

British Treaties for the Suppression of the Slave Trade.

by

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A.B., Phillips University, 1927.

Submitted to the Department of History and the Faculty of the Graduate School of the University of Kansas in partial fulfillment of the requirements for the degree of Master of Arts.

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May 28, 1928.

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Great Britain, though she did not introduce slavery into America, nevertheless fostered it in her American colonies and her West Indian Islands. Even where the colonies passed acts tending to diminish the slave-trade, she refused assent to those laws. At the Peace of Utrecht in 1713, Great Britain considered the Asiento, or contract for supplying the Spanish colonies with slaves, one of her greatest gains.<sup>1</sup> England exploited this commercial victory to the utmost. London and Bristol had been the chief trading centers, but Liverpool, the outstanding slave carrier of the world grew by leaps and bounds and soon surpassed them. During the last sixteen months before abolition of the trade, in 1807 Liverpool sent out to Africa, one hundred and eighty-five ships with capacity for 50,000 slaves at a profit of over thirty per cent.<sup>2</sup> But in the century that elapsed from 1713 to 1815 the English attitude was destined to change radically. In the Treaty of Utrecht of 1713, the Asiento was regarded as England's great triumph; while in the Treaty of Vienna of 1815 the noblest article was considered to be that denouncing the African slave trade.<sup>3</sup>

The institution of slavery, however, was well established, and the battle for freedom was not to be won in a short time. At the beginning of the nineteenth century England held 800,000 slaves in her colonies; France, 250,000; Denmark, 27,000; Spain and Portugal, 6000,000; Holland, 50,000; and

1. Eugene Schuyler, *American Diplomacy* (1886), Chapter V, pp. 233, 234.

2. Frank J. Klingberg, *The Anti-Slavery Movement in England*, (1926), Chapter 1, p. 13.

3. *Ibid.*, II, p. 22

Sweden, 600. There were also about 2,000,000 slaves in Brazil, and about 900,000 in the United States. This constituted a powerful basis of demand for the slave trade.<sup>4</sup>

In spite of this authoritative demand, the tide was turning. Denmark, the first nation to respond to the agitation against the slave traffic, by a royal order in 1792 abolished the slave trade and the importation of slaves into its colonies after 1804.<sup>5</sup> In England, the horrors and iniquity of the trades, the ruin and degradation of Africa which it brought about, and the oppression of the negro himself, were deeply felt, and the question of suppressing this traffic had long been before the public. Bills began early to be introduced in Parliament but nothing definite was done until 1805, when the slave trade was prohibited with the colonies England had acquired from France in the Napoleonic wars. In 1806 the foreign trade was prohibited, and on March 25, 1807, the trade was entirely prohibited.<sup>6</sup>

On June 10, 1806, Charles Jones Fox moved, "that this House, considering the African Slave-trade to be contrary to the principles of justice, humanity, and policy, will, with all practicable expedition, take effectual measures for the abolition of the said trade, in such a manner, and so such a period, as may be deemed advisable." This we have seen was accomplished a year later. Following the above motion, the

4. W.E. Burghardt Du Bois, *The Suppression of the African Slave Trade*, (1896), Chapter IX, p. 131.

5. Ward & Gooch, *Cambridge History of British Foreign Policy*, Vol. II, p. 235.

6. DuBois *Suppression of the African Slave Trade*, IX, p. 133.

opponents brought forth their arguments, and Mr. Fox gave an appropriate answer to each. A vote was taken, the results being 114 to 15, in favor of the resolution.

Immediately after its passage William Wilberforce moved an address to His Majesty, "praying that he would be graciously pleased to direct a negotiation to be entered into, by which foreign powers should be invited to cooperate with His Majesty in measures to be adopted for the abolition of the African Slave-trade." This address was voted without a division and sent to the Lords for their concurrence.<sup>7</sup> Thus we see that England early understood that abolition of the slave trade, to be effectual and complete, must be international.

In the proposed treaty of 1806, with the United States, signed at London, December 31, Article 24 provided that "The high contracting parties engage to communicate to each other, without delay, all such laws as have been or shall be here, after enacted by their respective Legislatures, as also all measures which shall have been taken for the abolition or limitation of the African slave trade; and they further agree to use their best endeavors to procure the cooperation of a trade so repugnant to the principles of justice and humanity"<sup>8</sup>

In this same year, Fox attempted to negotiate a peace with France, and in these negotiations tried to induce her to join Great Britain in an abolition of the slave trade but

7. Clarkson, History of the Abolition of the Slave Trade, Vol. 2. pp. 511, 525.

8. DuBois, The Suppression of the African Slave Trade, Chapter IX, p. 133.

without effect.<sup>1</sup>

This was the beginning of English treaties for the suppression and abolition of the slave trade which continued to be made for half a century.<sup>2</sup> The Crown, in accordance with the address requesting negotiation with foreign powers, entered at once into communication with the several foreign powers with whom Great Britain was then in alliance; and Portugal the most ancient and intimate ally of England was the first of the European states with which negotiations were opened.

In April 1807, Great Britain made the first overtures to Portugal urging her on the grounds of humanity and justice to abolish the traffic. The Portuguese minister replied, that, "no hesitation would be made by Portugal to give an assurance, in any mode that might be deemed expedient, that Portuguese traders should forbear from those tracts of the coast where the trade had been abandoned by Great Britain," but that it was utterly "impracticable", at that time, for Portugal to go the length of "abolishing the traffic." Great Britain, the following year, in continuing her negotiations, stated that the abolition of the slave trade was a necessary link in the ties of friendship, which had so long subsisted between the two crowns.

In April 1808, the British minister intimated to the

1. Ward & Gooch, Cambridge History of British Foreign Policy, Vol. 11, p. 235.

2. DuBois, The Suppression of the African Slave Trade, Chapter IX, p. 133.

Portuguese court, that, "in any treaty which should contain the final arrangements of the relations between the two countries, he should be instructed to propose an article, having for its object the gradual disuse, and ultimate, and not distant, abolition of the trade," and he added, that Great Britain "expected, that so long as that trade should be continued by the Portuguese, they should be least abstain from furnishing slaves to other nations." In another communication of the same period, Great Britain requested that even though the trade should be continued in other places, they would abandon it at Bissao, which was situated in a territory in which there was practically no slavery, and where its continuance interrupted the endeavor to afford to that coast protection and repose."

