necessary bills to prevent the secret insurance of slave-ships, the subject will necessarily come under discussion by our Legislature about the time an act will be proposed in France criminalizing the accomplices in this commerce: that the instructions he should send to M. de Caraman, will be equally, if not more decisive, since that gentleman will be authorized to propose the establishment of commissions, composed of subjects of the two nations at Senegal, and at whatever port in the West Indies should be deemed most expedient, for the express purpose of ensuring on the spot the application of the laws enacted in both countries: that he will be farther directed to concur in any representation which the conference in London may think it proper to address to the Court of Rio Janeiro; since he cannot suppose the Portuguese Ministers will be able to resist the impulse, which our representations are likely to acquire when they are supported by all the great powers *."

The statements of the French Ministers, as given in these two letters of Sir Charles Stuart, seem to call for a few brief observations. .

1. Baron Pasquier complains that the infractions of the law, attributed to French subjects, had been greatly exag-

* C. pp. 86, 87.

gerated. But how does this appear? Does it appear in the case of the Rodeur, or in the various communications that had been made to the Duke, de Richelieu, and which M. Molé, the Minister of the Marine, admitted (see above p. 74.) to have been correct? In no case have charges been preferred by our Government, without specifying the facts on which those charges were founded.

2. The French Minister, on the other hand, specifies no facts, and deals only in vague charges. "The infraction of the law," "in some instances," he says, "had been the result of mercantile arrangements for the employment of English capital." Again; "The insurance offices in London continue to insure, at so much a-head, the passage of slaves, under flags of all nations, from the coast of Africa to the West Indies;" and, "so long as the system of secret insurances of slave-ships shall prevail in England," &c. no measure can be effectual. Now is it not most extraordinary that during the six years which have elapsed since the commencement of these discussions, the French Ministers, although they have continued to prefer the same loose accusations, as a kind of set-off to the specific facts stated by Sir C. Stuart, have never yet produced a single instance, either of British capital having being employed in carrying on a slave trade nominally French, or of an insurance of a slave-voyage under the flag of any nation having been effected in London. As for such insurances having been effected by the "*Insurance Offices*" of London, the thing is impossible. There are only two such offices in London, the Royal Exchange Assurance Company, and the London Assurance Company; and the affairs of both corporations are conducted with a degree of publicity, and under circumstances, which preclude the possibility of their being concerned in a base and criminal transaction of this nature. But why do not the accusers specify instances? They affirm the fact, and even state that the insurance offices insure slaves "at so much a-head." Why do they not afford some clue to the detection of these alleged acts of criminality? If they will but do this, they may be as-

sured there will be no want of zeal and perseverance in this country to bring upon the delinquents the punishment they deserve.

3. And here it is somewhat provoking to find the French Minister pleading as a reason for delaying in France the measures required for repressing the slave trade, that the British Legislature must first pass an act for preventing the secret insurance of slave-ships. Was he not then aware that by the laws of this country, such insurance is already a crime of an infamous character, and, if discovered, severely punishable, whether it is effected openly or secretly?

4. But the Baron Portal observes, that "since the first mischief is to be traced *exclusively* to British subjects, he must look to the British Legislature to find an adequate remedy." If the question were not so serious, there would be something irresistibly amusing in the dexterity with which he thus turns the tables upon this country. With not one fact to substantiate the charge of British participation in the slave-trade carried on under the flag of France, and with endless proofs of the extent and cruelty of that traffic, he at once relieves France from all its responsibility and all its guilt; and transfers both by a word to Great Britain. "It is to be traced," he says, "*exclusively* to British subjects." Why then is it not so traced? Without doubt there are vile miscreants belonging to this country, as well as to France, who would be ready to aid the slave trade, either by insurances or otherwise, if they could do it with impunity. But it seems a very inadequate reason why France should forbear to prevent and punish the open infraction of her own laws, and of her own solemn treaties, by her own subjects, that she has some vague suspicion that the criminals are secretly aided and abetted by subjects of Great Britain. Would the same considerations operate in the case of theft, or robbery, or murder, or conspiracy against the state? The Ministers of France have a right indeed to point out wherein the laws of Great Britain, as they relate to the Abolition, are defective; and if the deficiency so specified should be found to exist, then to complain of its not being supplied. They would

have still greater reason to complain if, after having pointed out specific instances of the violation of the existing laws, the perpetrators of them should continue to enjoy perfect impunity. But they do not pretend to have any such instances to allege*. And as for the insurance of slave-

* One case of English slave-trading is indeed rather insinuated than alleged, in the following communication from the Minister of the Marine. It is an extract of a letter from the Commissary-General of Police at L'Orient, dated the 14th of March, 1818, and is as follows:—

“ With respect to the brig *Magnet*, with a crew of thirteen men, including three officers, she is loaded with merchandize for exportation; among other things, 150 barrels of powder and fifty barrels of flints. She is bound to Mogador, on the coast of Africa, or any other settlement upon the said coast. The Captain states, that he has no other object in going to Africa than to collect gold dust, ivory, and dried skins; but having caused him somewhat cleverly to speak out a little, he said that the slave trade was carried on with more spirit than ever under the Spanish and Portuguese flags. Afterwards he evidently showed that it was likewise his object; and it is worthy of remark, that the name of the vessel which should have been written upon the stern, was inscribed only upon a small plank fastened with a few nails.

“ The Captain, in drinking punch, related having performed a similar voyage to that which he was undertaking, which had yielded to his owner 200 per cent. He had only arrived ten days, when he was again dispatched. He pretends to have had, before his departure, an interview with Lord Castlereagh, who questioned him as to the manner in which the slave trade was carried on on the coast of Africa.”

The Committee have been at pains to sift this case to the bottom; and they have found that the *Magnet*, a vessel of 147 tons, in her way from London to the coast of Africa, was driven into L'Orient by stress of weather. When she had repaired her damage there she proceeded on her voyage. She remained on the coast of Africa for seven or eight months, trading for the productions of that country, and, having procured a cargo, took her departure from Cape Coast Castle for England, in January 1819. In the course of her voyage thither, she was stopped and plundered of some property by an insurgent privateer. She arrived however in the river Thames on the 25th of March, 1819, and there landed the following articles, all of them of African, and none of them of West-Indian, production; and forming a bulk of cargo, which, it will be

voyages, whether British or foreign, it has, ever since the passing of the Abolition Act, been severely punishable in this country, both in those who insure them and in those who cause the insurance to be effected.

5. The French Ministers complain of the unfairness on the part of Great Britain, of pressing this subject *exclusively* on France. It might have been expected that, warmly as they profess to feel the evils of the slave trade, they would rather have welcomed any representations which might prove useful in effectually repressing it. But independently of this consideration, the foregoing Report will shew that France has not been *exclusively* pressed on this subject. France indeed proposes that the nations should act simultaneously; yet she alone of the maritime powers of Europe, who are concerned in this traffic, withholds her concurrence from any plan of simultaneous operation. She says the mere employment of an armed force is insufficient. But why may not this be employed, at least until more effectual means have been devised and put into activity? Three years ago the Duke de Richelieu intimated that France would supersede the necessity of agreeing to the reciprocal right of visit, by adopting a system of registration in its slave colonies. The Baron Pasquier now repeated the same intimation; but it does not appear that any steps have yet been taken towards the accomplishment of this proposal.—Baron Portal further proposed to prohibit all trade between Africa and the West Indies; but he said, he feared to injure the fair trade. In point of fact, however, no *fair* French trade can be shewn to exist between Africa

seen from a comparison of them with her tonnage, would have precluded the possibility of her having also carried slaves, even if her destination had not rendered this impossible.

Extract from the printed Custom-house Reports filed at Lloyd's.
 "Friday, 26th of March, 1819. Magnet, W. Grove, from Cape Coast Castle, 147 tons, London Docks,—Tanner, Broker.—160 Casks and Puncheons of Palm Oil; 33 Bags of Gum Senegal; 19 Casks, Puncheons, &c. of Pepper; 16 pieces of Timber; 1250 Elephants' Teeth, consigned to Reid and Co.;—and 21 Casks and Puncheons of Palm Oil, and 193 Elephants' Teeth, consigned to order."

and the West Indies. The remaining proposition made by that minister of establishing a Mixed Commission at Senegal and in the West Indies, for the purpose of enforcing the laws, is indeed highly important; but it appears not to have been at all followed up, and there is nothing in these papers which explains the cause of its failure. The Committee trust it will not be lost sight of.

In the month of May, 1820, several communications were made to the French Government, respecting French slave-ships that had been visited on the coast of Africa by his Majesty's ships; and suitable apologies were made for this violation of the rights of the French flag. But those apologies were accompanied by fresh representations of the enormities perpetrated under that flag, and of the necessity of more efficacious measures for their repression. For the details of these different cases the papers Class C. refer to a set of papers laid before Parliament by the Admiralty; and which will hereafter be reviewed. The cases themselves are those of *La Marie*, *La Catherine*, *Le Joseph*, and *La Jeune Estelle**. Besides these, in a subsequent communication, mention is made of thirteen French ships seen upon the coast, engaged in this nefarious traffic, in the Autumn of 1819. Three of them are particularly specified viz. The schooners, *L'Elize*, Captain Lenant, and *La Thetis*, both belonging to Messrs. Jubert and Ferrant of Guadeloupe, and the brig *L'Oscar*, belonging to Martinique†.

On the 8th of December, 1820, Lord Castlereagh addressed to Sir C. Stuart a letter, of which the following is an extract.

"In allusion to my former dispatches on the subject of the French slave-trade, and relative to the French establishment in the Gambia river, I have now the honour to transmit to your Excellency a paper which has been given in at this office by the gentlemen most prominent in this country

* C. pp. 88, 89.

† C. p. 143.

in watching over the entire abolition of the slave trade. This paper appears to contain some very strong facts and reasonings, both as to the actual continuance of the French slave-trade, in defiance of the laws in force against it, and as to the manner in which it is sustained and increased by the French settlement in the Gambia River, to which settlement the French Government has, under existing treaties, no claim.

"Sir Charles MacCarthy, the British Governor at Sierra Leone, is at present on leave of absence in Europe, and proceeded a few days ago to Paris. He has been, in many instances, an eye-witness of the facts stated in the paper inclosed; and his long residence on the coast of Africa, and continued attention to the subject, render him perhaps more conversant than any other individual with every thing relating to the actual state of the trade in slaves.

"I therefore have to request your Excellency to hold full communication with Colonel MacCarthy; and when you shall have possessed yourself of the valuable information which he can furnish to you, and shall have attentively perused the inclosed paper, to consider what representation can at present be made to the French Government, with the best chance of obtaining the desired object, viz. The real instead of the apparent abolition of the slave trade carried on by French subjects and by French capital."

"A mutual agreement in the right of search is always, in the opinion of the British Government, the measure which would be most effectual for the abolition of the trade; but if, as it would appear, the difficulties to this agreement are, in the eyes of the French Government, insurmountable, the next best measure certainly is, that the highest punishment in each individual state should be inflicted on the commission of the crime by their subjects.

"It is in this view, that I would call your Excellency's attention particularly to that part of the inclosed paper, which urges the expediency of a law being brought forward in France, inflicting a *peine infamante*, or at least a *peine correctionnelle*, upon persons convicted of carrying on the

trade; and also to that part of the paper which reasons on the expediency of this being done by a positive law, and not by an ordonnance*."

The paper to which his lordship alludes, in the above letter, is dated the 10th of November, 1820, and is as follows.

"When I last had the honour of waiting upon you, you requested to be furnished with a statement in writing of the heads of the information which I communicated to you on the subject of the French slave-trade.

"The French Minister of Marine, I am aware, declared in the month of June last, in the Chamber of Deputies, and has recently renewed the assurance to our Government, that that trade is now effectually suppressed.

"This declaration, however, I fear, cannot be supported by facts. The French slave-trade, I venture to affirm, is at this moment carried on with more activity than at any former period, and under circumstances of cruelty, not less revolting than any by which this traffic had previously been characterized. I proceed to state briefly some of the facts which prove this.

"The English squadron, stationed on the coast of Africa during the present year, have fallen in with a number of vessels bearing the French flag, and openly engaged in the slave trade.

"I have been credibly informed, that the number of vessels which have thus been met exceeds twenty-five. The correctness of this statement is capable of being easily ascertained. The official letters of Sir George Collier, the commodore on that station, to the Admiralty, and his official reports, must contain exact and detailed information on this subject.

"Besides the vessels found trading for slaves on the African coast, under the flag of France, I understand that Sir George Collier, on lately entering the harbour of the Savannah, found there upwards of thirty slave-ships bearing

* C. pp. 135, 136.

the French flag; and that the period having expired during which Spain was, by her treaty with Great Britain, to carry on the trade under her own flag, the merchants of the Havannah were now generally resorting to the use of the French flag, as that which could alone effectually protect them in the contravention of their own abolition laws.

“Governor MacCarthy, of Sierra Leone, who is now in this country, assured me that when he left Sierra Leone in July last, no less than five vessels bearing the French flag were engaged in procuring cargoes of slaves at the river Gallinas, a place situated about one hundred miles to the south of the colony; and that he had received what he considered to be unquestionable evidence of the fact.

“If these statements are correct, and the authority on which they rest seems to admit no doubt of their correctness, then it will follow that between the month of December 1819, and the month of August 1820, not less than from fifty to sixty ships, bearing the French flag, were openly carrying on the slave trade; and as it cannot be supposed, that more than a certain proportion of the vessels actually engaged in it could have been met by our cruisers, or could have come under the observation of Governor MacCarthy’s informant, the fair inference seems to be, that the evil has attained to an unprecedented degree of enormity, at the very moment when the French authorities, deceived, doubtless, by the representations made to them, are flattering themselves, and giving assurances to our Government, that the French slave-trade is extinct.

“Nothing more seems necessary to prove the *extent* of the French slave-trade; allow me, however, to add a few words on the circumstances of cruelty with which it is conducted.

“When I had the honour of an interview with you, I put into your hands two papers containing details on this subject. One was a Sierra-Leone Gazette, in which was inserted an account of the state in which some slaves were found by Sir George Collier, on board a French vessel called *La Jeune Estelle*, Olympe Sanguines master, belong-

ing to Martinique *. The other deserves more particular notice. It was an extract from a periodical work published

* The facts of this case have been thus stated:—"On the 4th of March 1820, after a long chase, a vessel was boarded by the boats of his Majesty's ship *Tartar*, commanded by Sir George Collier, Bart. which proved to be *La Jeune Estelle* of Martinique, Olympe Sanguines master. On being boarded, Sanguines declared that he had been *plundered* of his slaves, and that none remained on board. The agitation and alarm which marked each countenance on board his vessel excited suspicion, and led to an examination of her hold. During this examination, a sailor who struck a cask, which was tightly closed up, heard a faint voice issue from it, as of a creature expiring. The cask was immediately opened, when two slave-girls of about twelve or fourteen years of age, in the last stage of suffocation, were found packed in it; and by this fortunate interposition were rescued from a miserable death.

"These girls, when brought on the deck of the *Tartar*, were recognized by a person on board, who had been taken prisoner in another slave-ship, as having been the property of Captain Richards, of the schooner *Swift* of New York. And an investigation having taken place, it appeared, that this American contrabandist, Captain Richards, had died at a place on the coast called Trade-town, leaving behind him fourteen slaves, of whom these two girls formed a part; and that after his death, Sanguines had landed his crew, armed with swords and pistols, and carried off these fourteen slaves on board the *Jeune Estelle*. Sir George Collier conceiving that the other twelve slaves, who had been procured by this piratical act, might still be secreted in that vessel, ordered a fresh search. The result was, that another Negro, a man, not however one of the twelve, was rescued from death. A platform of loose boards had been raised on the water-casks of the vessel, so as to form an *entrepont* (a between-decks) of twenty-three inches in height. This was the space allotted for the accommodation of the unfortunate cargo of human beings, the victims of his avarice, whom M. Sanguines intended to procure and carry from the coast. Beneath this platform, one of the boards resting on his body, jammed between the crevice of two water-casks, was found the above wretched individual, whom it was a matter of astonishment to find alive under such circumstances. Sir George Collier was inclined to remove him on board the *Tartar*, as he had done the two girls; but M. Sanguines having proved that the poor African had been fairly bought for eight dollars' worth of brandy and iron, Sir George did not feel himself authorized to do so. Had the vessel been capable of beat-

in Paris in the course of the present year, entitled '*Bibliothèque ophthalmologique par M. Guillié, Directeur Général et Médecin en Chef de l'Institution Royale des Jeunes Aveugles à Paris.*' To illustrate his observations on ophthalmia, he brings forward the following case*."

Then follows the account of the Rodeur at full length, as given above, p. 83, &c. The writer then proceeds:—

"It would be easy to multiply proofs of the infraction

ing up to Senegal, he would have sent her thither for adjudication to M. Schmaltz: but she was not.