The negotiation resulted in a Treaty of Alliance in 1809. In one article of that treaty the principle of abolition "was recognized to its full extent." This treaty was not ratified by Great Britain because of stipulations in it contrary to English law, but in the following year, 1810, another treaty between Great Britain and Portugal was concluded and ratified. Article X of this treaty declared that "The Prince Regent of Portugal, being fully convinced of the impolicy and injustice of the Slave Trade has resolved to cooperate with His Britannic Majesty in the cause of humanity and justice, by adopting the most efficacious means for bringing about a gradual abolition of the Slave Trade throughout the whole of his dominions; and, actuated by this princi-

ple, engages that his subjects shall not be permitted to carry on the Slave Trade on any part of the coast of Africa not actually belonging to His Royal Highness' Dominions, in which that trade has been discontinued and abandoned by the powers and states of Europe which formerly traded there, "reserving, however, to his own subjects, the right of trading in slaves within the African Dominions of the crown of Portugal," and especially at "Molendo and Gabinda, and in those parts of the Costa da Mina, belonging to or claimed by that Crown".<sup>1</sup>

For several years there was little activity in Parliament concerning the slave trade. But in 1810, when papers concerning the slave trade were presented, an address was voted to His Majesty thanking him for the efforts made to secure foreign negotiation, relinquishment of the slave trade and beseeching him to persevere in the endeavor, though his efforts had so far been unsuccessful.<sup>2</sup>

The Napoleonic wars, especially during the period from 1811 till 1814, interrupted the efforts of the British Government to secure the abolition of the trade, but the fortunes of war threw a large part of the African coast under British control for a time, and for the time, slave trade was abandoned there.<sup>3</sup>

During this period negotiations were opened with Sweden

1. British and Foreign State Papers, Vol. 24. pp. 225-228.
2. Frank J. Klingberg, The Anti Slavery Movement in England, Vol. VI, pp. 132, 133.
3. British and Foreign State Papers, Vol. 24, p. 227.

which provided that "as a consequence of the cession made by His Britannic Majesty of the Island of Guadeloupe, His Majesty the King of Sweden engages: To forbid and prohibit at the period of the cession, the introduction of Slaves, from Africa into the said Island, and the other Possessions in the West Indies of His Swedish Majesty, and not to permit Swedish Subjects to engage in the Slave Trade; an engagement which His Swedish Majesty is the more willing to contract, as this traffic has never been authorized by him."

Article VII of a treaty between Great Britain and Denmark, signed at Kiel, January 14, 1814, engages the King of Denmark to cooperate with His Majesty, King of Great Britain, "and to prohibit all his Subjects in the most effectual manner, and by the most solemn Laws, from taking any share in such trade." She had earlier prohibited the importation of slaves into her colonies.<sup>1</sup>

By royal decree, June 15, 1814, the Sovereign Prince of the Netherlands, in response to a note from the Ambassador of Great Britain urging "prompt and effectual assistance in the measures which Great Britain has already adopted for herself", abolished the slave trade. The decree further provided, "that at the eventual negotiations relative to the restitution of the Dutch Colonies, we shall not be averse to having inserted in in the Treaty, such an article as shall continue to bind the Government of this state to the

1. Ibid., Vol. 3. p. 886.

effectual prohibition of the Slave Trade." <sup>1</sup>

During the war, Great Britain had in large measure suppressed the traffic in slaves by the exercise of the belligerent right of search <sup>2</sup> and the friends of the negroes hoped for the attainment of their object in the peace that should close the war. "Wilberforce wrote a letter to Talleyrand and prepared an address to the czar, Alexander I, having appealed to him, that as he had been the chief deliverer of the continent of Europe from despotism he should perform a work of mercy for the continent of Africa. Zachary Ma-caulay was sent to France to aid the cause there. Wilberforce was so determined that he said he hoped not a colony would be restored to France except on condition that no slaves were to be imported into it" <sup>3</sup>.

The treaty signed at Paris May 30, 1814, contained an additional article in which the two nations engaged to unite their efforts "at the approaching Congress, to induce all the Powers of Christendom to decree the abolition of the Slave Trade, so that the said Trade shall cease universally as it shall cease definitively, under any circumstances, on the part of the French Government, in the course of five years; and that during the said period no Slave merchant shall import or sell Slaves, except in the colonies of the state of which he is a Subject." In addition to this, the next day a

1. Ibid. Vol. 3, p. 889.

2. Schuyler, American Diplomacy, V, p. 238.

3. Frank J. Klingberg, The Anti-Slavery in England, VI, pp 137, 138.

a circular letter was sent by Castlereagh to Austria, Prussia, expressing the hope "that the Powers of Europe, when restoring Peace to Europe, with this great common interest, will crown this great work by interposing their benign offices in favor of those Regions of the Globe, which yet continue to be desolated by this unnatural and inhuman traffic."<sup>1</sup>

A storm of protest greeted the treaty. Petitions against the treaty poured into Parliament. On June 27, twenty-five were received. The petitioners regretted that no provisions for immediate abolition had been made in the treaty; in five years it would have revived greatly and would have strong financial interests to support it. Too, colonies which for seven years had had no slave trade were given to France with no stipulation for prohibition, but with declared purpose of renewing the trade.<sup>2</sup>

On the same day, Lord Grenville, in a motion for an address respecting the slave trade, said, "The feelings of our countrymen are roused. They will not, they cannot consent to the revival of the Slave Trade. It is therefore on their behalf, it is in the name of the people of England, in support of their numerous and urgent petitions, that I plead before you on this day; to avert from them this unmerited disgrace, to rescue from disappointment and defeat that sacred

1. British and Foreign State Papers, Vol 3, pp. 890, 887.

2. Frank J. Klingberg, The Anti-Slavery Movement in England, VI, pp., 141, 142.

cause in which they have already conquered, and to vindicate from the unhallowed intrusion of quiet and shame, their glorious triumph - the triumph of religion, of justice and humanity."<sup>1</sup> The address was sent to the Prince Regent of Great Britain on June 27, stated that five more years of the slave trade would increase the difficulties; "that occasions of differences with those Powers will be multiplied; that the evils and miseries produced in Africa, from the multitudes of human beings obtained by fraud or by violence, being forcibly dragged into perpetual slavery in a foreign land, must be most lamentable and extensive; but they will be particularly afflicting in those parts with which His Majesty's Dominions have of late had the greatest intercourse, because the restoration of the French settlements and their Dependencies, with the right of an unrestrained Slave Trade, must subject those populous and extensive districts, where by the laudable exertions of Great Britain, peaceful industry, and social happiness have been in some measure produced, to a renewal of the miseries inseparable from this odious traffic ..... That this House feels most deeply anxious that no exertion should be omitted in the approaching congress to procure a final and universal extinction of the Slave Trade."<sup>2</sup>

Wilberforce regretted that the treaty had not been submitted to Parliament before its ratification. He said that

1. Parliamentary Debates, Vol. 28, p. 299.

2. British and Foreign State Papers, Vol. 3, p. 897.

abolition should have been required if the colonies were to be returned, and then France could not have refused. Castlereagh directed in person the negotiation of the treaty. He gave the view of the government. The French did not understand the motives of the British. Instead of thinking it desired on the ground of benevolence, France felt that it was to impose fetters on the French colonies, and injure their commerce. If England had attempted to keep the colonies, it would have been said that they were being retained for commercial reasons. The French people felt no sentiment for abolition, and had it been made a requirement for the restoration of the colonies, the French would have felt disgraced. It would have made abolition odious to them. As it was, the good will of the French Government, which would count for much at the Congress of Vienna, had been gained.<sup>1</sup>

Great Britain immediately entered upon negotiations, hoping to secure abolition even before the Congress of Vienna. Much attention was devoted to attempting to secure an earlier day for French abolition. Castlereagh, in a note of August 1814 to the Duke of Wellington, urged him that he would be able to press the matter with more earnestness since the British Government at the time of the Treaty of Peace had made such a sacrifice because of the prejudice of the French. He was instructed to say on the matter of immediate abolition, that the objection brought forward by France, namely, "their

1. Frank J. Klingberg, *The Anti-Slavery Movement in England*, VI, pp. 142, 143.

repugnance to have a stipulation of this nature in appearance forced upon them," was now at an end. France can now yield to a principle of humanity which she would not concede as a condition of peace and the restoration of her colonies. He was especially urged to prevent revival north of the Equator, because this territory had been freed from slave trade during the war and was beginning a real commerce. An early decree on the subject was greatly desired, for if the slave trade were allowed once to revive, though for a short time, the natives would give up their industrious habits. Then, in order to carry out successfully any concession that might be made by France, a reciprocal right of search by the cruisers of both nations was to be asked.<sup>1</sup>

At the beginning of September, Clarkson called the attention of the government to a rumor that France would agree to immediate abolition in return for a colony in the West Indies. The British Government decided to offer either Trinidad or a money payment.<sup>2</sup> The Duke of Wellington accordingly made the offer, telling Talleyrand that a general notion prevailed that France was disposed to concede immediate abolition if some concession were made to them. Wellington, in a note of October, 4, 1814, reports Talleyrand as replying that no such disposition existed. When the Duke of Wellington discovered that there was no idea of immediate aboli-

1. British and Foreign State Papers, Vol. 3, ppp. 891, 892.  
 2. Frank J. Klingberg, The Anti-Slavery Movement in England, VI, p. 148.

ion by the French, he did not tell what the British offer would be except that persons interested in carrying on the trade would be compensated for the losses they might be supposed to incur by the immediate abolition.<sup>1</sup>

On November 3, 1814, Wellington wrote enclosing the Orders, given by the French Minister of Marine, for confining the French slave trade to the coast of Africa, to the southward of Cape Formosa. Wellington, however, added that much remained to be done to secure the proper execution of the orders.<sup>2</sup>

Great Britain was very anxious to secure concession from Spain, for much of the slave trade was carried on under her flag. The basis of the negotiations with Spain was the fact that the Spanish Government was in great need of money. The earliest project did not refer to financial matters but the later ones did. June 14, 1814, Sir Henry Wellesly wrote Viscount Castlereagh, suggesting an article to be introduced into the treaty between Great Britain and Spain. It provided that "His Catholic Majesty engages to prohibit the importation of slaves into His Colonies, and to take effectual means, in order to prevent His Subjects from engaging in the Traffic of Negroes." They were, however, unable to secure the consent of Spain to such an article. Wellesley pointed out again to the Duke of San Carlos, that no treaty would be satisfactory to England which did not provide for the abolition

1. British and Foreign State Papers, Vol 3, p. 907.

2. Ibid, Vol. 3, p. 910.

of the slave trade. Little effect was produced on the Spanish Government. It used the plea that England, with a proportion of twenty negroes to one European in her colonies, had required twenty years to secure abolition; while Spain, whose colonies contained a proportion of not more than one negro to one European, was expected to sign away, without any deliberation, "what constituted the very existence of her Colonies." Finding that he could not overcome the Spanish objections to abolition, Wellesley framed an article to express the Spanish King's participation in the sentiments of the British Government, in regard to the injustice and inhumanity of it; and to bind His Catholic Majesty not to allow His subjects to engage in the trade to supply other than Spanish possessions, nor to allow the Spanish Flag to be used for the protection of foreigners engaged in the traffic. The acquiescence of the Spanish Government was secured to this article.<sup>1</sup>

July 30, 1814, Wellesley was instructed to complete the payments of the Subsidy for the year to the first of August. He also might promise further installments of Subsidy for the remainder of the year, upon the condition that Spain should engage to abolish the trade in five years, and in the meantime confine it to the coast south of the equator, and agree to a common system for reciprocally enforcing the same.

1. British and Foreign State Papers, Vol 3, p. 920.

And should Spain agree to immediate and entire abolition, the British Government would propose to Parliament a loan of \$10,000,000.<sup>1</sup> But badly as the Spanish Government needed money, these inducements did not prove sufficient to persuade Spain to give up the trade which was so odious to the English. Sir Henry Wellesley was unable to secure any further concessions in regard to the slave trade. All who had any connection with South America, or with the Spanish America, or with the Spanish West Indies, opposed violently the abolition of the slave trade; and the government feared the effect that abolition might produce in the colonies.<sup>2</sup>

Spain had been holding out for ten years more of the slave trade before she would abolish it; but October 22, 1814, the Duke of San Carlos wrote Sir Henry Wellesley that Spain would abolish entirely slavery at the end of eight years, and in the meantime confine it from the Equator to the tenth degree north of it. Then, in return for having, "acceded to the desire of His Britannic Majesty on a point of so much interest," requested the continuance of the Subsidy and the loan, which the British had suggested. To the English this proposal was ridiculous. It did not concede at all what was wanted. The territory to which Spain agreed to confine the slave trade was the very territory where the trade had ceased several years before, and so was the part of the coast of Africa

1. Ibid., Vol 3, p. 925.

2. Ibid., Vol 3, pp. 926, 929.

when England least desired them to trade.<sup>1</sup>

Castlereagh lost no occasion for favorably preparing the minds of the Plenipotentiaries for the discussion to be taken up at the Congress. Every influence possible was exerted, and Castlereagh had at hand all possible arguments against the slave trade. He went personally to Vienna as Great Britain's chief representative, with instructions to press for three things in regard to the slave trade. First, immediate and universal abolition by the European powers; second, mutual right of search within limited areas; and, third, the exclusion of colonial produce from those countries which would not agree to this.