"But what did it appear had become of the other twelve slaves taken by force from Trade Town? On this point no distinct information could be obtained beyond the assertion of M. Sanguines, in which he strenuously persisted, that he had been plundered of them by a Spanish pirate. But it was now recollected with feelings of horror by the officers and crew of the Tartar, that when they first began the chase of the Jeune Estelle, they had seen several casks floating past them, in which they now suspected that these wretched beings might have been inclosed, having been thrown overboard by Sanguines to elude the detection of his piratical proceedings. It was now impossible, however, to ascertain the fact, as the chase had led them many leagues to leeward; and even after they had consumed the time which would have been necessary, by beating to windward, to reach the place where the chase had commenced, there were many chances against their again seeing the casks which they had seen before, and no chance whatever that any of the slaves inclosed in them, if they were so inclosed, would be found still alive. Supposing the fact to have been that the twelve slaves, of whom no satisfactory account could be obtained, had been thrown into the sea, it is obvious that it became necessary to put them into casks; for otherwise their exposed bodies floating by would have been very likely to have met the view of some one on board the British frigate, and to have disclosed the horrid catastrophe. The casks were affirmed to have been water-casks thrown hastily overboard, to lighten the vessel.

"It ought not to be omitted, that M. Sanguines has threatened Sir George Collier with a prosecution, for having dared to visit his ship, sailing under a French flag. And when upbraided by that officer with his violating the laws of his country, he replied, that if he was wrong in what he was doing, he knew of upwards of forty captains of vessels, under the French flag, who were in precisely the same predicament."

* C. pp. 186, 187.

of the French Abolition Laws by the merchants of the great sea-port towns of that country, and particularly of Bordeaux and Nantes. But the slave trade is by no means confined to these. It is carried on to a considerable extent even from the Seine. The *Rodeur* is only one of many slave-ships which have sailed from Havre; and even from the port of Honfleur, on the opposite side of the river, I am enabled to testify, from my own personal inquiry on the spot, that several expeditions have taken place, some of them very recently. In the year 1819, a vessel called *Les deux Sœurs*, commanded by M. Delomosne, was fitted out from that port: she went to Senegal, and took fifty-two slaves thence to the West Indies. Returning to Honfleur, she was fitted out a second time early in the present year, and committed to the care of a Captain Flahaut. She procured a cargo of slaves on the coast of Africa, which were landed on the small island of St. Martin; after which she returned to Honfleur on the 29th of last September.

“Another vessel, called *la Valentine*, sailed from the same port on the 6th of March, 1820, under the command of Captain Delomosne, formerly of *Les deux Sœurs*, for Senegal, whence she carried to Martinique about 300 slaves. She was expected at Honfleur in the month of October, when it was supposed that both this vessel and *Les deux Sœurs* would be prepared for fresh expeditions.

“Both these vessels were fitted out by one M. Collin, a merchant of Honfleur, who is supported, it is said, in his speculations by a house at Rouen, and another at Paris. A third vessel, named *l'Achille*, is at this moment preparing for the slave trade by the same parties, if she has not already sailed.

“Another vessel, called *l'Eclair*, said to be the property of Messrs. Matthieu of Rouen, has also made a successful slave-voyage from the port of Honfleur.

“But it is scarcely necessary to pursue this line of minute inquiry, because, if the facts stated on the authority of Sir George Collier and Governor MacCarthy are true, it will

require no further evidence to shew that the declarations made by the Government of France with respect to the actual suppression of the French slave-trade are illusory.

“Possibly, however, the declarations alluded to refer exclusively to the French establishments on the coast of Africa; and all that was meant may have been no more than this, that the slave trade had at length been put a stop to at Senegal and Goree.

“Even, however, to this very limited extent, the statement, it is to be feared, admits of doubt. In the month of June, 1819, the Minister of the Marine declared to the Chamber of Deputies, in a speech from the tribune, ‘We have suppressed this hateful traffic at Senegal:’ and yet it will be found, I fear, that he is mistaken on this occasion; and that, if it has been found necessary by the slave-traders of Senegal and Goree to take somewhat more pains than formerly, to preserve appearances, there is, nevertheless, no diminution of their traffic. Possibly there may not now be shipments of slaves as formerly, from the very wharfs of Senegal and Goree, without even the slightest attempt at concealment; but the same shipments are made from places removed but a little distance from those settlements, and lying immediately beyond their jurisdiction. I am aware that it is now, and always has been, but a small part of the French slave-trade, which has been actually carried on from Senegal and Goree. Probably nine-tenths of it is carried on from places not subject to the Crown of France. It is, therefore, idle to talk of its abolition, if by that word is meant its abolition along the ten or fifteen leagues of coast actually belonging to France. This would be the same as if we were to say that we had effectually abolished the slave trade, because we exported no slaves from Sierra Leone and St. Mary’s. In point of fact, however, the French slave-trade is not abolished even to this extent. It is admitted, under the sanction of the Minister of Marine himself, in a report made to the Chamber of Deputies on the 20th of June last, that the purchase and sale of slaves to any extent is permitted to the inhabitants of these colo-

nies. 'On les vend, on les achète sans violer la loi. Les Nègreries de Saint Louis n'ont pu être détruites *,' and in a paper entitled 'Réquête présentée à Messrs. les Membres composant la Commission pour les Affaires litigieuses concernant la Traite des Noirs †,' it is affirmed, that the French Abolition Law prohibits only the carrying of slaves to the French colonies in the West Indies; it does not even forbid their removal from Senegal or Goree. And in proof it is there stated as a notorious fact, that *every day slaves are sold at the colony of Senegal, in order to be transported to Babagwey or Gandiole, villages situated on the coast at no great distance from Senegal; and that this is a trade authorized and permitted by the laws of the country, and which is carried on constantly ‡.*

"Now if this be so, if there be no limit whatever to the purchase of slaves from the interior by the inhabitants of Senegal and Goree; if, as Mr. Guidicelly affirms in his pamphlet, and he states himself to have been an eye-witness of the fact, the natives are to be seen exposed to sale from day to day in the market-place as cattle in a fair; if *dépôts of slaves* (des Nègreries) are regarded as legitimate institutions in these colonies; if, moreover, no restraint is imposed by the existing laws of France on the removal of the slaves

* "(Translation.)—They are bought and sold without any violation of the law: it was impossible to destroy the *dépôts of slaves* at St. Louis.

† (Translation.)—Petition presented to the members of the commission for legal business connected with the slave trade.

‡ The paper quoted above does not, I apprehend, state the French law correctly. The writer of it appears to have referred only to the *ordonnance du roi* of the 8th of January, 1817. A law subsequently passed in April, 1818, enacts, that all participation by French subjects or ships, under any circumstances, or on any pretext whatever, in any part of the world, or by foreigners within the dominions of France, in the slave trade, shall be punished by confiscation of ship and cargo. But the above extract from a report sanctioned by the Minister of the Marine, shews that the generality of the enactment must, in his view, be subject to very large limitations. What these are I cannot pretend to say.

held in these slave holds, from time to time, as suits the proprietors' convenience, beyond the limits of the colonial jurisdiction, can it be said, with any colour of truth, that the slave trade is in any sense abolished there? Such facilities as these cannot be required for the convenience of the colonists themselves. If all that was wanted was a slave or two for domestic use, to supply the occasional decrease that might occur in their very limited population, there could at least be no occasion for slave-holds. The fact is, that while the purchase of slaves is permitted, the trade must continue. There must be an absolute prohibition of the slave trade, in all its modifications, accompanied by effective penalties, before an approach can be made to the consummation which the French Minister states to be already attained.

"But in point of fact, is this power of buying and selling their fellow-men, which is allowed to be possessed by the colonists of Senegal and Goree, to an unlimited extent, applied to any other purpose than that of supplying domestic servants for their own use? It seems hardly requisite to undertake the proof of this point. It cannot be, as the laws now stand, that the power in question should not be abused. Nay, frame what laws you please, if such a power is reserved to persons residing on the coast of Africa, it must be abused, especially at Senegal and Goree, where no cultivation whatever is carried on by the colonists. But the fact is, that slaves are there bought for the very purpose of being sold again, and that when circumstances, as at present, render it hazardous to export them directly from the settlements themselves, they are only moved to Babagwey or Gandiole, to Cacheo or Cassamanza, to Bissao, or the Cape de Verd Islands, whence they can be shipped without at all compromising the French authorities.

"For the correctness of this statement, I beg to refer to Colonel MacCarthy, and to the proofs and documents which it is in his power to furnish; only remarking, that the Portuguese authorities at Bissao and the Cape de Verd Islands, have shewn a great eagerness to afford every pos-

sible encouragement to the French contrabandists. Indeed it might be shewn, but that this is not connected with the present subject, that the Governors of the Portuguese settlements on the coast of Africa are themselves among the principal contrabandists.

“ Before I quit that branch of the French slave-trade which is connected with Senegal and Goree, there is one point to which I beg to call your very particular attention.

“ By means of the settlement of Bathurst, at the mouth of the river Gambia, Great Britain so effectually commands that river, as to be able to prevent slaves being exported thence by sea. About twenty miles, however, above the British settlement, there is a small place called Albreda, where the French had formerly a factory, and of which they have recently possessed themselves. Of this factory they make use for drawing slaves from all parts of the river Gambia, which would otherwise be completely freed from the noxious influence of this trade. For although they cannot carry their slaves out of the river without being stopped by our settlement of St. Mary's, yet the lawful commerce with it not being interdicted, this difficulty is easily obviated. The merchandize with which the slaves are to be bought is conveyed to Albreda by vessels in the usual way; but the slaves when bought are partly conveyed in small canoes, partly marched over land, to Cacheo, or some other place on the shore of the Atlantic, whence they are embarked. Now if the French had really a right to possess Albreda, there might possibly be no remedy which this country could apply to such an evil. But I believe they have completely, by treaty, divested themselves of that right. The Treaty of 1783 has the following articles—viz. Art. IX. The King of Great Britain cedes in full right, and guarantees to his Most Christian Majesty, the river Senegal and its dependencies, with the forts of St. Louis, Podor, Galam, Arguin, and Portendic, and his Britannic Majesty restores to France the island of Goree, which shall be delivered up in the condition it was in when the conquest of it was made.—Art. X. The Most Christian King, on his part, guarantees to the

King of Great Britain the possession of Fort James and of the river Gambia.

" By these articles it would appear, that the river Gambia was as effectually ceded to Great Britain as the river Senegal was ceded to France. And as France would never have permitted us to retain in our hands any of the establishments in the latter river, so neither can she claim a right to retain any upon the former. Besides, Albreda was a dependency, not of Senegal, but of Gorée; and it is to be noted, that when the restoration of Gorée is stipulated for, the words 'and its dependencies,' used in the case of Senegal, are excluded. France, it is true, may plead that during the period which elapsed between 1783 and 1792, Albreda continued to be used as a factory or *comptoir* by her traders; but this arose simply from our not having taken possession of Fort James, which had been demolished during the war, and which remained a heap of ruins until four or five years ago, when it was again occupied. Since that time, Governor MacCarthy has not ceased to remonstrate against the manifest contravention of the treaty of 1783 (a treaty which has in no degree been modified by any subsequent convention), which is involved in the occupation of the factory of Albreda by the French.

" It will be obvious from all that has been said, that the abolition of the slave trade by France has been as yet a nominal not an effectual measure. I would beg leave to suggest that, to make it effectual, it would be necessary not only to declare in general terms that slave-trading of all kinds is forbidden to French subjects, and to all persons residing within the French dominions, but specifically to prohibit the introduction of fresh slaves from the interior, into the French settlements on the coast. It would be further necessary to extend the penalties of slave-trading to all descriptions of the crime, wheresoever committed, including in the list of offenders persons fitting out ships with an intention to trade in slaves, and persons insuring such property. These enactments should be embodied into a law, and not a royal ordonnance. How far it would be

possible to add to the pecuniary inflictions they may impose *une peine infamante*, or, if that were likely to be too strong a measure, *une peine correctionnelle*, I of course can have no means of knowing. It is most manifest, however, that such an addition would exceedingly promote the object of the law. It would seem desirable, also, that a system of cruising should be adopted, for the purpose of carrying their laws into effect. Hitherto the range of their cruisers has been limited to the few leagues of coast connected with Senegal and Goree. And if bounties on the slaves captured were added, this would doubtless tend to quicken the zeal of their public officers of all descriptions.

"In the Report made to the Chamber of Deputies on the 20th June last, to which I have already had occasion to allude, there is the following statement—viz.

"*‘Cinquante-deux batimens Francois, Anglois, et Espagnols, ont été l’objet d’information, de condamnation, ou de poursuite *.’*

"It would seem necessary to call for such a detailed explanation of the above statement, as would put the British Government in a capacity to prosecute the English violators of the Abolition Laws.

"I have also sent the case of another French slave-ship, named the Sylph †."

To this communication the following additional statements were added a few days after, by Lord Castlereagh—viz.

"Extract of a Letter dated Antigua, October 16, 1820.

"A French brig, with 128 Africans, was seized about eight days ago off this port. She is called the *Louise*, of about 120 tons, from Senegal, bound to the island of Guadeloupe, which this island was taken for by the mate, who had the command, during the confinement of the captain, then very ill on board. She came down the south side of

"* (Translation.)—Fifty-two French, English, and Spanish vessels have been the subjects either of information, confiscation, or pursuit."

† C. pp. 139—142.—See also above, p. 79.

the island with French colours flying, and was boarded by Mr. Chipchase, waiter of the customs here; who brought her into port. After the crew found their mistake the poor Africans were all sent below; and some of the crew had the temerity to come on shore for refreshments, stating that she was in ballast bound to Cayenne.

"The Negroes were in a miserable condition when landed, but now they look extremely well, and are generally young, chiefly women, two of whom have infants at the breast, and one a few days ago was delivered of twins, still-born. Very great care has been taken of them by the collector, who has had them clothed and well fed. I understand that the females will be sent to Trinidad.

"The Captain went from this to Guadaloupe, and has since returned with directions to abandon the brig, and return with the crew to that island, where it appears she was going to the celebrated firm of De Lisle and Rancée, who have since disowned any concern with the vessel."

"Extract of a Letter from Demerara, dated 18th August, 1820.

"From all inquiries we could make of the captain and crew of the sloop Harriott, from Martinique, seized in the river Essequibo, who were interrogated separately, and whose answers concurred in one general result, the slave trade is still regularly carried on in the French islands openly, and to a very considerable extent. There are seven or eight schooners regularly employed between the coast of Africa and Martinique; part of the cargoes of which are carried direct to St. Thomas's, and part re-exported from Martinique to Surinam. A complaint has been made by a British ship of war, of one of their schooners which lay full of slaves in the bay of St. Pierre; and the Governor in some way interfered, of the result of which the crew of the Harriott was not apprised: but, unless on a representation of that nation, they are allowed to lie in the roads, bring the slaves on shore, and sell and re-load and re-export them without any notice being taken of such proceedings: this circumstance is a breach of the laws of France, and

is as detrimental to British interests, as it is to the cause of humanity*."

These various communications were brought before the notice of the French Government by Sir C. Stuart, on the 11th and 18th of December 1820; and in his note of the latter date, he urges, that as the difficulties in the way of agreeing to a mutual right of search are deemed insurmountable, considerations of good faith render some further legislative measures necessary; and he recommends—

" 1st. The prohibition, in general terms, of slave-trading in all its branches, to French subjects and to persons residing within the French dominions.

" 2d. The prohibition of the importation of fresh slaves from the interior to the French settlements on the coast.

" 3d. The application of the penalties of slave-trading to all descriptions of persons engaged in the equipment or insurance of ships to trade in slaves.

" 4th. Although the infliction of the severest possible punishment is desirable, the wisdom of the legislature will decide, whether a 'peine infamante' or 'correctionnelle' against the individuals who are guilty of contravention, is best calculated to ensure the execution of these enactments†."

Sir C. Stuart, in a letter to Lord Castlereagh, dated the 1st of January, 1821, states, that he had had an interview with Baron Portal, the Minister of the Marine; and he says, "I had the satisfaction to find, that he did not contest the truth of the statements which had been laid before the Government, although he assured me that he had heartily co-operated in furthering the efforts of my Court to effect the abolition.

"He asserted that more than forty prosecutions had been already instituted against persons implicated in transactions which come under the provisions of the French law; but that the agreements, particularly the insurances effected with foreigners, who are chiefly British subjects,

* C. pp. 144, 145.

† C. pp. 148, 149.

sous seing privé, which it is almost impossible to bring to light, are so extremely common, that it is to be feared these prosecutions are in many instances likely to fall to the ground.

“ Monsieur Portal assured me, that in the mean time, there had been no relaxation of vigour, in pressing forward the executive arrangement in his department of the service, to prevent the trade; that orders had been dispatched to the Admiral in the West Indies, directing him to send a ship of war down to the Havannah, for the express purpose of intercepting the slave-vessels destined to that port, and that instructions had been drawn out for the guidance of the administration of Senegal, grounded upon the suggestions of Governor MacCarthy, for the employment of the cruizers on that station, which he hoped would prove to my Government the sincerity of his wishes to forward this object*.”

On the 23d of March, 1821, Lord Castlereagh thus writes to Sir C. Stuart:—

“ The memorandum, a copy of which I herewith transmit to your Excellency, stating the measures which have been taken by the French Government and their Colonial Authorities, for the prosecution and punishment of cases of slave-trade, was delivered in by the Duke de Cazes, a few days previous to his Excellency's departure for France. .

“ Your Excellency will perceive that in one part of this memorandum allusion is made to certain ships bearing the British flag, and stated to be engaged in this traffic. On a reference to the papers inclosed in M. de Caraman's note of June last, it appears that all the vessels so referred to, and which your Excellency will observe bear French names, have been proceeded against and condemned in the colonies; but the allusion here made by the French Ambassador, and several other intimations which have at different times been thrown out to your Excellency, of the occasional employment of British capital in slave-trading, and of insurances on slave-ships being effected in England, lead me to request that your Excellency will urge the French Government

* C. p. 151.

to furnish you with the details of any cases of this sort which may at any time have come, or which may in future come to their knowledge, and you will be pleased immediately to transmit such information to me.