But Castlereagh's success at the Congress was not what had been hoped by the British. Castlereagh was capable, but there were multitudinous things to be accomplished by the Congress, aside from considering the question of slavery. The people of Great Britain seemed to be interested in slavery alone, and it was difficult for them to understand the lack of interest on the part of the other nations. On the other hand, these nations were unable to comprehend England's intense desire for the speedy abolition of slavery. They feared that the real motive was selfish, rather than humanitarian; that England regretted the step she had taken, and now wanted to keep from the other countries the advantages of the slave trade. With the exception of France, the great continental powers had

1. Ibid., Vol., 3 p. 933.

no colonial possessions, and so felt that the slave trade was a remote question in which they had no concern. They were willing to follow England a reasonable way but not to the extent she urged.

France refused to go any farther than she had gone in the Treaty of Paris. She received neither a money compensation nor an island, though she had been offered for immediate abolition "either an Island in the West Indies, or if more acceptable, the advance by Great Britain of a sum of money to be applied to the benefit of the French Colonists in compensation for any loss they might be supposed to experience in consequence of the Trade in Slaves being forthwith abolished."<sup>1</sup> However, she used this opportunity to draw Great Britain nearer to her on certain questions before the congress, especially on the question of Naples.

Both Spain and Portugal refused to abolish the trade in less than eight years, though Castlereagh succeeded in securing a vague promise to that effect.<sup>2</sup> Vixcount Castlereagh conferred with the Emperors, both of Russia and Austria, both of whom gave him every assurance of support. In regard to the period of abolition to be urged, they declared their desire "to prevail upon France to reduce the period of five years, and that Spain and Portugal be urged to conform to whatever period France might be prevailed upon to adopt."<sup>3</sup>

1. British and Foreign State Papers, Vol. 3, p. 939.

2. Frank J. Klingberg, The Anti-Slavery Movement in England, Chapter VI, pp. 151-155.

3. British and Foreign State Papers, Vol., 3, p. 941.

Nevertheless Spain and Portugal remained resolute as to the time limit. They were then urged to, at least, protect the northern portion of Africa where the trade had for some years ceased entirely and a legitimate commerce had been begun. They were told that the coasts south of the Equator would be equal to meet any demands that they had been in the habit of making on the population of Africa.<sup>1</sup> Still Spain agreed to nothing more than the vague promise of abolition at the end of eight years, and the Portuguese Minister objected to the term of five years as not being sufficiently long. He added however, "that His Royal Highness, acting on the Treaty of 1810, 'would not refuse to adopt the term of eight years for the final cessation of the trade;' but he qualified even this admission by a declaration, that 'the ulterior measures to be taken on this subject must depend upon the issue of commercial discussions between Great Britain and Portugal.'"<sup>2</sup>

The next day, January 21, 1815, Great Britain and Portugal signed a convention relative to the abolition of the slave trade. It provided that "whereas several ships, the property of the subjects of Portugal, have been detained and condemned upon alleged ground of being engaged in an illicit traffic in slaves," it is agreed to pay 300,000 to such person as the Prince Regent of Portugal may appoint, the money to be used as a fund for the full discharge of all claims for Portuguese ships detained by British cruisers previous to June 1,

1. Ibid., Vol. 3, p. 936.

2. Ibid., Vol. 24, p. 228.

1  
1814.

January 22, 1815, a treaty between the two powers followed. In this Portugal agreed that it should be unlawful for any of her subjects to purchase slaves, or carry on the slave trade, on the coast of Africa north of the Equator, upon any pretext whatever; and to adopt such measures as will best conduce to effectual execution of the engagement, "in its true intent and meaning." The British Crown agreed to give orders to "prevent any interruption being given to Portuguese ships resorting to the actual dominions of the Crown of Portugal, or to the territories which are claimed in the said Treaty of Alliance," south of the Equator, for the purpose of trading in slaves. The two powers further agreed to determine by separate treaty the time for the universal abolition of the slave trade. Not only were the Portuguese subjects not to be allowed to trade in slaves north of "the Line", but the Portuguese flag was not to be used except to supply the Transatlantic possessions of Portugal. In return, Great Britain promised at the time of ratification to make such additional payments as then remained due upon the loan of 600,000, made in 1809.<sup>2</sup>

February 11, 1815, the Portuguese minister wrote Castlereagh that by several official declarations they had announced the total abolition of the slave trade by Portugal in eight years on the condition of a new commercial treaty with Great

1. Ibid., Vol. 3, p. 936.

2. Ibid., Vol. 3, p. 937.

Britain.<sup>1</sup>

But, as to securing something definite from the powers assembled at Vienna, Castlereagh was unsuccessful. He had to content himself with a general declaration signed February 8, 1815, in which the powers, "having taken into consideration that the slave trade has been considered, by just and enlightened men of all ages, as repugnant to the principles of humanity and universal morality; at length the public calls aloud for prompt suppression; that since the character and details of this traffic have been better known, several of the European Governments have virtually come to the resolution of putting a stop to it, and that successively all the powers possessing colonies in different parts of the world have acknowledged, either by Legislative Acts, or by Treaties, or other formal engagements, the duty and necessity of abolishing it. They are animated with the sincere desire of concurring in the most prompt and effectual execution of this measure, by all the means at their disposal."

"The determining the period when this trade is to cease universally, must be a subject of negotiation between the powers; it being understood, however, that no proper means of securing its attainment, and of accelerating its progress are to be neglected."<sup>2</sup>

But Castlereagh's work was not in vain. "By obtaining

1. Ibid., Vol 3, p. 974.

2. Edward Hertslet, Map of Europe by Treaty, Vol 1, p 60.

a general Declaration against the Trade in the Treaty, by awakening public opinion among the statesmen by the discussions of the final conference and by initiating practical measures to ensure that Abolition, once obtained, should be faithfully carried out, Castlereagh had done an immense amount to bring this odious practice to an end." <sup>1</sup>

The Treaty of Ghent, ratified February 17, 1815, put an end to our war with Great Britain, was an opportunity for the British to secure our assent to the principles relative to the suppression of the slave trade. Article 10, which was proposed by Great Britain, declared that "Whereas the traffic, in slaves is irreconcilable with the principles of humanity and justice; and whereas his Majesty and the United States are desirous of continuing their efforts to promote its entire abolition; it is hereby agreed that both the contracting powers shall use their best endeavors to accomplish so desirable an object." <sup>2</sup>

Napoleon, on his return from Elba, March 1, 1815, in order to gain the good will of the British people, issued a decree abolishing the French slave trade. Louis XVIII pledged himself to immediate abolition before the battle of Waterloo, while he was still a fugitive. So, when he was restored to his throne, a protocol was drawn up by England, Prussia, Austria, and Russia, commanding Louis XVIII to main-

1. Frank J. Klingberg, *The Anti Slavery Movement in England*, VI, p. 155 (quoting from *Cambridge History of British Policy*, I, 499).

2. Eugene Schuyler, *American Diplomacy*, V, p. 239.

tain the abolition, these nations holding the Napoleon's act for abolition still remained in force. In accordance with the protocol, Castlereagh sent a note to Talleyrand stating that, "The British conceive that under the operation of the Law of France, as it now stands, it is strictly prohibited to French subjects to carry on a traffic in slaves; and that nothing but a specific ordinance could again revive the commerce, but, whether this be the true construction, or not, of the law in a technical sense, they feel persuaded that his Most Christian Majesty will never lend his authority to revive a system which has been, de facto, abolished."

Castlereagh's note had the desired effect. July 30, 1815, Talleyrand wrote a note to Castlereagh, informing him that the king had abolished the French slave trade, and moreover claiming that the abolition was due to the king's decree alone, and in no way to the decree of the usurper, Napoleon.

This decree caused an additional article to be drafted to the definitive treaty between the five nations. The article, signed November 20, 1815, stated that, "The High Contracting Parties, sincerely desiring to give effect to the measures on which they deliberate at the Congress of Vienna, relative to the complete and universal abolition of the Slave Trade, and having, each in their respective Dominions, prohibited without restriction their colonies and subjects from taking any part whatever in this Traffic, engage to renew conjointly their efforts, with the view of securing final success to those principles which they proclaimed in the Declar-

ation of the 4th February, 1815, and of concerting without loss of time through the Ministers at the Courts of London and of Paris, the most effectual measures for the entire and definitive abolition of a commerce so odious, and so strongly condemned by the laws of religion and of nature."<sup>1</sup>

Great Britain's efforts, however, seemed to be of little avail. It is true that the trade was now abolished by all Europe except Spain and Portugal, and those two powers had given promise of abolition in the near future; but the slave trade continued to be carried on to an enormous extent. In December 1816, it was estimated that upwards of 60,000 were annually carried from Africa across the Atlantic.<sup>2</sup>

This contraband trade was not even confined to the coast south of the equator, but was carried on extensively north of the equator, where trade had practically stopped, during the war, and to which place most of the nations had agreed not to resort for slaves.<sup>3</sup> It soon became evident that as long as there remained any nation trading in slaves, all such trade would be transferred to that flag, but the slave trade would not materially increase. The acts of the British Government to effect abolition appeared to have no other result than transferring the slave trade to Spain and Portugal. The trade of these two countries increased wonderfully, and a greater increase was to be expected due to the fear of the termina-

1. British and Foreign State Papers, Vol. 3, p. 292.
2. British and Foreign State Papers, Vol. 6, p. 27.
3. British and Foreign State Papers, Vol. 6, p. 36.

tion of the trade in a few years. Not only was the trade carried on so extensively but extreme cruelty was displayed. Sir James L. Yeo, a naval officer, in correspondence with the British Government in 1816, said, "I am of the opinion that the slave trade was never carried on with such system and dispatch as at this moment; and if some active measures are not taken, it will increase next year tenfold. Should His Majesty's Government determine to suppress this vile traffic, it cannot be done without schooners, or duel-sailing ships; for the Spaniards are not only completely equipped, and sail fast, but are generally commanded by active and enterprising men, either French or Americans. They are seldom to be found at anchor on the coast. Their general plan is to make the land near where they intend to purchase their slaves; if the coast is clear, they immediately land their cargo and super-cargo, and stand out to sea until they consider the slaves are ready, they then stand in as before, and if the signal agree on is given, take on board the cargo, and are off in a few hours, all their water and provisions being complete before they arrived on the coast."

"They consider their capture, if met with, as certain; which appears to me very extraordinary as they must know that our Government have not issued any orders against them, if really Spaniards. I am, therefore, strongly led to believe, that the principal part of their trade in slaves is carried on with the funds, and for the benefit of the subjects of other

powers who have abolished it."<sup>1</sup> British officers in Sierra Leone offered the following as points which should be firmly established before any success could be expected:

"First, that the prohibition be positive and universal, and that all persons agree in the same regulations for its extinction.

Second. That the penalties inflicted on persons and property engaged in it, be severe and certain.

Third. That power be given to all the contracting parties to enforce these regulations; that the force employed for this purpose be adequate to the object for which it is intended, and that the remuneration offered to the persons employed in this service, be certain and easily obtained."<sup>2</sup>

Governor McCarty of Sierra Leone, in a letter dated June 10, 1817, said, "I do believe it to be a fact, that there is a greater number of vessels employed in that traffic than at any former period." From his letters we may also see a reason, other than humanitarian for the suppression of the slave trade. It is commercial. In a letter of June 28, 1817, he says, "The coast is crowded with slave ships, and no trade can be done where they are. We could get rise to Leeward, but dare not go there, as we are certain of being plundered by them. I saw it mentioned in a London newspaper, that a Carthagenian Pirate had been plundering our vessels. It was an Hava-

1. Ibid., Vol. 4, p. 127.

2. Ibid., Vol. 6, p. 45.

nah slave ship, and all the Spaniards who come on the coast swear to do the same whenever they have it in their power. If this should be suffered, we must give up all the trade, and leave the African coast to the slave dealers." These statements only confirmed similar ones made earlier by Commodore Sir James Lucas Yeo.<sup>1</sup>

Thus we see something of the difficulties which confronted the English. It must have been indeed disheartening to see their efforts fail absolutely. The trade, not only was not being decreased to any material extent, but also was becoming daily more cruel, as the slave ships were crowded to the limit to enable a greater number to be carried in one load. Too, British commerce on the coast was entirely demoralized by the slave trade. Slave trading was the easiest money for the chiefs, and as long as it was open to them, they cared nothing for legitimate industry and commerce. Spain and Portugal seemed to be the main culprits, although of course owing to disguise, the exact number could not be obtained. But what they did not do directly, they were indirectly to blame for because their flags were used to cover the ships of nearly all the slave traders.