“ On vague reports and loose charges generally thrown out, and which they have no distinct grounds for believing, it is impossible for the British Government to take any step; but if they can be furnished with precise and accurate information of the existence of a slave trade carried on with British capital, or of any encouragement or protection being afforded thereto by British subjects, it would be their most anxious desire, as it is their bounden duty, to use their utmost endeavours for the prosecution and punishment of the offenders *.”

The memorandum of the Duc de Cazes is dated 12th of February, 1821, and is as follows :—

“ France has frankly employed all the resources which were to be found in the form of her government, in order to enact measures conducive to the abolition of the slave trade.

“ Ordonnances which were published, laws which were enacted in 1817 and 1818, have decreed the confiscation of vessels engaged in that traffic, and the suspension from command of captains of the said vessels. In 1819 a special commission, presided by a counsellor of state, and composed of magistrates chosen from the Court of Cassation, the Royal Court, and the Tribunal of First Instance at Paris, and of a General Officer of the Marine, was appointed to inquire into all judicial proceedings, intended to be instituted or carried on in France on the part of the public, in cases of infractions of the measures prohibiting the slave trade.

“ During the last five years the Minister of Marine has not ceased to prosecute, on all occasions, instances of illicit traffic. In the course of that period, there have been seized, by means of the French authorities, a considerable number of vessels illegally engaged, and some of them have been condemned and confiscated.

* C. pp. 155, 156.

“ A statement of the prosecutions, suits, inquiries, and condemnations which had taken place up to the end of April 1820, was transmitted to Lord Castlereagh by the Count de Caraman, on the 17th of June last; and amongst the vessels so seized will be found many belonging to British subjects.

“ In the month of September, 1819, the *Baron de Mackau*, captain in the navy, was sent to Senegal, for the purpose of ascertaining upon the spot the truth of the accusations which were repeatedly brought forward against the administration of that colony. On the return of this officer, a report was drawn up by the Minister of Marine on the result of this inquiry. This report was communicated to Lord Castlereagh at the same time with the statement above referred to; and the English Government will have perceived from it, that all the vessels pointed out as being actually engaged in the trade since the 25th of January, 1817, had been either proceeded against or condemned under the measures prohibiting the slave trade.

“ The ships *le Narcisse* of St. Malo and *l'Auguste* of Marseilles, were pointed out by the English journals, in the beginning of 1820, as having landed slaves for sale in the French Antilles. The Minister of Marine lost no time in causing an inquiry to be set on foot into the truth of the facts stated. This inquiry was carried on by the authorities at Martinique, who displayed in the investigation all the care and activity which was to be expected from their zeal: and the result proved that the reported landing of slaves was wholly unfounded; and that the cargoes of the ships above named consisted entirely of lawful merchandize.

“ The French Government has not been less zealous in repressing the slave trade in the Isle of Bourbon, and the numerous documents transmitted by M. de Caraman to Lord Castlereagh on the 17th of June last, will have afforded to the English Government unequivocal proofs of the efforts made by the French authorities in that colony, in furtherance of that object.

“ Laws, ordinances, ministerial instructions, public and

private measures, every thing has thus been had recourse to. If the results have not always been so complete as might be hoped, they have, at least, been more satisfactory than the statements transmitted to the English authorities seemed to indicate. The fact is certain, that illegal adventures on the part of French subjects have become much less frequent, and that the zeal of the French authorities has been verified. It is probable that many adventures of this description have been carried on under French colours ; and it is this circumstance which has caused the idea to prevail in England, that it was in France that the greatest number of violations of the laws against the traffic were committed. New measures have moreover been successively added to those which had been previously adopted.

“Several inferior agents, who had not been sufficiently strict in the execution of the measures of repression, have been dismissed the service.

“A flotilla has been organized for the purpose of exploring the rivers on the coast of Africa. This will contribute greatly to prevent the traffic in slaves.

“The naval forces on the African station have been reinforced by fast-sailing vessels furnished with instructions describing the cruising ground to be occupied. They will scour the coasts in such a manner, as to render any illegal embarkations or disembarkations impossible, or at least extremely difficult.

“The station of the Antilles has also been reinforced, so far as it has been in the power of the Marine Department.

“Finally, the French Government has given orders to its agents in the establishments of St. Louis and Goree, to promote and favour as much as possible the system of voluntary engagements on the part of Africans, and to guide themselves in this respect by the observed practice at Sierra Leone*.”

It now becomes necessary to examine the statements contained in this memorandum, and in the documents to which it refers, and which are also contained in these papers.

* C. pp. 154, 155.

Whether France has employed all her resources for suppressing the slave trade will best be seen by a reference to facts. She at least has not yet adopted the obvious means pointed out in the letter of Sir C. Stuart, of the 18th of December 1820 *.

But the memorandum refers, in proof of this assertion, to a statement of the inquiries, prosecutions, proceedings, or condemnations, which had taken place up to the end of April 1820. The list contains the *names* of forty-one vessels; but, of these, twenty-four have been the subjects only of hitherto abortive inquiries, seven or eight have been acquitted, one called English was given up to the Governor of the Mauritius, three called English are said to have been confiscated, the remaining five or six are French vessels that have been prosecuted; but it is uncertain from the statement whether any more than two or three have been finally condemned.

From the cases of abortive inquiry it may be sufficient to select a few instances, by way of exemplifying the unsatisfactory mode in which the investigation has in almost all cases been pursued.

1. "Les deux Sœurs, Delomosne master, built at Honfleur. Information was laid against her of having procured slaves on the coast of Africa, and having landed them in Martinique. Written in 1819 to the Governors of Martinique, Guadaloupe, Senegal, and Cayenne, as also to Havre. The answers from Martinique and Guadaloupe state, that the vessel had not put in there; the other answers are yet to arrive †."

It is somewhat singular that although this vessel was fitted out from Honfleur, the Minister of the Marine should have written for information respecting her, not to Honfleur, but to Havre. It is still more singular, that, in April 1820, though he then had answers from Martinique and Guadaloupe, yet no answer appears to have arrived from Havre. He could at least have had no difficulty in ascertaining the ownership of this vessel. Even in England it is known that

* See above, p. 114.

† C. p. 131.—See also above, p. 106

she belongs to M. Collin of Honfleur, who is the managing owner, in conjunction with the house of Relouis and Co. of Rouen*. Even in this country, though not possessing the means of information enjoyed by the Ministry of the Marine, we can also trace a great part of her history, without the necessity of resorting either to Martinique or Guadeloupe, to Senegal or Cayenne, merely by referring to the pages of the Bulletin de Commerce, annexed to the Journal de Paris. On the 27th of February, 1819, this vessel, then commanded by M. Delomosne, left Honfleur for Senegal with a miscellaneous cargo. The exact time of her return from the West Indies, (whither she is said to have gone from the coast with a cargo of slaves,) is uncertain, the Bulletin de Commerce before the Committee not being complete; but she appears to have sailed again for Africa early in 1820, and having procured there, as is said, a cargo of slaves, which she carried to the West Indies, she returned thence to Honfleur on the 27th of September, 1820. She had sailed under the command of M. Flabaut, but returned under the command of M. Durand, and is described as coming from St. Martin, one of the Antilles, with sugar, rum, &c. On the 25th of November, 1820, she was again cleared out for Senegal, under the command of M. Voissard. The first voyage is said to have proved so gainful, that the same owners were induced immediately to fit out, for the same trade, La Valentine, of which they gave the command to M. Delomosne, formerly of Les deux Sœurs. She sailed from Honfleur on the 9th of March, 1820, for Africa, whence she is stated to have carried about 300 slaves to Martinique in August 1820, and having landed them there, to have returned to the coast of Africa for a fresh cargo.

2. "L'Eliza, Tabry master; fitted out at Bordeaux, reported to have laden in 1818, at Senegal, 150 slaves; written in 1818 to the Commissary-General of the Marine at Bordeaux, and to the Commandant of Senegal, whose answers warranted no proceedings against the vessel, since no unlawful trading could be laid to her charge†."

* See above, p. 106.

† C. p. 120.

Now the Minister of the Marine had been informed, upon good authority, that a vessel bearing this name had sailed from Senegal with 150 slaves, many of these slaves being on the account of officers of the Government at Senegal. M. Mille and M. Colbrand, clerks of the Marine, had each twelve on board; M. Treves a clerk, and M. Calvet a surgeon, had each ten; and M. Lemeur storekeeper, and M. Maritau apothecary, had each six. He was also informed that the slaves carried by that vessel had been sold at Guadaloupe; and he had a copy furnished him of the note of the sale of one of the slaves landed from that vessel, on the account of a person at Senegal, to a Monsieur Pul of Guadaloupe, by Messrs. Lamey and Damblet, merchants of Pointe-a-Pitre. The account-sales signed by these gentlemen is dated at Pointe-a-Pitre, Guadaloupe, the 31st of May, 1818*. Considering that these facts were before him, what a strange, vague, and useless course does this inquiry appear to have taken? Besides all which, the Baron de Mackau actually informed him, in his report, that this vessel had certainly carried slaves from Senegal †.

3. "La Rosalie, Deschamps master, sailed from Honfleur in 1819, for the coast of Africa, with the supposed design of purchasing Negroes. From the answer of the Governor of Martinique, it appears that the Rosalie called at Martinique, but excited no suspicion there of carrying on an illicit trade ‡."

This vessel on the 1st or 2d of September, 1819, returned to Honfleur under another master, Voissard, (the same, it would appear, who now commands *Les deux Sœurs*), when she was reported as coming from Martinique with a cargo of different articles. The Governor of Martinique speaks of her as only having *called* there; whereas she took on board her cargo for Honfleur at that island. He says she excited no suspicion of an illicit trade. This seems very extraordinary, considering that she had cleared out from Honfleur for Africa, and was found at Martinique, after having made the circuit from Europe to Africa, and from Africa to that

* See Petition of M. Morenas, p. 8. † C. p. 122. ‡ C. p. 130.

island. Did it never occur to him, or to the Minister of the Marine, to ascertain the object of this circuitous voyage; how she had disposed of the goods she took on board at Honfleur; and what became of the proceeds of the sale?

4. *Le Rodeur*. This vessel appears twice in the list, and is spoken of on both occasions with a most extraordinary inattention to all the notorious facts of her case. First, the matter is thus stated:—" *Le Rodeur*, Boucher master, was in 1820, fitting out at Havre, with a design, it was suspected, of carrying on the slave trade. Written in 1820, to the Maritime Administration at Havre, *who have not yet returned an answer*. N.B. An information is lodged against the *Rodeur*, of having previously traded in slaves. The Commission appointed by the royal ordonnance of December 22, 1819, for reporting upon all actions to be instituted or maintained in France, by order of the Government, on charges of transgressing the laws for the prevention of the slave trade, is directed to examine whether there are any grounds for proceeding against her on this account. Accordingly, her name is inserted in the present list*." The second mention of this vessel is as one of four causes pending in France, and is as follows: "An information is laid against the *Rodeur* of having shipped on the coast of Africa a cargo of 280 slaves, and of having imported them into St. Thomas's. The Commission is employed in examining the papers †."

Let any man compare these statements of the Minister of the Marine with the account which has been given above ‡ of the facts of this most atrocious case, and then ask himself whether there is not in the whole proceeding an imbecility which is quite surprising, and which indicates some malign influence, that successfully interposes in this, and in every other slave-trading transaction, between the sincere intention of the Minister to do his duty, and the accomplishment of his purpose.

In the same style of utter feebleness and inefficiency do all the inquiries appear to have been carried on. They con-

* C. p. 181.

† C. p. 184.

‡ See above p. 83.

sequently produce no results. And it may, without any hesitation, be anticipated, that while the same course is pursued, although the coast of Africa may swarm with French slave-ships, and although Martinique, Guadaloupe, and Cayenne, may witness daily sales of slaves, not one case of slave-trading will meet in France with the punishment which the law denounces upon it.

Among the seven or eight *acquitted* cases the Committee observe the *Sylphe**. This vessel is stated to have been tried at Guadaloupe on the 20th of August, 1818, and acquitted. An appeal was brought against the sentence; but the acquittal was confirmed on the 18th of September, 1818. Notwithstanding this sentence of acquittal, however, no fact is now more certain, than that this very vessel had recently landed at Guadaloupe upwards of 300 slaves consigned to Messrs. Segond et Fils, of that island. What means the Procureur du Roi took to prove the fact it is impossible to conjecture; but it seems most surprising that she should have been acquitted, considering that the crew, who had sailed in the vessel to and from Africa, were upon the spot, and that upwards of 300 new African Negroes, who had been landed from her, had been sold in the island. Some light will hereafter be thrown on this general subject. In the mean time, it will be necessary to follow the course of the *Sylphe*. No sooner was she acquitted than she sailed again for the coast of Africa, and in the river Bonny took on board 388 slaves, whom she was carrying to Guadaloupe, when she was met in latitude 7° 50' North, and 16° 30' West, by his Majesty's ship *Redwing*, Captain Hunn. She had then been fifty-one days on her voyage from Bonny. She was brought into Sierra Leone, on the 10th of February, 1819, and 364 of her slaves (twenty-four having died) were landed there. From the examinations instituted on this occasion, it appeared that, as is stated above, this vessel had made a previous slave voyage to Guadaloupe, and that the traffic in slave was carried on there with scarcely any reserve. Vessels

* See above, p. 79.

cargoes of slaves on board were in the habit of landing them at obscure places, at a distance from the capital. (The Sylphe appears to have landed hers at a small village with a sandy beach, called St. Thomas, situated to leeward of Pointe-a-Pitre). The armateur or consignee being apprized of the vessel's arrival, usually proceeded over land to the intended place of debarkation, to take charge of the slaves and have them properly housed until a sale could be effected. The vessels then made their appearance at Pointe-a-Pitre, where they reported themselves as coming from the coast of Africa, and landed the small quantity of ivory, or other African produce, they might have on board.

The three vessels under English colours, said to have been condemned at the Isle of Bourbon, are the following:

Le Bon Accord January 13, 1818.

La Favorite January 9, 1819.

L'Espérance June 22, 1819.

The first of these vessels is said to have been seized, and the master condemned in the costs. The other two vessels with their cargoes are said to have been confiscated. No appeal having been lodged in either of these cases, the sentence was final.

Official copies of the proceedings in two only of these cases, those of La Favorite and L'Espérance, have reached our Government; and from these it clearly appears, that though wearing an English flag, which was evidently hoisted only to escape seizure by the French ship of war that boarded them, they were really French property; the owner of La Favorite being a M. Cremasy of Bourbon (who alleged that it was without his authority the Captain had carried her to Zanzibar for slaves), and L'Espérance having been a vessel piratically seized by the Captain of La Favorite*. Of Le Bon Accord no details have been received. Her French name is a presumption against her being really English; and a still stronger presumption is, her having been prosecuted to condemnation in the Isle of Bourbon. If however she

* C. p. 102.

was really English, it is only the more necessary to know the facts of the case, that the parties may be proceeded against.

The Committee have been struck with the weight which, from the memorandum of the Duke de Cazes, as well as from the list referred to in it, the Minister of the Marine appears to attach to the vague answers received from the authorities of Martinique and Guadaloupe, as disproving, in a variety of instances, the charges of illicit slave-trading. These authorities are even represented to have displayed in the investigations referred to them, "all the care and activity which was to be expected from their zeal*."

The Appendix to the Fourteenth Report of the Institution contains, at page 70, a letter from Guadaloupe, which throws much light on the *care*, *activity*, and *zeal*, of these functionaries. Two letters have since been received from the same island, which elucidate the subject still more clearly. The following extracts from these letters will be found to speak volumes.

"Guadaloupe, 13th December, 1821.

"Last September, an American pilot-boat-built schooner, landed sixty Africans at Ramboillette, Port Louis. They were debarked by the same person as before-mentioned. It appears that this schooner met some interruption on the coast, having lost her cables and anchors there, and was obliged to come away without a full cargo; besides, she brought back a part of the murdering cargo carried to Africa to barter for the natives, which was also landed at Ramboillette. I saw these articles: they consist of muskets, cutlasses, kegs of gunpowder, iron pots, bolts with padlocks, flints, &c.

"It is said that Messrs. Segond, Ferrand, and Rancé are the interested parties of this adventure.

"The planters of St. Anne equipped a schooner, which was built at St. Rose, sent her to Africa, and succeeded in a return-cargo of Africans. A ship which was expected here,

* C. p. 154; and above, p. 117.

was captured by a privateer of South America, when near Deseada, situate to the windward of this island, with 330 slaves on board. She was conducted to the neighbourhood of St. Thomas, among the Keys or small islands there, and her cargo was disposed of at forty dollars per head. This ship is named the Proteus. I saw her lying at Pointe-a-Pitre, she having been given up to her captain after the cargo was disposed of. I am informed that she is consigned to Mons. Rézel.

“ I have information that another privateer carried a parcel of Africans to Martinique, where she sold them at eighty-five dollars per head. Sixty Africans, which are a part of them, were sent to Monsieur Delisle of Pointe-a-Pitre to be disposed of.