Two proposals were brought forth by England. To induce Portugal and Spain to agree to speedy abolition, the propositions of excluding colonial produce was made. The other proposal was a limited mutual right of search, to suppress all

1. Ibid., Vol. 6, p. 48.

illicit trade. Whatever England's motives may have been, the only certain means of suppressing this trade was an international right of search. Nothing else would suffice. England directed her diplomacy to this end. But naturally enough decided opposition was encountered. England, supreme on the seas, would, if granted a right of search, become a virtual policeman of the sea. And the other nations feared this power in the hands of England. <sup>1</sup>

On July 9, 1817, the British Parliament, moved by information received from various quarters, presented an address to His Majesty stating that "the crimes of slave trade is carried on with fresh and continually increasing activity; and the Stipulations to put limits to this evil- Stipulations purchased by this country at the price of large sacrifices- are constantly and almost openly disregarded; and concluding by an earnest entreaty to the Soverign of this country," to leave no effort untried to bring the present evil to a speedy and immediate termination. <sup>2</sup>

Portugal, at length by an additional convention, to the Treaty of January 22, 1815, signed July 28, 1817, consented in a limited degree to proposals made to her by Great Britain. By that convention Portugal specified the limits within which the slave trade of her subjects should, under the previous treaty, be considered as lawful. Those limits which

1. DuBois, Suppression of the Africal Slave Trade, IX, p.136

2. British and Foreign State Papers, Vol. 24, p. 229.

had previously been described as the "actual" or "claimed" Dominions of Portugal, were now specified to be those ports in south latitude which lie between the 5th and the 18th degree on the western, and between Cape Delgado and Lorenzo Marquez on the eastern coast of Africa. Portugal furthermore granted to British cruisers a right of search; and gave to a commission, composed of British and Portuguese subjects a power to condemn vessels found actually laden with slaves to the north of the Equator. She reserved to herself the task of preventing the slave trade in those parts south of the equator in which it was no longer lawful; and His Most Faithful Majesty specially engaged to promulgate, within two months in the capital, and as soon as possible in the other parts of his Dominions "a law which should prescribe the punishment of any Portuguese subjects who might in future participate in an illicit traffic in slaves." They considered as illicit any traffic in slaves carried on under the following circumstances: "First. Either by British ships, and under the British flag, or for the account of British subjects, by any vessel or under any flag whatsoever. Second. By Portuguese vessels, in any of the harbors or roads of the coast of Africa, which are prohibited by the first article of the Treaty of January 22, 1815. Third. Under the Portuguese flag for the account of the subjects of any other Government. Fourth. By Portuguese vessels bound for any port not in the Dominion of His Most Faithful Majesty.<sup>1</sup>

1. Ibid., Vol. 11, p.689.

But the promised law, promulgated in Portugal on January 26, gave punishment only for those north of the Equator, and made no mention of those south, the territory Portugal had reserved to herself for the prevention of the slave trade.

By a separate article, signed September 11, 1817, the two nations agreed, "as soon as the total abolition of the slave trade for the subjects of Portugal shall have taken place, to adopt to that state of circumstances the Stipulations of the Additional Convention of July 28, 1817; and that in default of such alterations, that Additional Convention shall remain in force until the expiration of fifteen years from the date of the abolition by the Portuguese Government."<sup>1</sup>

Now let us turn our attention to Spain who was also an offender in respect to the slave trade. July 1817, Lord Grenville complained to Spain of the extent to which the slaves trade was being carried on by Spanish subjects, and especially on the very coast of Africa which England was attempting most to protect and increase civilization. In addition to the extent of the trade, the horrors which accompanied it were vastly worse. The vessels used, were built and armed as if for war, and were intended for speed instead of comfort to the occupants. These ships were in frequent conflict with British cruisers, and such hostilities threatened to lead to greater difficulties between the two governments.

1. Ibid., Vol. 24, p. 230.

Negotiations between the two nations culminated in a treaty signed September 23, 1817, at Madrid. The treaty was long and elaborate. It is based upon the additional article of 1814 and sets forth that His Catholic Majesty, conformably to the principles of humanity with which he is animated, has resolved to cooperate with His Britannic Majesty in adopting efficacious means for bringing about the abolition of the slave trade. The first article declared that slavery was to be abolished throughout the entire Dominions of Spain on May 30, 1820, and that from that time it would be unlawful for Spanish subjects to carry on the trade in any manner or upon any pretext whatever. By subsequent articles Spain declared the immediate abolition of the trade north of the Equator and that south, was to be carried on only under special passports. His Britannic Majesty agreed to pay on February 20, 1820, the sum of 400,000 sterling to a person appointed by the King of Spain. This sum of money was to be considered as full compensation for all losses because of vessels captured by the English previous to the ratification of the treaty and also for the losses which would result from the abolition of the traffic. The treaty established courts of Mixed Commission for the adjudication of offenses against its provisions, these tribunals to have primary and final jurisdiction in all cases. There were to be two, one on the coast of Africa, one in the West Indies, one to be in Spanish and the other in British Territory. The trade was declared illicit

under practically the same circumstances as had been agreed with Portugal in the treaty of 1817. Suspicious vessels might be searched by war ships of each nation charged with instructions. These instructions were to form a part of the treaty. They provided that the captain and two-thirds of the men were to be Spanish (the purpose being, of course, to keep British men and capital out of the trade), and that only those vessels found with slaves actually on board might be determined. The form of a passport for Spanish vessels destined to carry on a lawful traffic in slaves provided that not more than five slaves for every two tons burden should be carried. The Spanish Government also pledged itself to make the trip as comfortable as possible for the negroes. By Article VI, the Spanish monarch bound himself to "adopt, in conformity to the spirit of this treaty, the measures which are best calculated to give full and complete effect to the laudable objects which the High Contracting Parties have in view." <sup>1</sup>

This treaty has been reviewed in detail<sup>1</sup> because it was used as a sort of model for later treaties with other nations.

On October 23, 1817, an exceedingly interesting treaty was signed by Radama, the King of Madagascar. He agreed to an entire "Cessation of the sale or transfer of slaves or other persons whatever, to be removed from off the soil of Madagascar, into any country, island, or dominion of any other prince, potentate or power whatever." In consideration of

1. Ibid., Vol. 4, p. 25.

this concession and for any loss of revenue which might result, the British Commissioners were to pay, yearly, to Radama, the following articles: \$1,000 in gold, 1,000 dollars in silver, 100 barrels of gunpowder (100 pounds each), 100 English muskets and accoutrements complete, 10,000 flints, 400 red jackets, 400 shirts, 400 pair of trousers, 400 pair shoes, 400 soldiers caps, 400 stocks, 12 sergeant's regulation swords and belts, 400 pieces of white India cloth, 200 pieces of blue India cloth, one full dress cloth coat with two epaulets, cocked hat and dress boots for the King, and two horses; upon the receipt of a certificate that the agreement had been enforced for the preceding quarter. October 11, 1820, the treaty was again accepted and ratified with the additional articles that "Mr. Hastie engages on the part of his Government, to take with him twenty free subjects of King Radama, to be instructed in and brought up to different trades, such as mechanics, gold and silver smiths, weavers, carpenters, blacksmiths; or placed in arsenals, dockyards, etc., whereof ten shall be sent to England, and ten to the Island of Mauritius at the expense of the British Government. Mr. James Hastie further engages to take with him eight other individuals, to be instructed in music, for the purpose of being formed into a band for the Regiment of Guards of His Majesty the King of Madagascar." <sup>1</sup>

1. Ibid., Vol. 7, p. 881.

Negotiations were carried on with the Netherlands, which culminated in a treaty securing the right of search, signed at the Hague, May 4, 1818. This treaty was similar to the treaty with Spain except for two provisions, European waters were exempted, and each country was to have an equal number of cruisers instructed for search, so that Great Britain would have no advantage because of her naval superiority.<sup>1</sup>

Negotiations were carried on in 1818 by Great Britain to obtain the agreement by the United States to a right of search. Mr. Rush, in a letter of April 15, 1818, to Mr. Adams, said, "that the British Government felt an increasing desire that the United States should lend itself to the measures of regulation going forward in Europe. These measures mean, in effect, a reciprocal submission to the right of search." Only a limited number of the cruisers of each nation were to be given such instructions, and from these a sort of Naval Police would be formed, which was to be stationed chiefly in the African seas. Nothing but actual finding of slaves on board was to ever authorize a seizure or detention, the fittings of the ship were not to be considered sufficient evidence. The British Government felt the more assured of the acquiescence of the United States because it recognized the evil of the traffic and had taken measures against it in their own laws.

1. Ibid., Vol. 5, p. 125.

2. Ibid., Vol. 7, p. 376.

But in spite of the enmity of the United States to the slave trade, the proposal to make treaties similar to the one with Spain was refused. It appeared to the President that the most essential articles of the treaties were not adapted to the circumstances or institutions of the United States. In regard to the Mixed Courts in the colonies reciprocity was supposed, but the United States had no colonies on the coast of Africa or in the West Indies, so this could not be reciprocal. A, perhaps, more serious obstacle was in regard to the judicial power. Judicial power in the United States is vested in one Supreme Court and such inferior courts as Congress may from time to time ordain and establish. Further the judges of these courts are to hold their offices during good behavior and be removable on impeachment and conviction of crimes and misdemeanors. If the spirit of these constitutional provisions is carried out, the United States could hardly be a party to a court for carrying into execution their final laws in places out of their own territory -- "a court consisting partly of foreign judges, not liable to impeachment under the authority of the United States, and deciding upon their statutes without appeal." A third difficulty would be the disposal of negroes found on board slave trading vessels. If they were delivered to the United States as free men, they could be employed, only by their own consent, as servants of free laborers. And, since the condition of negroes in the United States is regulated by the laws of the States, the Federal Government

could neither guarantee their liberty in the States where they could only be received as slaves, nor control them in States where they were recognized as free.<sup>1</sup> Furthermore, John Quincy Adams in reply to Lord Castlereagh, said that "The admission of a right for the officers of foreign ships of war to enter and search the vessels of the United States in time of Peace, under any circumstances whatever, would meet with universal repugnance in the public opinion of the country." As the British war navy was ten times greater than that of the United States, the United States might have been subjected to far more interruption of their commerce than England could possibly have been. It was not so much that the search of vessels fitted out as slavers was objected to, but a fear that other encroachments might be made under this pretext.<sup>2</sup>

Great Britain, always on the alert for any means of furthering the suppression of the slave trade, next made proposals at the Congress of Aix-la-Chapelle in November 1818. At this Congress, Great Britain urged Portugal to fix a time when the slave trade would be abolished, but Portugal required as an "indispensable condition" of abolition, such a change in the system of intercourse between Great Britain and Portugal that would involve a sacrifice on the part of Great Britain, too great to be expected of one nation by another. The principal powers of Europe addressed in concert, a letter to the King of Portugal, asking him to fix a time when "Portugal

1. Ibid., Vol. 6, p. 382.

2. Eugene Schuyler, American Diplomacy, V, pp. 241-242.

would insure the triumph of the Declaration of February 8, 1815, by means of an act decreeing the abolition of the slave trade in all parts and forever." But the King refused on the ground that it would "revolt the opinions of the Proprietors in the colonies and inflame the minds of the slaves themselves." <sup>1</sup>

Lord Castlereagh proposed at this Congress a general concession of the reciprocal right of search and the capture of vessels belonging to powers that had forbidden the slave trade but still continued it; and second, a solemn proscription of the slave trade as piracy under international law. France rejected it and proposed a common police of the sea. Russia, Prussia and Austria refused to denounce the slave trade as piracy so long as Portugal or any other civilized state continued to allow it. They also rejected the right of search.<sup>2</sup>

The British Parliament, July 7, 1819, voted an address to the King. They observed that "one power alone" (meaning Portugal) "has hitherto forbore to specify the period at which the traffic shall be absolutely abandoned," and they urged His Majesty to "renew his endeavors for the attainment of that object."

In the next year Great Britain made another effort, by offering to revise an article in the Treaty of 1810, favorable to Great Britain, if Portugal would fulfill the expecta-

1. British and Foreign State Papers, Vol. 24, pp. 230, 231.  
2. Eugene Schuyler, American Diplomacy, V. pp. 234, 244.

tions she had held out in 1815, that she would abolish the slave trade in 1823. But Portugal did not consider that sufficient and all that could be obtained from her was a general and vague assurance, "that His Most Faithful Majesty would always adhere to the engagements he had contracted, and to the principles he had professed on this head."

Portugal continued the slave trade as usual during 1819 making infractions of her treaty with Great Britain. In September 1820, Great Britain proposed to them that all ships on which slaves had been on board should be subject to capture. The reason for this was that it was difficult to catch the ships with their cargo on board. They would sometimes unload them, if they feared capture and reload them when danger was past. This, Portugal, refused to agree to.<sup>1</sup>

A treaty was signed by Great Britain in 1820, which though probably of not much importance shows us something of the extent she went to secure everything which would in any way aid the abolition of the slave trade. This was a general treaty with the "Friendly Arabs" which established lasting peace between the British Government and the Arab tribes who were parties to it. But Article IX provided that "the carrying off of slaves, men, women, or children, from the coasts of Africa or elsewhere, and the transporting them in vessels,

1. British and Foreign State Papers, Vol. 24, p. 231.

is plunder and piracy; and the friendly Arabs shall do nothing of this nature." <sup>1</sup>

The slave trade was again a subject of international discussion at the Congress of Verona in 1822. The Memorandum presented by the Duke of Wellington is quite significant in our study. It shows how little had actually been accomplished. An extract from it follows.