“ On the 20th of October, a sale of new Negroes took place at a little bourg, called Gozier, situated immediately above the entrance of the harbour of Pointe-a-Pitre. These are supposed to be the cargo of the Thetis*, which vessel entered Pointe-a-Pitre, a few days preceding the sale, in ballast.

“ All the vessels mentioned to you before, which were consigned to, or owned by, Messrs. Segond, were again equipped and sent to Africa in February last, or soon after. The Thetis mentioned above is, I believe, one of those of which you were then informed. All the others have again made the same successful voyage as the Thetis, except the brig Fox, which has not yet returned. On the 29th following another cargo of 209 Africans (there being 217 taken on board in Africa, eight having died), landed from the ship L'Adèle Aimée, Captain Bouffier, was sold at St. François: they were disposed of at about 3000 livres, or 150*l.* currency per head on an average calculation. The arrival of L'Adèle Aimée at Pointe-a-Petre, after being absent for several months on the well-known intention of bringing slaves, preceded the sale. This is one of Messrs. Segond's vessels. On the 3d of November, the schooner, L'Atalante, Captain Boulemere arrived at Pointe-a-Pitre. She also

* See above, p. 100.

touched at St. François; but the owners (as she belongs to the same house) having had so recent a sale as the cargo of L'Adèle Aimée at St. François, and it being inconvenient for the planters who reside on what is called the Guadaloupe shore to go over to the bays at Grand Terre, they determined to choose St. Marie Capisterre to be the mart for the cargo of L'Atalante. At this place, therefore, a landing of her cargo took place the night before the day on which she entered Pointe-a-Pitre, and the sale took place the Sunday following. She took in at the coast 210, thirteen whereof died; 197 were therefore safely landed. On the 18th following, the schooner L'Eugenie, Captain Cramponniere, arrived at Pointe-a-Petre, having also landed her cargo at Capisterre. She was immediately advertised for sale, and was accordingly sold the 22d following. I do not know the number she landed, but she is of the same size as L'Atalante.

“There can be nothing else, which prevents the seizure of these vessels and their cargoes but a good understanding with the Collector and other officers of the Custom-house, or, as some scruple not to allege, the private instructions which the Governor has received to favour this criminal traffic. St. Marie is so nearly situated to Pointe-a-Pitre that I am induced to attribute the not seizing these two last mentioned vessels to the foregoing reasons. I knew when L'Atalante touched at St. François, and that her cargo was intended to be landed at St. Marie's; and could I have calculated on the support of the Government of this island, I could have had that vessel with her cargo of slaves confiscated. But of what avail would my denunciation be? Instead of being attended to it would prove very *nuisible* to my commercial interests here, whilst detection of my interference would most assuredly subject me to assassination: at all events, if my life escaped, I should at least be banished from the country never to return; which circumstance would be very destructive to my present prospects, without the chance of my being able to effect the desired liberation of the captives so unjustly dragged from their homes, in defi-

ance of the laws of God and of the decrees of that nation whose subjects are now so successfully employed in introducing into this island thousands of Africans.

"L'Atalante took in her cargo at Bonny. When she quitted it, she left there the brig Fox in a leaky state, having a part of her cargo on board. A sloop also took in her cargo at Bonny when L'Atalante was there. She (the sloop) arrived also at St. Francois with 100 slaves, and effected her landing there. As soon as the vessels arrive at Point-a-Pitre, they are sold. L'Adèle Aimée, L'Atalante, and L'Eugenie no sooner arrived there than they were sold, after being advertised in hand-bills.

"I inclose herein extracts from Le Journal Politique et Commercial of Pointe-a-Pitre, wherein you will discover the time of their arrival. A hand-bill also inclosed will shew how soon L'Eugenie was sold after her arrival; so it was with the others. I need not incur expense of postage in enclosing to you all the hand-bills of the other vessels; one will suffice, no doubt, to go in corroboration of my statement*."

"The reason that the vessels are all put up for sale immediately after their arrival, and that the name of Messrs. Segond are so often mentioned, is, that they are the ostensible persons combined with Messrs. Rancé and Co., and are the chiefs of a kind of association or company of slave-traders here. It appears that each expedition is fitted out on the account and risk of a certain number of *actionnaires*. Each subscribes what he is inclined to risk, and

* The following is a copy of the hand-bill:—"VENTE PUBLIQUE. Mercredi prochain, 22 du courant, il sera procédé, devant le magasin de MM. Victor Rancé et Co., a 11 heures du matin, a la vente publique de la *Goëlette* Engénie, telle qu'elle se poursuit et comporte, sans aucune réclamation quelconque. Les conditions de la vente sont de payer comptant, et ce, avant la mise en possession de l'adjudicataire, et en cas d'inexécution, la *Goëlette* sera recréée le lendemain a sa folle enchère.

"Pointe-à-Pitre, Guadeloupe, le 18 Novembre, 1820."

shares in proportion to the amount of his advances. The business is then conducted by the chiefs. The vessel therefore being estimated at a certain price when taken into the trade, is immediately sold at auction, on her arrival, to the highest bidder. When I contemplate the means thus acquired to carry on this barbarous and unchristian-like commerce, I need not wonder at its continuance, because, on every expedition, a new set of *actionnaires* can be easily found, and thus the fund is inexhaustible.

"Very early on the morning of 7th November, about ten waiters (*douaniers*) belonging to Pointe-à-Pitre landed at that town. It appears that they were sent, during the night before, to the north of La Riviere Sallée, under pretence of visiting the different bays situated in that part of the island, whilst Messrs. Segond were afforded an opportunity of landing Africans in the very town of Pointe-à-Pitre; because on the night of the 6th of the same month, when the waiters were absent, they landed sixty of the unfortunate captives in the town aforesaid. They are no doubt the remainder of the cargo of L'Atalante. On the evenings of the 18th to 20th November, the Custom-house officers were at the north entrance of La Riviere Sallée embarrassing small fishing and passage-boats. One would suppose that those officers were doing their duty; but no—it was to allow Messrs. Segond an opportunity of landing the remainder of L'Eugenie's cargo from St. Marie Capisterre through the port of Pointe-à-Pitre, which opens to the south. This appearance seems supported by the real fact, because, on the 20th, a St. Marie's sloop-boat (well known as belonging to St. Marie) arrived. She went near Messrs. Segond's wharf, when a pistol was fired as a signal of debarkation; whereupon twenty-two unfortunates were, one by one, conducted like criminals to the store of Messrs. Segond: when they were all landed, the pistol was again fired, upon which last signal a Custom-house officer went on board to visit the said sloop-boat!!!

"I saw the captain and crew of a slave-ship or brig landed at Port Louis from Antigua in a small schooner

boat. The vessel and cargo were seized at Antigua for entering there. It appears that they must have taken that island for this. This vessel was bound here *. Mons. Rancé is the merchant whose name is mentioned as the owner or consignee.

"L'Adèle Aimée took in her slaves at Old Calabar, situated (as I am informed) to the south-east of Bonny. The native chief, Duke Ephraim, supplied L'Adèle Aimée with her cargo of slaves at twenty-two to thirty-five bars each. Whilst L'Adèle Aimée was at Old Calabar, L'Atalante, L'Eugénie, brig Fox, (and other vessels belonging to this island), were loading at Bonny. L'Adèle Aimée had four guns when she went to the coast; two of which, being brass six-pounders, were sold to Duke Ephraim, who has sent offers to Messrs. Segond to continue the trade. He has sent a boy, a relation of his, to this island, with a servant to wait on him, for the purpose of receiving education. A vessel which was at Bonny, and could not succeed there on account of the number of vessels purchasing cargoes, arrived at Old Calabar when L'Adèle Aimée was there, and reported that the number of slave-vessels she left at Bonny was twenty.

"Seamen have great temptation to go on the African slave-trade. Men before the mast get from 25 to 30 dollars a-month; thus some of the crew of the vessels which arrived at Pointe-à-Pitre had to receive 200 dollars each, balance of wages. L'Atalante has been equipped again, and has sailed from Pointe-à-Pitre, no doubt with the intention to prosecute another voyage to the coast; although the captain, on account of his cruel treatment to his sailors, could not get a crew at Pointe-à-Pitre for the voyage; but it is said that she has gone to Martinique to collect seamen. Her departure is marked on one of the enclosed extracts under the head, 23d to 30th November. You will find also by the enclosed extracts that each vessel (coming from Africa) reports in ballast from St. Bartholomew's.

"Slaves are now imported so openly into this island, that

* This must have been the Louise mentioned above, p. 112.

those landed at Pointe-à-Pitre from St. Marie, by Messrs. Second, are by them employed carrying stones, &c. for a large building lately commenced by these merchants, without any fear of their being seized. The *Louisa*, a schooner which I mentioned in my letter of February last, being a remarkably fast sailing vessel, is re-built entirely anew. She is, I am told, to be equipped for the slave trade and will be ready shortly."

"I cannot conclude my present communication without expressing the horror and indignation which have seized me, when I have to relate that the Sabbath is the day on which, generally speaking, a sale of the different cargoes landed on this island takes place, because it is on that day all the planters assemble at the different bourgs to go to church, &c."

"The schooner *L'Atalante* is the same which I mentioned to you in my letter of February last as *La Talente*. The mistake happened from my not then seeing the name written."

"Guadaloupe, 5th March, 1821."

"In addition to my last communication, under date of 13th December last, I have to furnish you with the painful account of the arrival of the brig *Fox*, from the coast of Africa with a cargo of slaves, after an absence of a year. She took in her cargo at Bonny; and when she left it, there were about twenty-eight vessels large and small, then lying there for the purpose of procuring similar cargoes*. I am informed by the crew, that the chief is named King Pepper, and is the person who supplies the slaves at Bonny. The *Fox* arrived off Port Louis the 23d ult., and remained until this day; during which time, the debarkation and sale of the unfortunate Africans took place. As soon as she appeared off, her signal was well known by the agent of Messrs.

* This account will be found exactly to correspond with that received from the river Bonny itself, and inserted in this year's Annual Report, p. 24.

Second, with whom instructions about her intended arrival off Port Louis were lodged, several months back : whereupon a boat with the agent's clerk was sent off to the brig to communicate, after which she approached and anchored off Port Louis about two o'clock in the afternoon, in presence of all the people, and also of the custom-house officer stationed there, whilst the custom-house boat with waiters from Pointe-a-Pitre was at the North mouth of La Riviere Sallée, who must have seen this brig approaching Port Louis. On her arrival, the Bourg of Port Louis immediately resounded with the noise of the arrival of a Guinea-man. A boat was immediately dispatched to Messrs. Second at Pointe-a-Pitre, through La Riviere Sallée, with the captain of the brig Fox. At about nine o'clock at night, she returned with the captain and the chief clerk of Messrs. Second : thus you find that the captain fearlessly shewed himself at Pointe-a-Pitre before the slaves were debarked. They immediately began to concert on measures for the debarkation of the cargo, and it was proposed to wait until about three o'clock the next morning, when they would be favoured with moon-light, whilst they had engaged two large canoes for the purpose. However, the captain being sick and fatigued, did not commence to debark at that hour. The debarkation, therefore, commenced later, and was not ended before seven to eight o'clock on Saturday morning, the 24th February. They were put into an old store-room at Ramboillette (Port Louis), so that they could be seen by every body. The custom-house officer stationed there was seen by me going to look at them with other persons. I went also and witnessed the cruel sight. I went to be convinced and to deplore. There were about 300 miserable beings, without distinction of sex, packed close together in the above-mentioned store-room, upon the bare earth, without even planks to serve as beds. They had no coverings for their bodies, except some of them, who had only a piece of cloth to cover their middle. Some were sick, and a few presented the human shape in a most dreadful form, being reduced to mere skeletons. But generally speaking, the

greater part appeared to be in good health. They are of the Eboe nation ; and I am informed that King Pepper got them from the interior. He supplied them very slowly, which accounts for the long detention of the Fox. She took in 328 at Bonny, whereof about twenty-eight died, some of whom jumped over board and drowned themselves, and, I am told, with the erroneous hope of getting back to their own country.—Three hundred must have been landed, because at the sale there remained 294, a few having died since their arrival. Circulars were sent to the different planters of Grandeterre, and to those residing on the Guadalupe shore, to invite them to the sale yesterday, being the Sabbath-day ! It accordingly took place, and was numerously attended by people from all quarters. They were sold (except about eighty), upon an average, at about 3000 livres, or L.160 currency, per head : among them were a good many boys and girls. The remainder was taken off this day, on board of a sloop, which was ordered round from Pointe-a-Pitre for that purpose. I saw her afterwards quit : she steered westerly. I am informed that they are sent to Porto Rico. The brig Fox sailed for Pointe-a-Pitre the same day she landed her cargo. Before she sailed, I went on board of her, and saw the platforms erected, and every thing indicative of her having had a cargo of slaves on board. In this condition she must have arrived at Pointe-a-Pitre. She was set up there, and sold the 1st instant at vendue, like the other slave-vessels of Pointe-a-Pitre, to close the account of the *actionnaires* interested in this voyage.

“ The Louisa which you were informed was getting ready for sea, has since sailed. She is a remarkably fast sailing vessel. L'Eugenie has also sailed again.

“ I am informed, and verily believe, that these slave-vessels get their arms and ammunition from the public arsenal at Pointe-a-Pitre. They all go out armed. There are no *private* stores where arms and ammunition are sold ; and therefore the account which I have received, that the local government facilitates these expeditions, is very credible. As for the particulars respecting the arrival of the Fox, &c., it rests not

upon idle reports, or what is generally believed to be true. My information comes from what I have seen myself."

"Cold and unfeeling indeed must be the heart of that man, if, situated as I am, he did not feel some indignation. When I consider that his Most Christian Majesty has signed solemn treaties and ordained solemn decrees against this inhuman traffic, and that his subjects are unblushingly and successfully carrying it on, (with all the semblance of protection from the colonial government), I cannot do otherwise than feel for this act of injustice; this open violation of a solemn treaty! Could his Most Christian Majesty have been present, as well as his ministers, at the debarkation of the cargo of the Fox, I think that the tear of sympathy would start from their eyes, unless they had before visited the colonies; and were tainted by colonial prejudice; or unless they could not be convinced of this truth—that these Africans were fellow-creatures. I think that his Most Christian Majesty would be sunk in amazement (if he is not yet in the secret of what is going on in this island), after witnessing such a scene, and learning that some of his officers afford every facility to the introduction of these Africans into Guadaloupe.

"For my part, I think the present manner in which slaves are introduced into Guadaloupe is more favourable to the slave-trader, than if the introduction was openly allowed by law; because at most he now pays about 600 dollars of a *douceur*, &c.: but there no doubt would be a heavy duty, if the trade was permitted—say then, that if only five per cent. *ad valorem* was demanded, the cargo of the Fox, if she paid that duty, and if the slaves were valued only at 100*l.* currency, would have to pay about 1470*l.* or 3266 dollars as the total amount of duty."

Such is the account of an eye-witness of many of the scenes which he describes. And here it ought not to be forgotten, that Guadaloupe was ceded to France by Sweden, under the mediation of this country, subject, of course, to the condition under which this last power had received

it from Great Britain—namely, that no slave trade should be allowed to exist there. This condition, however, it will be admitted, has been most flagrantly violated.

Before the Committee conclude their observations on the list which has occupied them so long, it will be right to remark, that it is very far from being a complete list of all the vessels which from time to time have been pointed out to the French Government as concerned in the slave trade.

The next point in the memorandum of the Duke de Cazes is the report of the Baron de Mackau, who had been sent to Senegal in September 1819, in order to ascertain on the spot the truth of the charges of slave-trading brought against that colony, and whose report, it is said, will shew that *ALL the vessels engaged in the trade since January 1817 had been either proceeded against or condemned.*

The report attributed to the Baron de Mackau, however, is not the report which he made to the Minister of the Marine, but a report which the Minister of the Marine has himself drawn up from that officer's communications*. It certainly would have been much more satisfactory, under all the circumstances of the case, to have seen the original communications themselves.

In this report it is stated, that the Baron de Mackau had "penetrated to the source of each fact; and he discovered that the greater part of those reported in a printed statement published in England, and entitled, '*Exposée des Faits,*' &c. were true. Thus it is demonstrated, that the vessels the *Queen Caroline*, the *Eliza*, the *Astrea*, the *Sylph*, the *Zephyr*, another vessel named the *Eliza*, and the *Maria*, carried off slaves at Senegal, from the 25th January, 1817, to the 15th July, 1818; that at Goree particularly this commerce was carried on with remarkable ardour and publicity; and that some subaltern agents of Government deserved, and have since justified, the accusations brought forward against them †."

* C. p. 122.

† C. p. 122.

Will it be believed, that in the same report which contains these ample admissions, is also contained the following passage? The Baron de Mackau "remained more than three months at Senegal. He made a voyage of four weeks up the river; his whole attention was devoted to form a correct judgment upon every thing. As he thought that his honour depended upon telling the truth, or, at least, what appeared to him to be the truth, he visited the natives and their chiefs: he spent whole days in their villages and huts, and he declares positively, that he no where found any trace of Negroes having been carried away, any more than of the devastations and horrors described (as having taken place almost immediately after the month of January 1817) in the Thirteenth Report of the Directors of the African Institution, quoted in the Eighty-first Number of the *Minerve*. Fortunately, says he, all the facts represented in that description are false. The accusations reproduced under so many forms, repeated in so many documents, that the traffic in slaves had been not only tolerated, but even encouraged, at Senegal, in 1817 and 1818; that the authorities derived from it an odious gain; that receptacles for captured slaves had been publicly established at St. Louis; that 1500 slaves were chained in them in the latter months of 1818; are, in the eyes of the Baron de Mackau, nothing but infamous calumnies invented by passion, and supported by an unfortunate imprudence *."

How the Minister of the Marine will be able to reconcile these two contradictory statements, which stand together in the same report, is not very obvious. The Committee take it upon them to say, that they are utterly irreconcilable. A few brief observations will shew this to be the case.

1. The "*Exposéé des Faits*," &c. which the Baron de Mackau admits to be in great part TRUE, contains all the facts respecting Senegal which appear in the Thirteenth Report of the African Institution, and all of which he pronounces to be false. But if the one be true, the other must

be true also. The Committee say this after an inspection of both documents.

2. The Baron says he could find no trace of Negroes having been carried away, or of devastations having been committed in 1817 and 1818, two or three years before his visit to the coast? But how could he have found any? How was it possible that in January, 1820, he should have found traces of kidnappings and other atrocities which had taken place so long before? The wretched beings who were the subjects of these cruelties, did not remain to tell the tale of their sufferings. They had long since been transported across the Atlantic, to work under the lash of some Negro-driver in the West Indies. And as for the place where villages had once stood, the marks of the blood which had polluted them, and of the conflagrations that had consumed them, would be effaced by the periodical rains of a single season, and by the luxuriant crops of grass and jungle which these rains never fail to produce.

3. If indeed this statement of the Baron de Mackau had any claim to credibility, whence did those ships procure their cargoes, which he says he had proof even to demonstration were laden with slaves at Senegal? Whence were the holds of the *Queen Caroline*, of the two *Elizas*, of the *Astrea*, the *Sylph*, the *Zephyr*, and the *Marie* (to say nothing of many besides that might be named), supplied with their living load? Whence did those merchants of Goree, also, who far surpassed even the traders of Senegal in the "ardour and publicity" with which they carried on this commerce, derive the materials of their cruel traffic? Were they obtained, does he suppose, without violence and fraud, without kidnappings and depredation, without fire and sword? Certainly not. These are the sources, the grand sources, of the slave trade; and the Baron only shews his inacquaintance with the whole subject, as well as the excess of his credulity, in admitting that the slave trade proceeded with such activity at Senegal and Goree during the years 1817 and 1818, and yet that it produced none of the kidnappings and devastations and horrors described in the

Thirteenth Report of the African Institution. The Baron de Mackau must have been as grossly imposed upon in this instance as his Government has in too many others.

4. But he even denies that receptacles for slaves were established at St. Louis. Here, however, he is directly at issue with the Minister of the Marine; or rather the Minister of the Marine, who drew up the statement, is here at issue with himself; for he sanctioned the report, on the Petition of M. Morenas already referred to, made, in June 1820, to the Chamber of Deputies by M. Courvoisier. This report, so sanctioned, states, that the inhabitants of Senegal and Goree, not only *may*, but *do*, purchase from the interior any number of slaves they think proper, hold them there in a state of slavery, and shut them up in slave-holds: nay, it vindicates to them the right to do so. The words are, "On les vend, on les achète, sans violer la loi. Les Nègreries de St. Louis n'ont pu être détruites." But when then were these slave-holds erected, towards which the Minister of Marine exercises so remarkable a forbearance? Not one existed there in the month of January 1817, before the colony was ceded to France. They have all been erected since. And for what purpose can they have been erected but for that of carrying on the slave trade?

5. The Baron de Mackau also denies that the slave trade was tolerated, much less encouraged, at Senegal by the local authorities. To say so is, according to him, an infamous calumny: nay, he affirms that they struggled against it:—they exerted even a vigour beyond law, in their efforts to prevent the infractions complained of. Then let him explain how it was, consistently with this testimony, that the slave trade could have prevailed there in the degree in which *he* admits it, and the report of M. Courvoisier also, sanctioned by the Minister of the Marine, admits it, to have prevailed at Senegal and Goree. Senegal and Goree, let it be remembered, are petty establishments, where every shipping transaction must necessarily be known to all who choose to know it, and where it would be quite impossible to conceal from a vigilant Governor the export of a number of slaves.

How did it happen that the English Governors who preceded M. Schmaltz and M. Fleurieu, that Colonels Maxwell and MacCarthy and Brereton and Chisholm were able effectually to prevent the slave trade during their administration? It was because they were bent on doing so. Let Messrs. Schmaltz and Fleurieu adduce, if they can, any instances of their having interfered to repress this crime from January 1817 to May 1818, during which period, according to the statement of their own friend and advocate the Baron de Mackau, "*on s'est livré à ce commerce.*" Let them shew the regulations they adopted, the proclamations or decrees they issued, the seizures or prosecutions they ordered, their complaints to the Minister of the Marine, and their applications for cruizers, and for additional powers, if those confided to them proved insufficient. If they can shew nothing of this kind, and nothing of this kind has yet been shewn, the value of the panegyric pronounced on them may easily be estimated.

6. But in addition to all these strong presumptions against the truth of the exculpatory statements of the Baron de Mackau, or rather of the Baron as exhibited by the Minister of the Marine, there is the very strong and decisive testimony of eye-witnesses of credit and respectability, to be adduced on the other side. The substance of the testimony of M. Morenas, as contained in his Petition to the Chamber of Deputies in June 1820, has been already given in the Appendix to the Thirteenth and Fourteenth Reports of the African Institution. In addition to this, there is the testimony of M. Giudicelly, *Préfét Apostolique* of Senegal, who has certified, on his own knowledge, the truth of the facts contained in the Petition of M. Morenas; and who, in a pamphlet subsequently published and subscribed with his name, and in which he offers judicially to substantiate his allegations, affirms, "that the execrable trade in human flesh was carried on at Senegal and Goree under the administration of Messrs. Schmaltz and Fleurieu with the utmost publicity." "I myself," he says, "have seen the unhappy Negroes embarked by hundreds both at Goree and at St. Louis, on board of vessels bound to the West Indies." "The

Petition of M. Morenas," he proceeds, "is so little liable to the charge of being unfounded, that I am ready to add to it a variety of other facts, M. Morenas has stated, for example, that a cargo of slaves was dispatched from M. Potin's wharf on St. Louis's day. I can add, that two unhappy Negroes who had waited at table during the dinner which the Governor gave, on the occasion of that very festival, were carried off from the kitchen, and embarked on board that vessel, several individuals being witnesses of the transaction." "I will give also some details respecting the massacre which M. Morenas states to have taken place in the village Diaman. Going into the house of a native, who had purchased a female of twenty years of age, captured on that occasion, I learnt from her, that not being able to escape, on account of a wound in her foot, the Moors had made her a slave, and, at the time they seized her, stabbed in her arms an infant five months old; that her father had been killed in defending the village; but that her husband, who had been out a hunting, her eldest daughter, and her mother, had been saved. This Negress was much affected by my inquiries; and it was with difficulty I prevailed upon her to accept some trifling aid. It was necessary often to repeat—perhaps, after all, without convincing her—that all the Whites were not alike, and that most of them abhorred such atrocities. 'Why then,' she eagerly exclaimed, bursting at the same time into a flood of tears—'why, then, do they not prevent them?'

"The destruction of this village was the signal for such horrid excesses as I could scarcely have suspected cannibals to have been capable of committing. Upon the Senegal, in the streets of St. Louis, in the surrounding country, every Negro who was a stranger and unprotected, was seized, sold, and shipped off. How often have I heard the outcries of these unfortunate beings, who during the night were struggling with their kidnappers!"

"In the beginning of the year 1818, King Damel encamped with about three thousand cavalry and infantry, and a thousand Moors, at the village of Gandiole, three leagues from St. Louis, I went to see this barbarian, who, during

six months of that year, was occupied in carrying fire and sword into the different parts of his kingdom. To whom was it that he sold the thousands of his subjects whom he made slaves? They were all transported to the West Indies from Senegal or Goree.

"In short, in 1817 and 1818, nearly all the inhabitants of Senegal, whether public functionaries or not, were engaged in the slave trade; and I was the daily spectator of wretched Negroes, scarcely able to drag themselves along under the weight of their irons, moving about or rather staggering in the streets, in order to breathe, for a few minutes, a less pestiferous atmosphere than that of their slave-holds."

"At this time there were in that little island of St. Louis, more than 2000 slaves destined for embarkation to America; and they were in fact embarked after the return of M. Schmalz."

7. The Minister of the Marine assures Lord Castlereagh that at the time the Baron de Mackau quitted Senegal—that is to say, towards the end of January 1820—the slave trade had been generally abandoned, but that there were guilty individuals who were waiting for a less severe system in order to renew this infamous traffic. How little it was abandoned in reality is manifest, among other things, from the seizure at Antigua, of the French slave-ship *La Louise*, in October last, coming from Senegal with a cargo of slaves*.

The Minister of the Marine, in his statement of April 1820, so often alluded to, gave our Government a distinct and specific promise of a new law on the subject of the slave trade†. But though a year has passed since that promise was made, it has not been fulfilled; nor have the Committee heard that any step has been taken towards its being fulfilled.—He added, that certain subaltern agents of the Government had taken part in the slave trade; but that one of these had been punished *by being obliged to retire on a pension*, and that the remainder will be removed from the service, the Committee presume, on the same terms. So that the

* See above, p. 112; and C. p. 144.

† C. p. 124.

punishment inflicted on these public functionaries for the atrocious crime of slave-trading—a crime rendered in their case doubly atrocious by its being a violation of the trust reposed in them—is to remove them from the pestilential climate of Senegal to the salubrious air of France on a pension! It has also been stated as a fact in the French newspapers, that Colonel Schmaltz, since his removal from Senegal, has been appointed the Administrator of the works on the domain of Chambord, belonging to the Duke de Bordeaux, with a salary of 10,000 francs per annum.

It will be recollected that the Baron de Mackau professed himself satisfied, even to demonstration, that certain vessels, which he named, had carried off cargoes of slaves from Senegal*. The Minister of the Marine observed of them, that he had inserted them in his list of actions, prosecutions, suits, and condemnations†. It is curious to mark the place they hold in that list; and though their guilt has been demonstrated to the satisfaction of the Baron de Mackau, and, it is presumed, of the Minister of the Marine also, how little prospect there is of their punishment.

Of the Queen Caroline, the Astrea, and the Sylph, the list simply tells us, that they had been acquitted!‡—that three vessels had been acquitted whose guilt has been demonstrably proved! One Eliza is not mentioned at all. Of the other Eliza, and the Zephyr, we are told that the Minister had written to Bordeaux and to the Governor of Senegal, and that the answers warranted no proceedings against them, since no unlawful trading could be laid to their charge§. As for the Maria, she is still under inquiry||. And yet, let it be noted again and again, these are the ships, the very ships, of which the Baron de Mackau has observed, that the fact of their having carried slaves from Senegal to the West Indies had been established even to demonstration!!! The impunity of these vessels under

* C. p. 122; and above, p. 135. † C. p. 124. ‡ C. p. 132.

§ C. p. 130; and above, p. 120. || C. p. 134.

such circumstances furnishes also an additional proof of the care and activity and zeal with which the local authorities of the Antilles are said to conduct their investigations on this subject*.

The Duke de Cazes refers also to the unequivocal proofs of the zeal of the Governor of Bourbon, General Milius, to repress the slave trade. And here the Committee feel unfeigned satisfaction in being able to concur with his Excellency in the eulogy he has pronounced on that meritorious officer, whose name deserves to be ranked among the warmest friends of the oppressed and degraded African, and the whole of whose correspondence exhibits a mind deeply penetrated with the wickedness of the slave trade, and the malignity of the evils to which it gives birth. On the proposal of General Darling, the Governor of the Mauritius, he most promptly acceded to an arrangement prohibiting the export of arms and ammunition from either the Mauritius or the Isle of Bourbon to Madagascar, with a view to diminish the incentives and the means of those predatory wars which feed the slave trade. He gave a farther distinguished proof of his cordial attachment to the cause of humanity by proposing, that English ships of war might consider themselves at liberty to detain all French vessels with which they might fall in at sea, having cargoes of slaves on board, until such time as the respective Governments should conclude conventions on the subject, the arrangement in the mean time being reciprocal. To this proposition, which reflects the highest honour on General Milius, General Darling found himself obliged to reply as follows:—

“ I should indeed most willingly adopt your Excellency’s proposition, with respect to the reciprocal search of vessels, suspected of being employed in the slave trade, by the ships of our respective Governments. But, in making this proposition, I conclude your Excellency was not aware that a similar one had been submitted by the British Minister at Paris, and rejected by the French Government. I have therefore thought it right to apprise your Excellency of

* See above, p. 117.

this circumstance; that, in the zeal which your Excellency has so generously evinced in this cause, I might not be instrumental in leading you to the adoption of a measure, of which your Government might probably not be disposed altogether to approve; and I trust the frankness with which I put your Excellency in possession of this fact, will serve the more strongly to cement the confidence which I am proud of seeing established between your Excellency and myself*."

It has been mentioned above that a slave-ship under English colours, called *La Favorite*, had been condemned at the Isle of Bourbon. The correspondence which took place between the authorities of that island and those of the Mauritius, clearly shew, as has been already observed, that the vessel was French. Throughout the whole of this affair, and indeed in all his proceedings, the Governor of Bourbon continued to manifest the very best spirit. Another proof of this appears in a case of a most horrid description, arising out of the piratical habits produced by the slave trade. The following is the account of it given by General Milius himself in a letter to the Minister of the Marine. After observing that the "barbarous and inhuman expeditions which our slave-traders are so frequently engaged in at Bourbon, in defiance of the extreme severity by which I endeavour to oppose them," are also frequent at the Mauritius, and attended by circumstances still more atrocious, he proceeds to state, that he had been applied to by the Governor of the Mauritius to deliver up a criminal of the name of Lemoine, whose conduct had confirmed all his former observations respecting the "inhuman cruelty, sordid avarice, and callous barbarity of those who engage in the slave trade," but that he had failed to trace him. The facts of the case are thus stated by Governor Milius.

"In the month of September last, the *Sieur Lemoine*, master and owner of the schooner *l'Espoir*, or the *Bamboche*, left the Mauritius under English colours, shaping his course towards the coasts of Madagascar and of the Mozambique. He fell in with a Portuguese vessel, laden

* C. pp. 115, 116.

† See above, p. 124.

with Negroes and gold dust. An eagerness and thirst of gain seized upon his soul : he ran along-side of the Portuguese vessel, and immediately killed the mate by a musket-shot : having boarded her, he soon obtained possession of the vessel thus attacked ; and his first questions were addressed to a Portuguese Colonel, aged 50, of whom he inquired where the money and gold dust were deposited. After this short interrogatory, Lemoine purposely stepped aside, and a man named Reineur, who was behind him, with a pistol blew out the unfortunate Colonel's brains. But these crimes were not enough to satisfy their savage inhumanity. The master of the captured vessel, alarmed by the rapid succession of these massacres, threw himself overboard, in order to escape a more immediate death. Vain hope ! the fury of Lemoine and his accomplices was not yet allayed. They pursued him in a boat, and, having soon overtaken him, they cut him on the head with a sabre. The unfortunate man, feeling himself wounded, caught hold, in order to support himself, of the boat in which his murderers were, who, profiting by this last effort of despair, had the dastard cruelty to run a sword into his throat, the point of which came out at the side of their victim : the body disappeared, and they returned on board fatigued, but not satiated with murders ! They shut up in the hold the remaining Portuguese sailors, and after having taken off the rich cargo, they scuttled the ship and sunk her with the crew they had thus shut up.

“ I own, Monseigneur, that such horrid acts of cruelty would be too painful to relate, were they not seldom found to be accompanied by such frightful details.

“ After this infamous expedition, Lemoine went to Mahé which he soon left for the Mauritius, leaving one Basset, his second in command, in charge of the schooner at Seychelles.

“ On his arrival at the Isle of France, Lemoine ordered Basset to sell his vessel at Mahé, which was done through the means of the Judge of the Admiralty. But when Basset claimed the amount of the sale, the indiscretion of his crew had given rise to suspicion : the rumour of the murders was generally spread, and Basset was taken up. Having by con-

fession, obtained the clearest evidence of the crimes committed by Lemoine and the crew of l'Espoir, the Commandant of Seychelles sent them to the superior court at the Mauritius, where proceedings are now going on against them.

"But the ends of justice will only be half attained :— the most guilty person has escaped, and every circumstance confirms the presumption that he has left the two colonies.

"The foregoing is, Monsigneur, a faithful narrative of the horrors practised by a slave-trader. To these lengths will an eager avarice urge on those who can traffick in human flesh. I shall not venture to add a single reflection; the heart and understanding of your Excellency will furnish the best inference to be deduced from this communication *."

The conduct of General Milius forms a bright exception from that which appears to have been pursued by too many French functionaries, in opposition to the declared will of their king, and the benevolent wishes of the nation at large. For no man can read the foregoing statements of what has passed relative to the French slave-trade without being forced, however reluctantly, to admit that all the stipulations of France on the subject remain hitherto unfulfilled; nay, that they have been shamefully and perseveringly and flagrantly violated with an impunity for which it would be difficult to account, in any manner that was consistent with the good faith of the Government, except by supposing that a well-arranged system of deception has been practised upon it by the guilty traffickers in human blood, in league with some unprincipled *sous-fonctionnaires*, who have the means of making the deception available to its purpose.

The memorandum of the Duke de Cazes (or rather the memorandum of the Minister of the Marine, the Duke being manifestly only the organ through whom the sentiments of that Minister are conveyed to our Government,) concludes with observing, that the French Government had given orders

to promote at Senegal and Goree the system of voluntary engagements on the part of the Africans, and to guide themselves in this respect by the practice at Sierra Leone. It is not very obvious what kind of voluntary engagements is here intended. If a system of voluntary engagements to migrate to the West Indies be meant, certainly nothing of the kind exists at Sierra Leone, and it would, in point of fact, only be giving a milder appellation to a real slave-trade. If free and voluntary labour at Senegal and Goree is intended, the true, and indeed the only effectual way of promoting this would be to abolish, at these settlements, as at Sierra Leone, the right of buying and selling our fellow-creatures. All other expedients must prove unavailing.

As for the means said to be adopted for invigorating their cruising system, a short time will put their efficiency to the proof. But supposing the French navy to do all in their power to repress the slave trade, their efforts must prove comparatively unavailing, unless the law decrees an infamous punishment to the persons engaged in this murderous traffic.

The necessity for the adoption of such a law has already been strikingly illustrated. A farther illustration of it will be found in the following document, which is but one of many similar proposals of late freely circulated in France, and with which the Committee will conclude this part of their abstract. The particular *projet*, of which a translation shall now be given, was circulated in a printed form at Havre and in Paris during the early months of the present year. It is as follows.

“ Prospectus of the outfit and cargo at Havre of a schooner of about 70 tons, a superior sailer, destined to the coast of Africa, under the command of Captain Le Denter, who has just arrived thence, in order to effect there the purchase of 100 to 105 mules to be imported into one of the West-India Islands; and in case the cargo should not complete this number, then the Captain engages to take some on

freight at the rate of a fourth of the profit on the sale of each.

OUTFIT.

The vessel with its rigging and furniture, coppered	f.15,000
Provisions for ten months and advance to the crew	4,000
Cargo	25,000
insurance of the capital, at 20 per cent.	8,800
	<hr/> f.52,800

"The cargo assorted according to an indent furnished to the Captain by the principal inhabitants of the place, it is reckoned, will yield a profit of 115 per cent. which would form a fund of f.53,750.

ESTIMATED RETURNS.

105 mules, at f.550 each f.57,750

SALES OF THESE RETURNS.

"As the vessel would procure 105 mules, it may be assumed that there would not occur a loss of more than 5 per cent. especially if good provisions and different refreshments, things essential to the success of the expedition, were provided. There will then remain at least 100, which would yield, calculating on the sales of other cargoes, 550 dollars a-head. But to take their value at the lowest rate, we will place it at only 500 dollars each.

100 mules, at 500 dollars each f.262,500

DEDUCT.

Outfit of the vessel	52,800
Captain's commission, at 10 per cent.	26,250
Gratuities, commissions, &c.	12,000
Settlement with the crew	5,000
	<hr/> 96,050

Net profit in addition to the value of the vessel remaining to be sold f.166,450

CONDITIONS OF THE PRESENT PROSPECTUS.

"The sum of 52,800 francs, being about the amount necessary to be raised for the present adventure, will be divided

into shares of 3000 francs. Each of the persons interested will, on the first demand, pay the amount of his share into the hands of the *armateur*, (the agent, or ship's husband); one-third in cash, and two-thirds in good bills, on Havre, Rouen, or Paris.

"Mons. J. Ferrant, as *armateur*, will have the direction of the adventure, and the choice of the necessary agents. He will settle with them the terms of the voyage. He will give to the captain and correspondents the instructions necessary to success; without, however, being at all responsible for errors or misconduct, or any misfortunes which may occur.

"The *armateur* will do all in his power to insure the capital employed from all risks, until it shall have reached the West Indies, (the returns thence to France being insurable in the ordinary way), by any insurance offices, and in any places where the same can be effected, but without making himself liable to any personal responsibility. It will be permitted to the parties interested, to insure the amount of the premium also, so as to be covered against loss, in case of the unfortunate result of the present adventure.

"The *armateur* is allowed a commission of two per cent. on the outfit of the vessel, and on the cargo, as well as on the gross proceeds of the sale of the returns in France; and this, independently of any commission allowed to the consignee, in case of the vessel, from any cause whatever, unloading in any other sea-port. He will receive, besides, two per cent. of *del credere*, for sales effected on credit, and one half per cent. on the sums insured.

"The accounts of the outfit and of the cargo shall be sent to the parties interested one month after the departure of the vessel; those of the sale, as well as of the net proceeds of the expedition, one month after the final sale of the returns, which shall be transmitted, as much as possible, by the captain, on board of ships bound to Havre, and at the lowest possible freight.

"As soon as the vessel shall arrive at the different places to which she is bound, the *armateur* will inform the parties interested. He will do the same with respect to the returns, of

which he will forthwith effect the sale, if he shall judge the time proper; or, if not, he is to communicate with the parties interested, or their representatives at Havre; the opinion of the majority of whom will decide whether to proceed to a sale or to delay it.

"The present engagement will not become obligatory unless the armateur should obtain subscriptions for half the amount of the undertaking.

"The conditions herein before stipulated between the armateur and the subscribers, shall be executed with good faith in all that they contain which may be positively inconsistent with any existing laws and regulations. In case of disputes, they shall be submitted by the parties to arbiters chosen from among the merchants of the place, who shall have the power of adding to themselves a third, in the event of their differing in opinion."

CLASS D.

THIS class of papers contains the correspondence with the United States of America, relative to the slave trade.

An Act was passed by Congress on the 3d of March, 1819, amending and enforcing the former Acts prohibiting the slave trade, a copy of which will be found in the Appendix to the Annual Report of the present year.

In a letter dated the 11th of November, 1819, Lord Castlereagh called the attention of Mr. Rush, the American Ambassador, to addresses presented by both Houses of Parliament, at the close of the preceding session, to his Majesty, on the subject of the slave trade*, and expressed the earnest desire of the British Government to enter into an immediate discussion of the means by which those difficulties may be obviated, which impede the successful accomplishment of the wishes of both states, as to the complete suppression of this traffic†. The reply of Mr. Rush expressed the same cordial anxiety with Lord Castlereagh to enter upon the proposed discussion, and to bring it to a favourable result. But it was deemed by both to be expedient that the discussion should proceed rather in Washington than in London. Lord Castlereagh accordingly conveyed to Mr. Stratford Canning, our Envoy to the United States, the necessary information to enable him to enter upon it. Various conferences appear to have taken place between Mr. Canning and Mr. John Quincy Adams, the American Secretary of State, the substance of which will be found comprised in the two following notes. The first from Mr. Canning is dated December 20, 1820, and is as follows:—

“The undersigned, his Britannic Majesty’s Envoy Ex-

* See the Fourteenth Report of the African Institution, p. 4.

† D. p. 3.

traordinary and Minister Plenipotentiary, took an early opportunity, after his arrival in the city of Washington, to inform Mr. Adams, that, in pursuance of Lord Castlereagh's note, dated the 11th of November, 1819, communicating to Mr. Rush an address of both Houses of Parliament relating to the African slave-trade, he was instructed to bring that important question again under the consideration of the American Government, in the hope of its being found practicable so to combine the preventive measures of the two countries, as materially to accelerate the total extinction of an evil, which both have long united in condemning and opposing.

"Mr. Adams will find no difficulty in recollecting the several conversations which have passed between him and the undersigned on this subject: he will remember that the last of those conversations, which took place towards the close of October, was terminated with an assurance on his part, that the proposals of the English Government would be taken into full deliberation, as soon after the meeting of Congress as the state of public business would allow, with a sincere disposition to remove any impediments which appeared, at first sight, to stand in the way of their acceptance.

"An interval of considerable length having elapsed since that period, the undersigned is persuaded that Mr. Adams will shortly be at liberty to communicate the definitive sentiments of his Government on a subject, which is of too deep and too general an importance not to engage the attention and benevolent feelings of the United States.

"In this persuasion, the undersigned does not conceive it necessary, on the present occasion, to go over the various grounds which formed the matter of his late communications with Mr. Adams.

"Notwithstanding all that has been done on both sides of the Atlantic for the suppression of the African Slave-trade, it is notorious that an illicit commerce, attended with aggravated suffering to its unhappy victims, is still carried on; and it is generally acknowledged, that a combined

system of maritime police can alone afford the means of putting it down with effect.

“ That concurrence of principle in the condemnation and prohibition of the slave trade, which had so honourably distinguished the Parliament of Great Britain and the Congress of the United States, seems naturally and unavoidably to lead to a concert of measures between the two Governments, the moment that such co-operation is recognized as necessary for the accomplishment of their mutual purpose. It cannot be anticipated that either of the parties discouraged by such difficulties as are inseparable from all human transactions of any magnitude, will be contented to acquiesce in the continuance of a practice so flagrantly immoral, especially at the present favourable period, when the slave trade is completely abolished to the north of the Equator, and countenanced by Portugal alone to the south of that line.

“ Mr. Adams is fully acquainted with the particular measures recommended by his Majesty’s Ministers, as best calculated, in their opinion, to attain the object which both parties have in view; but he need not be reminded, that the English Government is too sincere in the pursuit of that common object, to press the adoption of its own proposals, however satisfactory in themselves, to the exclusion of any suggestions equally conducive to the same end, and more agreeable to the institutions or prevailing opinions of other nations*.”

The following is the reply of Mr. Adams, dated December 30, 1820.

“ I have had the honour of receiving your note of the 20th instant, in reply to which, I am directed by the President of the United States to inform you, that, conformably to the assurances given you in the conversation to which you refer, the proposals made by your Government to the United States, inviting their accession to the arrangements contained in certain treaties with Spain, Portugal, and the Netherlands,

* D. pp. 2, 9.

to which Great Britain is a reciprocal contracting party, have again been taken into the most serious deliberation of the President, with an anxious desire of contributing, to the utmost extent of the powers within the competency of this Government, and by means compatible with its duties to the rights of its own citizens, and with the principles of its national independence, to the effectual and final suppression of the African slave-trade.

“At an earlier period of the communications between the two Governments upon this subject, the President, in manifesting his sensibility to the amicable spirit of confidence with which the measures, concerted with Great Britain and some of her European allies, had been made known to the United States, and to the free and candid offer of admitting the United States to a participation in those measures, had instructed the Minister of the United States, residing near your Government, to represent the difficulties resulting, as well from certain principles of international law of the deepest and most painful interest to these United States, as from limitations of authority prescribed by the people of the United States to the legislative and executive depositories of the national power, which placed him under the necessity of declining the proposal. It had been stated that a compact, giving the power to the naval officers of one nation to search the merchant vessels of another for offenders and offences against the laws of the latter, backed by a further power to seize and carry into a foreign port, and there subject to the decision of a tribunal composed of at least one half foreigners, irresponsible to the supreme corrective tribunal of this Union, and not amenable to the controul of impeachment for official misdemeanors, was an investment of power over the persons, property, and reputation of the citizens of this country, not only unwarranted by any delegation of sovereign power to the national government, but so adverse to the elementary principles and indispensable securities of individual rights, interwoven in all the political institutions of this country, that not even the most unqualified approbation of the ends to which this organization of authority was adapted,

nor the most sincere and earnest wish to concur in every suitable expedient for their accomplishment, could reconcile it to the sentiments or principles, of which, in the estimation of the People and Government of the United States, no consideration whatever could justify the transgression.

“In the several conferences, which, since your arrival here, I have had the honour of holding with you, and in which this subject has been fully and freely discussed between us, the incompetency of the power of this Government, to become a party to the institution of tribunals organized like those stipulated in the conventions above noticed, and the incompatibility of such tribunals with the essential character of the constitutional rights guaranteed to every citizen of the Union, has been shewn by direct references to the fundamental principles of our Government, in which the supreme, unlimited, sovereign power is considered as inherent in the whole body of its people, while its delegations are limited and restricted by the terms of the instruments sanctioned by them, under which the powers of legislation, judgment, and execution, are administered, and by special indications of the articles in the constitution of the United States, which expressly prohibit their constituted authorities from erecting any judicial courts, by the forms of process belonging to which American citizens should be called to answer for any penal offence, without the intervention of a grand jury to accuse, and of a jury of trial to decide upon the charge.

“But, while regretting that the character of the organized means of co-operation for the suppression of the African slave-trade proposed by Great Britain, did not admit of our concurrence in the adoption of them, the President has been far from the disposition to reject or discountenance the general proposition of concerted co-operation with Great Britain to the accomplishment of the common end, the suppression of the trade. For this purpose armed cruizers of the United States have been for some time kept stationed on the coast, which is the scene of this odious traffic; a measure which it is in the contemplation of this Government to continue without intermission. As there are

armed British vessels, charged with the same duty, constantly kept cruising on the same coast, I am directed by the President to propose, that instructions, to be concerted between the two Governments, with a view to mutual assistance, should be given to the commanders of the vessels respectively assigned to that service, that they may be ordered, whenever the occasion may render it convenient, to cruise in company together—to communicate mutually to each other all information obtained by the one, and which may be useful to the execution of the duties of the other, and to give each other every assistance which may be compatible with the performance of their own service, and adapted to the end which is the common aim of both parties.

“These measures, congenial to the spirit which has so long and so steadily marked the policy of the United States, in the vindication of the rights of humanity, will, it is hoped, prove effectual to the purposes for which this co-operation is desired by your Government, and to which this Union will continue to direct its most strenuous and persevering exertions*.”

The only remaining document which requires to be noticed is a letter from Lord Castlereagh to Mr. Stratford Canning, dated March 25, 1821. It is to the following effect:—

“Your several dispatches, reporting the progress of your discussions with the Government of the United States upon the subject of the slave trade, having been laid before the King, his Majesty has been graciously pleased to approve of the zeal and intelligence with which you have endeavoured to give effect to the instructions you were charged with upon this most important subject.

“In referring to Mr. Adams’s note of the 30th December last, his Majesty’s Government have perceived, with the deepest regret, the inability avowed by the American Government, to contract mutual engagements for the suppression of the illicit trade in slaves, of the effectual character which

* D. pp. 9—11.

you were directed to propose to them. The counter-proposal which you have transmitted from the American Secretary of State, will, I fear, be in its operation wholly inefficient as to the object, and can never be considered in the light of a substitute for that system which was proposed by his Majesty's Government, and which is founded upon the principle of rendering the ships of war of the several maritime nations, when cruising on the coast of Africa, one common force for the protection of its population against this most inhuman traffic.

"The King my master, however, true to those benevolent principles which invariably actuate his councils upon this subject, and anxious to co-operate with the Government of the United States in whatever may in the slightest degree mitigate this great evil, is ready to avail himself, even of this very limited opening to a concert between the two powers.

"In this view you will receive herewith copies of the several instructions under which the British naval force, stationed in those seas for the extinction of the slave trade is now directed to act. You will lose no time in communicating these papers for the information of the American Government: and though I cannot but express my conviction, that the measure proposed will tend but little to further the object we have in view, yet you will acquaint them that an additional instruction will be immediately sent to the British vessels on the coast of Africa, to co-operate by every means in their power, with such American ships as shall be employed in those seas for the extinction of the traffic*."

* D. pp. 11, 12.

PAPERS MARKED 1.

THIS class of papers contains communications from Sir Charles MacCarthy, Governor of Sierra Leone, on the subject of the slave trade, since January 1, 1819.

The earlier communications of Governor MacCarthy relate to cases, some of which have already been detailed; viz. that of the French slave-ship, the Sylph*; that of the Portuguese slave-ship, the Nova Felicidade†; and that of another Portuguese slave-ship, the St. Salvador‡. One of the cases is that of a French ship called la Marie, which was taken in the river Gallinas, with 106 slaves, who, it was proved, had been put on board by one Kearney, a British subject§, whom every effort was made to apprehend, with a view to his trial for the felony, but in vain. The slaves were landed at Sierra Leone, and the vessel was sent for adjudication to Senegal. In the letter of Governor MacCarthy, dated February 17, 1820, which gives an account of this transaction, is contained the following passage.

“I have further to observe, that by information I obtained ten days ago from one of the principal inhabitants of the colony, lately returned from the Rio Nunez, there are now two vessels trading for slaves under the French flag, in that river; that several have been employed in the same traffic, in the Rio Pongos; that it is well known in the Gambia, that several small craft from Goree are continually employed in that illegal manner, between Cape de Verd, Bissagos, and Cacheo, and as none of his Most Christian Majesty's men-of-war are either stationed or cruising in these latitudes, the French slave-trade is increasing, and must increase ||.”

A second French slave-ship, la Catherine, having been

* See above, pp. 80 and 123. † See above, p. 14. ‡ See above, p. 116.
§ 1, p. 7. || 1, p. 5.

seized under nearly similar circumstances with *la Marie*, fifty slaves said to have been furnished by the same Mr. Kierney being found on board, was sent into Sierra Leone by Commodore Sir George Collier: the slaves were landed there, and the vessel sent to the authorities at Senegal for adjudication*.

A considerable part of these papers is occupied with the particulars of an outrage committed by the slave-traders on the *Rio Pongas* on a British officer and some seamen, and of the means employed by Governor MacCarthy to obtain redress. The account given of the outrage by Lieutenant Hagan, of his Majesty's brig *Thistle*, is as follows:—

“On my arrival here, (*Isles de Loss*), I received a letter from Michael Proctor, Esq., a merchant here, complaining of the piratical seizure of his vessel in the *Rio Pongas*; and this being fully substantiated by his protest, copies of which are enclosed herewith, I considered it my duty to repair there, and demand her release: for which purpose, and also to examine any vessel in the river, I dispatched, on the 4th instant, Mr. Robert Inman, Admiralty-Midshipman, in whose skill, bravery, and local knowledge I placed the firmest reliance: copies of my orders to that officer, as also my letter to Mr. Curtis, are enclosed for your information: but with feelings of sincere regret, I have to report that Mr. Inman in execution of his duty fell a victim, with five or six others of the boat's crew, to the savage barbarity of the natives under the immediate orders and directions of Mr. Curtis senior†. In the absence of positive information, I am not able to detail the particulars attending this daring and atrocious violation of their wonted good conduct; but it appears too true that, after the death of the officer, the crew, finding a further resistance useless, laid down their arms, and then the loss which I have to lament took place. No quarter was given by those merciless savages, and not while one remained unhurt did they cease to pour in a most dread-

* 1, p. 9.

† Mr. Curtis and his sons had recently taken the oath of allegiance to his Majesty. (1, p. 9.).

ful fire. Two have, I believe, escaped, and eleven have been killed or wounded: the wounded are in the hands of Mr. Curtis; and I hope Mr. Wilson, a British merchant, residing in the river, to whom I am indebted (although at the risk of his life) for this information, will be the means of restoring them to the service*."

"I should do injustice to my feelings were I to neglect reporting that the most savage and horrid barbarities were committed on the bodies of the unfortunate officer and men who fell on this occasion; and I feel assured, unless a most prompt and severe punishment is inflicted, that in other parts of the river, they will grasp the first opportunity for similar acts †."

On receiving this information an expedition was prepared with extraordinary promptitude, and it proceeded without delay to the Rio Pongas. It consisted of his Majesty's ships *Myrmidon* and *Morgiana*, and his Majesty's brigs *Snapper* and *Thistle*, with 150 men of the 2d West-India regiment. A disposition was at first shewn by Curtis and his native adherents to resist this force, but the gallantry of the assailants soon put them to flight. A fort also which Curtis had erected for his protection was taken and demolished, and the guns mounted upon it removed. Three towns and a considerable quantity of property belonging to him were also destroyed, together with the towns of the chiefs who were found aiding him. In consequence of the terror occasioned by this success, the seamen who were still alive, being six in number, were given up to the commanding officer; and the main object of the expedition having been accomplished by the recovery of these men, and by "the punishment of the savages who so barbarously put their comrades to death after their surrender," the squadron returned to Sierra Leone after an absence of eleven days with the loss of two men killed and two wounded.

It is most gratifying to the Committee to remark the uniform zeal and vigilance manifested, by Governor Sir Charles MacCarthy, for the suppression of the slave trade.

* 1, pp. 10, 11.

† 1, p. 11.

PAPERS MARKED 2.

THESE papers contain the communications made to the Lords Commissioners of the Admiralty from the naval officers in Africa and the West Indies since 1st January 1820, and the instructions given by their lordships since 1st January 1819 relative to the slave trade.

The instructions of the Lords Commissioners of the Admiralty are, for the most part, only general orders requiring naval officers to carry into effect the Acts of Parliament passed, and the treaties entered into with different powers, for the suppression of the slave trade. They are instructed not to interfere with French or American vessels; and the officer who seized the French schooner *la Sylphe* is censured for his conduct. They are desired, however, to apprise their Lordships of any instances of French or American ships trafficking in slaves, that their Governments may be informed of such contravention of their own regulations.

In an early part of this Report (p. 70), which was printed off before the papers now under consideration had come into the hands of the Committee, it is observed, that "only two sets of Instructions" (for enforcing the treaty with the Netherlands) "appear to have been sent out" to the West Indies "by the Admiralty; a number which, perhaps, under all the circumstances of the case, was hardly adequate to the occasion." It now appears that the twelve sets of instruction which the Admiralty were empowered to give, had all been issued to the naval officers on different stations. It is only, however, the more surprising that not one of the numerous vessels which are proved to have been carrying slaves illicitly into the Havannah, and into the river Surinam, should have been detained.

In the communications of the naval officers, there are many details which have already been given by the Committee, or which appear in former Reports of the Institution, and which need not therefore to be repeated. Such are the difficulties experienced in the mixed commission courts, of which Sir George Collier complains, and which, as has been already stated, Lord Castlereagh has taken pains to obviate.*; such is the case of *la Jeune Estelle* detailed above †; such also are the cases of the French ships *la Marie*, and *la Catherine*, the connection of which with a British subject, Mr. Kierney, as the lader of the slaves on board, is clearly demonstrated ‡. The atrocity of this man's conduct is the more signal, as he held an office of trust under the Government of Sierra Leone. Great efforts appear to have been made to get possession of his person; but he eluded them all.

Among the vessels stated to have been detained by the squadron under the command of Sir George Collier on the coast of Africa, one vessel is mentioned which appears to have been omitted in the class of papers A, as having been brought before the Mixed Commission Court at Sierra Leone; namely, the *Bella Dora*, taken by his Majesty's ship *Myrmidon*, with 122 slaves on board.

Some idea may be formed of the difficulties which the naval officers have to encounter in this service, and of the desperate character of the slave-traders, from the following extracts.

Captain Leeke, on the 13th of January 1820, made the following communication to Sir George Collier:—

“ Having obtained from several persons at Sierra Leone information of a number of vessels being at anchor off the rivers Gallinas, Manna, and Lagesey, for the purpose of carrying on the traffic in slaves, I immediately put to sea, for the purpose of intercepting them. On the 10th December, at sunset, being close in with the first-mentioned river,

* See above, p. 19.

† *Ib.* p. 101.

‡ *Ib.* p. 158.

I dispatched Lieutenant Nash, first of this ship, with the pinnace and cutter, properly armed, and furnished with an extract of the late slave-treaties, to examine any vessels he might find there; and I am happy to say, that the next evening he succeeded in getting alongside the largest schooner, and the only one that had slaves on board at the time—the others having landed theirs on discovering the *Myrmidon* in the morning—and after a slight resistance took possession of her: she proved to be the *Bella Dora*, a Spanish schooner of 150 tons, two guns, a complement of twenty-five men, and part of her cargo, consisting of 122 slaves, bound to the Havannah.

“As soon as the other schooner observed her to be taken possession of, they fired their broadsides into her; and at the moment of her slipping her cable they did the same, and to the number of five hove up in a line, and each gave the *Bella Dora* three or four broadsides. I am happy to say, we lost no men in this little affair, and but one wounded, a musket ball having gone through his arm.

“Considering the great disparity of force, and the determined conduct of the renegadoes, now usually employed in illicit trading, I cannot refuse myself the satisfaction of bringing Lieutenant Nash’s conduct before you, and of expressing my high approbation of all those serving under him on this occasion*.”

On the 2d of February, 1820, Sir George Collier wrote as follows to Mr. Croker:—

“I sailed from Sierra Leone on the 25th ult. having the *Thistle*, Lieutenant Hagan, in company.

“The *Thistle* communicated, as we passed, with the *Isla de Loss*, and from the report of the senior gentleman at that establishment, my former suspicions were corroborated, and I obtained the additional information, that a French brig was supposed to be there, commanded by the former master of the French brig *Louis*, when captured by the colonial schooner, at that time commanded by Lieutenant Hagan.

The declaration of this daring violator of his country's laws appeared so well attested, and his threats against the *Thistle* were of so extraordinary a nature, that I considered myself justified in ordering the *Thistle* over the bar of the Rio Pongas, in order to afford a protection and point of retreat for the boats of this ship.

"The shoals off the river Pongas afford a strong security to the slaver; and although the *Tartar* could barely see the passage of the Sand Bar (which is the southern entrance into the river), yet at low water she had only four fathoms and a half water.

"Having anchored there, so as to prevent the escape of any vessel by that passage, I dispatched the *Thistle* to the north entrance, or Mud Bar, about ten or twelve miles, sending three boats from this ship, under Lieutenant Marsh, Knight, and Mr. Christie (late acting Lieutenant), accompanied by a party of marines; and this day I was rejoined by Lieutenants Marsh and party, as also by the *Thistle*, having in company a fine Spanish Hermaphrodite schooner, the *Francisco*, of 180 tons, with a part of her cargo of slaves, and a Dutch brig, the *Marie*, of the same tonnage, intended for a cargo outwards of 300 slaves each,—the Dutch brig having, however, still fewer slaves on board than the schooner.

"The anxiety of the slavers is so great, that perfect surprize is almost impossible; but the acquaintance Lieutenant Hagan has of the custom of the slavers, and his knowledge of the river, and the different slave-establishments maintained there, is so excellent, that I was aware all that could be done might be expected; and I am happy to say the decision of Lieutenant Marsh, in command of the boats, was so prompt, and he was so well supported by the officers and petty officers of the *Tartar* and *Thistle*, that both captures were made almost without blood-shedding: the slavers had the temerity, however, to receive our boats with a fire of small arms, but the rapidity of our boarding party made it unnecessary to return them a discharge of more than one gun! I mention this, to shew their Lordships that the slavers in general, being renegadoes, or the refuse of every country, testify a contempt

for all law, and are, when approached, kept in awe only by the certainty of being overpowered; and if attempted to be boarded by apparent inferiority of force, their resistance is determined, and is esteemed the more glorious as it may have proved destructive.

"From the reports of Lieutenants Marsh and Hagan, I learn, that after the Thistle had anchored, and the boats had succeeded in capturing the two slavers, they proceeded to Kissing, a branch about ten miles, and thence as high up as Bangolan, where the celebrated Ormond has his town and factory. At the former place, a band of near 200 natives and renegadoes had been hired and placed under arms, to defend the slaving craft in the river, and from some such force an irregular firing was occasionally made through the jungle on the boats.

"Near Kissing factory, an American-built schooner, and manned by a crew of Americans, was then waiting a cargo of slaves. At Bangolan, two other schooners, both Americans, were also lying there; the one destitute of hands, and seized for an alleged debt by the late noted slave-factor, Curtis sen.; the other with the remnant of her crew, who must in all probability, ere the approaching tornados, follow their companions, who have fallen the victims of the climate, waiting a cargo.

"Although the results of this little affair have not fully answered my expectations, yet I rejoice that upwards of eighty slaves have been liberated; another day, and some hundreds more would have been embarked; but in all probability, the look-out at the entrances of the river would have been increased, and a total disembarkation might have been effected*."

In a subsequent letter of the 14th of February, 1820, Sir George added:

"The flags of France and America are now generally adopting, as the best cover to illicit slaving, and the unpleasant situation this places his Majesty's officers under, who are charged with preventing this traffic, must be evident to

* 2, pp. 14, 15.

their Lordships, and will, I hope, induce them to give me some specific instructions upon this head *."

Again, on the 28th of February, 1820:

"There are still several vessels in the small rivers upon the coast, waiting their cargo of slaves.

"In the *Sherbro* the boats boarded a Spaniard, having her rudder unhung; she could not be brought out. The master reports her having struck crossing the St. Ann's shoals, where she lost it. In Little Cape Mount river two schooners were also lying—one French, the other Spanish—waiting their return-cargo of slaves. The crew of the latter either were, or pretended to be, all sick; and as the bar was difficult, she was allowed to remain. Two French vessels, and one under the American flag, were also at anchor between this and the Gallinas; and a Spanish schooner was warned off.

"By this detail their Lordships will see that the slave trade is not only likely to increase on this coast, but that the flags of France and America will probably, in another year, cover the whole line of the windward coast, and be used for the worst purposes, unless their Lordships shall, by approving of my conduct in the detention of such as may actually have slaves on board, countenance a perseverance in the line of conduct I have adopted †."

Another letter of Sir G. Collier, dated March 7th, 1820, contains the following passage.

"I beg leave to acquaint you, for the information of the Right Honourable the Lords Commissioners of the Admiralty, that soon after day-light on the 2d instant, while in chase of two schooners to windward, off Trade Town, near Grand Bassa, and evidently slaving, though under French colours, a third schooner was seen to leeward, running under all sail to the south-west. As I had no doubt in my mind but she had a cargo of slaves, I immediately bore up in chase; and having been favoured by a fresh breeze, I closed with her at sunset. She proved to be the *Gazetta*, American-built schooner, under Spanish colours, from the Havannah.

* 2, p. 16.

† 2, p. 27.

on a slaving voyage upon the windward coast, having eighty-two slaves on board, being a few more than half of her intended cargo; her crew composed, as these vessels' crews invariably are, of a motley groupe of nearly all nations; and as some of them appeared to be men of the most daring characters, I felt myself justified in removing a large number of the crew to this ship; though indeed, independent of the safety of my own people, the general health of those remaining on board the *Gazetta* would alone have induced me to receive sixteen of these renegades; for with the addition of the prize-officer and his crew, there would not have been a sufficiency of space for each person to have stood, particularly as I had felt it an act not only of humanity, but necessity, to release the slaves, who were linked with irons by the legs and wrists, in couples. The gratitude of these poor beings for this kindness is beyond description.

"I offer this explanation to their Lordships by way of apology, in case (as was threatened at Sierra Leone, by some of the foreign Commission,) a complaint should be presented against me to their Lordships, to whom I feel confident the necessity of the measure will appear evident *."

Sir George Collier mentions the case of a Portuguese slave-ship, the *Volcano do Sul*, captured by the Pheasant many months before, and sent to Sierra Leone for adjudication, but which had not arrived there. It has since been discovered that the Portuguese crew left on board had risen on the British officer and men, and, having murdered them all, had carried the vessel to Bahia, and sold the cargo of slaves there. It does not appear that any steps have been taken by the Portuguese Government to punish the perpetrators of this atrocious act.

He also states that a small slaving vessel was ascertained to have landed a cargo of slaves "at the steps of the house of Signor Ferrara Gomez, who is still atting Governor" of the island of Princes†.

This is the very same person against whom, on the 28th of October, 1819, Lord Castlereagh preferred a complaint to

* 2, p. 28.

† 2, p. 31.

the Portuguese Ambassador as being engaged in the slave trade, and whose removal from the situation of Governor he pressed as a duty on the Portuguese Government *.

A detailed account is given by Sir George Collier of the expedition to the Rio Pongas which has been already mentioned, and which was undertaken to punish the barbarous murder of a British officer and some seamen, by the ferocious slave-traders in that river; and to rescue the survivors, six in number, from the hands of these miscreants †.

The remainder of these papers is occupied with a Report of Sir George Collier, dated the 18th September, 1820, which embraces a great variety of topics. The Committee will confine their extracts from it to those parts which relate to the slave trade.

After adverting to the Canary Islands, where "cultivation increases under many disadvantages, and unaided by slavery;" but where "slave ships" frequently "change their nationality" and purchase "Spanish flags and papers," "as at the Havannah and St. Jago de Cuba ‡;" Sir George observes, that "the cluster of the Cape de Verds presents a very different scene. Slavery here forms the basis upon which every speculation is founded, and it is the link on which every feeling hangs."

"The convenience and the security this cluster," he proceeds to remark, "affords to the slave-dealer, have long made the harbours of the Cape de Verds a focus for vessels of all nations; and though I am willing to give Admiral Pusiche, the Governor, credit for his good intentions, yet I can never believe, that the numerous small craft, which run from Senegal and Goree to these islands, go there for the mere purpose of legal traffic. In all these vessels, (small schooners and sloops, under the French flag,) I observed slave children. It is true, there were others on board who were, though slaves, acting as part of the crew; and they were sent alongside the Tartar, with some trifling article, or some weak

* See above, p. 46.

† Ib. p. 160.

‡ 2, p. 41.

excuse, for the purpose of lulling those suspicions they found had been excited. But the children of eight and nine years of age could never have constituted a part of the vessel's crew; and I am now satisfied, that those children are sent from Goree and Senegal to fill the hold of some vessel, whose cargo has been contracted for; the run from the coast being always certain in three or four days, and the unfrequency of navigation between the main and the cluster giving a security to the commerce hardly to be met with any where else. A Spanish schooner, of 200 tons and fifty men, was at Porto Praya when I was last there, in my passage out. I was credibly informed she had arrived the day before with a number of slaves, though I was told by the Governor she came from the Havannah. His Excellency had, however, since his arrival, exhibited different feelings to those of his predecessor; having seized a vessel with slaves, protected by a passport from the former Governor, on the plea that it had been illegally granted. The party holding the pass maintained it had been regularly paid for; and that therefore the circumstance of the Governor's being superseded ought not to invalidate the power he formerly held. This, I think, shews, that slave-carrying may be connived at; but I am fully warranted in my assertion, that slaves are continually brought over from the French settlements, under the French flag, and frequently by the French themselves, but still more commonly by the Portuguese, from Bissagos and the Rio Grande. Whether this commerce will be persevered in after May 1820, I cannot say; but a clipper schooner, under the American flag, was undergoing a transfer of name and nationality at the moment I refer to.

"From the Cape de Verds I would pass over to the French presidency of Senegal; but not having been there, I should only give the reports of others, and my distinct object is now to report what I can substantiate myself.

Island of Goree.

"At Goree every circumstance combined to shew, that although the laws of France appeared to have forbidden the dealing in slaves beyond the necessities of the respective

colonies upon the coast, yet the slave trade was in full force. Throughout the town of Goree, within the walls of every plot of ground, Negro huts were established; and I soon learnt the slaves I saw were the property of individuals dealing in them. The extraordinary disproportion of women and children to men induced me to inquire the cause. The males, I was told, were employed in agricultural purposes on the main; and the women and children were merely retained for domestic objects; a circumstance not credible, because their numbers and occupations evidently contradicted it. Besides, the orders which have been frequently discovered on board slave vessels, always advised the securing, first, a large proportion of children, then young women; and lastly men *."

"In the public works, either repairing or constructing, I particularly noticed the appearance of a party of about fifty Moors employed as slaves. At the moment they rested, an involuntary exclamation of joy burst forth from the group, on some among them discovering us to be English. I stopped for a moment, and in the pause two or three appeared to address me in somewhat different dialects: *Sabaan*, *Se-hoor/ls*, was distinctly uttered by one, and the Turkish mode of salutation was adopted. The person who thus appeared to address me seemed a man of polished manners, and evidently anxious to engage my attention. The French Commandant did not appear inclined to sanction this; and the Black superintendent, with the insignia of authority usually carried by overseers in slave colonies, gave the word to reload, which was obeyed, though with evident reluctance.

"I inquired of his Excellency the Governor of Goree, how these men came so situated; and I learnt they were part of a caravan taken by the troops of Governor Schmaltz on the banks of the Senegal, for trading with a native district then at war with the French. Their camels had been sold at Senegal, and they were transported for security to this island.

"What these people may have been reserved for, I do not presume to conjecture; but if the system of retaliation shall

be pursued by the Moors, (and for this they will have abundant opportunity on the long line of the banks of the Senegal), the French Government will then only have to thank the mistaken policy of the Governor-in-chief for all the misery that may arise to themselves. It has been asserted, that other such prisoners have been shipped off for more distant settlements than Goree.

“Of the fact, however, that cargoes of slaves are so disposed of, there can be no doubt, and the swarms of American vessels with (among others) French flags and papers, from Martinique, upon this coast, will best prove how little the consequences from detection are dreaded, and with what confidence and security slave-dealers, under the French flag, act.

“Of the political conduct of the Governor-general of the French settlements in this part, I have no right to offer an opinion, so long as this shall not militate against the honour of my own country, or against the natural rights of British subjects*.”

Rio Grande.

“Upon the island Bissaos, which gives name to this channel, and indeed river, the Portuguese have long carried on an exclusive slave-trade. The fort and settlement I have had no opportunity of acquiring any satisfactory information of. All that I know is, that it is the grand depôt whence slaves in thousands are now shipped under the flags of Portugal, Spain and France; and I am credibly informed, that English and American vessels have been purchased by individuals of the above nations, and thus provided with duplicate and indeed triplicate sets of ships' papers: they enter this as well as the southern entrance of the Rio Grande for cargoes of slaves, protected from the vigilance of any naval power, and claiming, when at anchor, the rights of Portuguese subjects. Thus it was that a French cruiser, two years since, was said to have captured three vessels slaving under the British flag; for having their original papers on board, and observing a man of war, under French colours, in the neighbourhood, they were obliged to surrender. See Report, pp. 43, 44.

the best security apparently left was to assume the flag whose nationality might, in some degree, be corroborated by the build and original papers of the vessels. And so it is, I have no doubt, with many of the vessels upon which the French and American flags alternatively wave.

"A British trader was lately placed under blockade in the Rio Grande by a schooner of eighteen guns, and the master was threatened to have his vessel sunk, if he attempted to move, till the schooner, then under Spanish colours, had sailed; (from a combination of circumstances, I have no doubt this identical vessel was at the Cape de Verdes when I was last there). To make sure of the detention of the British trader, the Spaniard unbent every sail on board her; and assured her master the threat he had made should be executed, if he bent a sail while the Spaniard remained there. It is scarcely necessary to say, she sailed with a full cargo, amounting to 420 slaves.

"The facility afforded to this traffic in the Rio Grande, and indeed in the River Noones, which is closely connected with it, may easily be judged of, from the innumerable intersections the charts of the rivers expose: the Rio Geba and the Grande are, in all, probability, only branches of the same river, and ranging over an extent of five or six hundred miles of a populous country, afford facilities to the slave trade difficult to be reduced, so long as the flag of Portugal, at Bissaos, protects miscreants of every nation.

"To check this part of the slave trade, either a close blockade by small craft, anchoring within the Bisagos shoals, or a cruiser kept off the entrance and Cape Roxo, will be necessary; but this latter plan would materially interfere with the application of the naval force upon other points of the windward coast.

"Had the settlement formed at Bulam, under Lieutenant Beaver, been established at a more favourable time of the year, and had Krew-men been employed, aided by some hundreds of the redeemed Negroes, instead of the motley groupe of Europeans, collected from the worst parts of London, and composed of the most unfortunate description

of people, that company would long since have established a firm footing upon this coast, and would now have been conspicuously instrumental and useful in destroying the slave trade, which still flourishes around it*."

Rio Pongas.

"In the country of the Bagos, and nearly north by compass from the Isle de Loss, from thirty-five to forty miles distance, are the mouths of the Rio Pongas, a river long celebrated for the facilities it has afforded to the slave trade, and no less remarkable for the dearly bought success of these adventurers, by its deadly climate; death frequently arresting the progress of the principal at a moment when their object has been all but completed, and the cunning and villainy of the European settlers and their descendants sacrificing those of the survivors by a disguised poison, given with much art, and whose subtle powers the natives are well acquainted with, and against which the miserable sailor (who in some instances has engaged in the traffic, really not knowing the extent or nature of the voyage he entered upon at the Havannah) has no resource. Thus, the entire crew of a vessel has disappeared almost at once; and thus the property, confided in an unguarded moment to miscreants of all nations, has been claimed and disposed of by the chiefs of the factory to whom it had been bartered, and the slaves reserved for the next comers.

"In the month of February, when the Tartar's boats were in the river, three vessels, under Spanish and American colours, were circumstanced as I have just described. Of the masters, supercargoes, and crews of *two*, not one person remained; and of the third, the skeleton of her crew lived only because the supercargo, who had recently sailed for the Havannah, had promised to return with an assorted cargo, and efficient crew, to redeem his pledge and recover his vessel†."

"The principal creeks in the Rio Pongas are those leading to Curtis's, Lawrence's, and Ormond's slave factories: there

* 2, pp. 44, 45. † 2, p. 45.

are many other establishments of the same kind, but it will be sufficient that I name these.

“ When I was at anchor in the Tartar, off the mouth of the Pongas, Curtis, the father, died, and his family and friends were performing certain idolatrous ceremonies, which in Africa are expressed by a corruption of the English word ‘ custom,’ which is now adopted generally, and the performance of all ceremonies are described or termed by the natives as making of custom.

“ While the numerous progeny and friends of Curtis, the father, were ‘ making custom’ over the remains of this miscreant, his Majesty’s gun-brig Thistle entered the river, attended by all the boats of the Tartar. Of the various French, American, Spanish, and Dutch slaving vessels in the creeks, one of each of the two last nations only were surprised, having a proportion of their slaves actually on board, so that the others were left to pursue their illegal traffic; but of these only one or two had their crews on board.

“ In one of the vessels here detained by the boats of the Tartar and Thistle, was a French gentleman of Goree and Senegal; and though his visit was, as he stated, purely friendly, there was evidence enough to shew the connexion he had with the ultimate destination of Mons. Vigne, the master of one of the captured vessels, whose papers of naturalization, as a Dutchman of the island of St. Martin, were scarcely clear of the sand which had been applied to the Dutch Governor’s certificate. The Dutch brig, with fourteen slaves on board, and the Spanish schooner with sixty-nine, were both taken into Sierra Leone, where the most liberal construction was put on the good intentions of the master, now Signior Vigne (and formerly of Gibraltar); and though the slaves were brought in irons to the vessel, and their heads shaved by one of the crew, as is the custom in slave vessels—and that the slaves were locked under hatches for the first night, and that these poor wretches confessed to their being sold by Curtis, the father, a few weeks before—yet such was the influence the French visitor had over the mind of the Dutch Commissary Judge, at Sierra Leone, that

the Judge declared the slaves could not be so considered, because Mynheer Vigne asserted they were, to his belief, only hired. It did, however, happen, that in the calculation they had made, this captain had forgotten two slave-boys, who were also on board; the consequence was, that this vessel was condemned, though the wretched excuse of the mate having sent the slaves on board contrary to their wish, and *without the knowledge* of Mynheer Vigne, was professed to be believed. Thus was a wretch protected through the friendship of the Dutch Commissary Judge, and the imbecility of the British: while the odium was thrown on the mate, who had been left at Kissing Town, (Curtis factory) waiting the remainder of 300 and odd slaves; the contract for which, with the several documents relating to the transaction, in the hand-writing of Curtis and Vigne, had been found in Mynheer Vigne's writing-case, and lodged in the Dutch court of the mixed commission.

"Not only was Vigne acquitted of any participation in the intention of slaving, but a trial for perjury, which crime I could have proved, was quashed, and for the infamous slave-dealer, a *safe conduct back to the Pongas* was demanded and obtained by the same Dutch Commissary Judge. And the recent cruel and cold-blooded murders since committed at Kissing, or Curtis Town, in the Pongas, on the officer and crew of the Thistle's boat, have, upon the affidavits of some of the survivors, been traced to this lawless and merciless wretch Vigne, who was authorized by the Dutch Commissary to proceed to the Pongas, for the purpose of protecting his property in that river, instead of being sent for trial, as a Dutch subject, for a violation of the laws of his country, to the kingdom of the Netherlands*."

"The opportunity for declaring the Rio Pongas in a state of blockade appears to me to have now offered so advantageously, that I would strongly recommend the measure. It would of all others tend most effectually to destroy the

slave trade in that river, and not in any degree interfere with the natural trade of civilized nations.

"This opportunity lost of crushing, so unexpensively, a large and thriving branch of the slave trade, may not again offer; nor can any other nation take umbrage at a measure frequently adopted in times of war. For this purpose, it will only be necessary to station a small schooner at the Isles de Loss, as head-quarters; and of which spot, as I have but little more to add till I reach the shores of Sierra Leone. I shall next speak; and though I paid but an imperfect visit to these islands, yet this short inspection fully convinced me of the necessity that existed for our obtaining possession of them. The anchorage round the Isles de Loss varies much; but the protection afforded by the cluster gives security to any ship refitting at any period of the year, when the same is practicable, for I am not supposed to include the rainy season. The healthfulness of the harbour must be evident, as the sea-breezes blow without check, and apprehension from the land-wind ought to be trifling*."

Cape Mount, Half Cape Mount, River Junk, River St. John's, River Sesters.

"The result of a most careful examination of these several rivers by the boats of the Tartar, under the command of Lieutenant, now Captain William Finlayson, and Lieutenant Digby Marsh, and protected by the vessel above mentioned, not only served to establish my present assertion of the great and extraordinary increase of the slave-trade upon the shores of the windward coast, but confirmed the opinion I gave in my first Report to their Lordships, that the great pullom or silk-cotton trees are solely preserved in the margin of each river, the more readily to acquaint the slave-carrier, ranging along the coast, where he may be supplied with human beings†."

Bay of St. Andrews.

Sir George Collier landed at this place. He found two villages upon a sandy promontory. "No appearances of

* 2, p. 48.

† 2, p. 50.

vegetation," he observes, "around the villages, authorized the belief that the numbers with which they were now crowded were not the actual residents. The whole number of houses did not exceed twelve or fourteen in each village; and each one distinctly surrounded by its own fence; and when I state the little children of eight or nine years of age to twelve or fourteen to be more than 500, and that the females bore the proportion to the males of ten to one, and so far out-numbering the accommodation afforded, that my conjecture that the people I saw, with the exception of a very few indeed, were here brought for sale, may be considered correct. But in proof of this I professed to barter, and a slave-proprietor was ready to sell, and fixed his price at once."

"All along this coast the English had commanded a successful traffic in ivory, which the baneful effects produced by the slave trade is as rapidly destroying *."

Sir George thus concludes his Report:—

"My public letters, reciting a variety of atrocious facts, will, I trust, have satisfied their Lordships, that this more than ever cruelly conducted slave-trade is, contrary to their anxious expectations, far from being on the decline. I therefore feel it my duty, before I conclude this Report, to give some general understanding of what the slave trade really is at present; and I humbly hope, I shall the more readily be excused in this, as the naval force of his Majesty, which their Lordships have been pleased to place under my command, is fitted out expressly for the object of suppressing this abominable traffic. England certainly, the whole world must acknowledge, has most faithfully abandoned the trade. America may be considered next in good intention. She has passed laws, forbidding the trade by her subjects, and has decreed heavy punishments on those who shall engage in it. She has also sent an armed force to the coast of Africa; and this force has captured vessels, the property of American subjects. Still, her measures are

not yet complete, and American vessels, American subjects, and American capital, are unquestionably engaged in the trade, though under other colours and in disguise; but it may be hoped, time will effect in America, as it has in England, a total discontinuance of this traffic, as the Government of America appears to have engaged in its suppression with great sincerity.

“Spain, by her decrees, in consequence of her engagements with Great Britain, has relinquished the trade; but her colonies still carry it on in defiance of these engagements; and as a Spanish vessel is not subject to capture, unless she shall have slaves on board, although, as I have frequently observed, landing those embarked on the appearance of a British man-of-war, she will, by her colonies, continue the traffic, though not with the same security she formerly has, yet certainly to a great extent. If Spain be sincere, she can shew it only by *compelling* her colonies to observe her engagements.

“Holland, it is true, has entered into engagements similar to those of Spain; but in her colonies also the trade is encouraged, and vessels under the flag of the King of the Netherlands are frequently met on the slaving coast, and some have been sent into Sierra Leone, which, after much opposition by those whose duty it was to have acted otherwise, have been condemned.

“Portugal, though restricted, by her treaties, to the continuance of the trade south of the Line, permits her subjects of St. Thomas’s and Prince’s Island to carry on the traffic to a very considerable extent; and in the month of February last, no fewer than six vessels arrived at Prince’s Island with cargoes, ultimately for the West Indies.

“But France, it is with the deepest regret that I mention it, has countenanced and encouraged the slave trade, almost beyond estimation or belief. Under pretence of supplying her own colonies, and furnishing only the means required for their cultivation, she has her flag protected, and British cruizers can only retire when they shall see her ensign; for search being forbidden, power and force become unavailing.

Under this security, France is engrossing nearly the whole of the slave trade, and she has extended this traffic beyond what can be supposed but by one only who has witnessed it. In truth, France now supplies the foreign colonies, north of the Line, with Africans. I exaggerate nothing in saying, that thirty vessels, bearing the colours of France, have nearly at the same time, and within two or three degrees of distance, been employed slaving, without my daring to offer interruption, but at considerable risk ; yet I was induced, under some circumstances, to detain vessels bearing the French flag, in the hope of checking the bold and frequent outrages committed by the French on our own coast. I will add, that in the last twelve months, not less than 60,000 Africans have been forced from their country, principally under the colours of France ; most of whom have been distributed between the islands of Martinique, Guadaloupe, and Cuba. The confidence under which vessels navigate, bearing the French flag, has become so great, that I saw at the Havannah, in July last, no fewer than forty vessels fitting avowedly for the slave trade, protected equally by the flags and papers of France and Spain. France has certainly issued her decrees against this traffic ; but she has done nothing to enforce them. On the contrary, she gives to the trade all countenance short of public avowal.

“ Piracy upon the coast of Africa is increasing ; for a vessel so engaged has only to shew the flag of France, and search by a British officer incurs a penalty ; and unless his Majesty’s ships, employed on that coast in the suppression of slaving, shall, against slaving vessels, have the full powers of a belligerent, all prohibitory laws against this trade will become a mockery.

“ On this distressing subject, so revolting to every well regulated mind, I will add, that such is the merciless treatment of the slaves, by the persons engaged in the traffic, that no fancy can picture the horror of the voyage ; crowded together so as not to give the power to move, linked one to the other by the leg, never unfettered while life remains, or till the iron shall have fretted the flesh almost to the

bone, forced under a deck, as I have seen them, *not thirty inches in height*, breathing an atmosphere the most putrid and pestilential possible, with little food and less water, subject also to the most severe punishment, at the caprice or fancy of the brute who may command the vessel. It is to me a matter of extreme wonder, that any of these miserable people live the voyage through; many of them, indeed, perish on the passage, and those who remain to meet the shore, present a picture of wretchedness language cannot express *."

It is impossible for the Committee to convey, in adequate terms, the sense they entertain of the zeal, activity, and intelligence which distinguish this gallant officer, or of the principles of humanity and public spirit which appear to have actuated his conduct in reference to the slave trade. It is only to be deplored, that the state of our relations with France on this subject should have in so material a degree frustrated his able and persevering exertions.

Similar praise is due to every officer under his command, who all seem to have been animated to the discharge of their duty by a sincere detestation of the traffic which they were commissioned to repress.

* 2, pp. 76, 77.

THE END.



3 2044 021 023 221

This book should be returned to the Library on or before the last date stamped below.

A fine of five cents a day is incurred by retaining it beyond the specified time.

Please return promptly.

~~JAN - 7 '60H~~

~~FEB 19 '62H~~

4727695
JAN 20 '62H

JUN 19 '72H

3755378

JUN 9 '73H

3979977

SEP 10 1993

DUPLICATE