"This traffic has been, since the year 1815, and is at this time, carried on to a greater extent, than it had been at any former period; that in seven months of the year 1821, not less than 38,000 human beings were carried off from the coast of Africa in hopeless and irremediable slavery, and that not less than 352 vessels entered the rivers and ports of Africa, north of the Equator, to purchase slaves between July 1820, and October 1821. Each of these was calculated to carry off from five to six hundred slaves."

"All attempts at prevention, imperfect as they have been found to be, have tended to increase the aggregate of human suffering; and the waste of human life, in the transport of slaves from the coast of Africa to the colonies in a ratio far exceeding the increase of positive numbers carried off in slavery. The dread of detection suggests expedients of concealment productive of the most dreadful sufferings to a cargo, with respect to which it hardly ever seems to occur to its remorseless owners, that it consists of sen-

1. Ibid., Vol. 23, pp. 1069, 1070.

tient beings."

"The numbers put on board in each venture, are far from being proportioned to the proper capacity of the vessel; and the mortality is frightful to a degree unknown, since the attention of mankind was first drawn to this traffic."

"There is no hesitation in declaring, that it would have been far more consoling to humanity, and that by far a smaller number of human beings would have been lost by cruel and lingering sufferings, if the trade had never been abolished by the laws of any country. In this case Christian sovereigns and legislatures would have considered it their duty to provide, that those of their subjects, who carried on a trade in human creatures, should take care of those whom they carried in perpetual captivity, - that the space in which they should be confined, whether in their settlements on the coast of Africa, previous to embarkation, or in their ships on passage to the place of sale, should be sufficient to give such human beings the faculty of breathing, and the chance of life, - that the water and food supplied to them should be sufficient in quantity at least, if not wholesome in quality, for the sustentation of life, - that measures should be adopted for the restoration and preservation of the health of those who should have shared the common fate of mankind, and should have become sick, - and above all, there would have been no necessity for the destruction of men for the purpose of concealing that a traffic in slaves was car-

ried on."

"His Majesty's Government cannot but feel, that, notwithstanding the Declaration of the Congress of Vienna of 1815, they still stand alone on this question in Europe. Upon them has fallen the burden of the execution of all the treaties with the maritime powers for putting down the slave trade, and upon them the task of soliciting those powers to put those laws into execution."

"These importunities are erroneously attributed to some selfish commercial interest, and to a desire to bring the colonies of other countries to the state of distress in which those of Great Britain are supposed to be."<sup>1</sup>

Since this extensive traffic was being carried on in contravention of the laws of every European country except Portugal, and also of America, it was obvious that mere laws were insufficient. Great Britain therefore proposed to the Congress:

1. That each country denounce the trade as piracy, with a view of founding upon the aggregate of such separate declaration a general law to be incorporated in the Law of Nations.

2. A withdrawing of the flags of the powers from persons not natives of these States, who engage in the traffic under the flags of these States.

3. A refusal to admit to their domains the produce of the colonies of states allowing the trade, a measure which would apply to Portugal and Brazil alone.

1. British and Foreign State Papers, Vol. 10, p. 97.

All of these proposals failed to be accepted. Austria would agree to the first two only; France refused to denounce the slave trade as piracy; and Prussia was non-committal. The utmost that could be gained was another denunciation of the trade couched in general terms.<sup>1</sup> In these resolutions of November 28, 1822, the five powers simply "acknowledge the necessity of devoting the most serious attention to an object of such importance to the honor and welfare of humanity; and consequently declare that they continue firm in the principles and sentiments manifested by them in the Declaration of the 8th of February 1815; - that they have never ceased, nor ever will cease, to consider the slave trade as - "a scourge which has too long desolated Africa, degraded Europe, and afflicted humanity;" and that they are ready to concur in every thing that may secure and accelerate the complete and final abolition of that traffic; that in order to give effect to this renewed Declaration, their respective cabinets will eagerly enter into the examination of any measure, compatible with their rights, and the interests of their subjects, to produce a result that may prove to the world the sincerity of their wishes, and of their efforts in favor of a cause worthy of their common solicitude."

1. DuBois, *Suppression of the African Slave-Trade*, IX, p. 138  
 2. Edward Hertslet, *Map of Europe by Treaty*, pp. 695, 696.

In the meantime negotiations had been going on with the United States. In December 1820, Canning, the new British minister approached J. Q. Adams with full instructions. The people of the United States now realized the impossibility of the suppression of the slave trade without some exercise of the right of search. In 1817 a House committee had urged such a concession, and a Senate motion was made to that effect. In 1820, an act of Congress declared the slave trade to be piracy. In 1820 and 1821 resolutions were passed in the House of Representatives by which the President was requested to enter into arrangements with other powers for the abolition of the slave trade, one urging the granting of the right of search, but both failed in the Senate. Adams, however, saw constitutional objections to the plan proposed by Canning, but suggested as a counter-proposition, the cooperation of the fleets on the coast of Africa, a proposition promptly accepted. In 1823 a similar resolution requesting international arrangements was passed, and a clause was added, proposing the denunciation of the slave trade as piracy under the Law of Nations. But an amendment "that we agree to a qualified right of search" was lost.

Canning continued to press the matter upon Adams, and the latter finally sent a draft of a proposed treaty to England and agreed to recognize the traffic as piracy under the Law of Nations, the slave traders, however, to be tried only in the tribunals of their own country. This was presented to the English Government in 1824, and as agreed to by them

provided; that slavers should be tried in their own country, that the captor should be laid under heavy responsibility for his own conduct; that vessels under convoy of a ship of war of their own country should be exempt from search that citizens of either country captured under the flag of a third power be sent home for trial; and that citizens of either country chartering vessels of a third country should come under these stipulations.

This convention was so mutilated by the Senate so that England refused to sign it. It was so amended as to make it terminable at six months notice, the waters of America were exempted from its application, and the application of the right of search to citizens chartering vessels of a third nation was struck out.<sup>1</sup>

Negotiations were continually being carried on with lesser nations. September 1822, a treaty was signed with the Imaum of Muscat whereby he agreed "that all traffic in slaves cease and be abolished forever from his dominions and dependencies."<sup>2</sup>

An imperfection was early discovered in the treaty with Spain. This treaty provided that only those vessels were to be detained which were found with slaves on board. One of the first instances which occurred of seizure was a case in

1. DuBois, Suppression of the African Slave-Trade, IX, pp. 137, 141.

2. British and Foreign State Papers, Vol., 10, 517.

which one slave alone was found on board, the rest having been disposed of; and it soon became a practice for a slave vessel on perceiving a cruiser, to run ashore, or make for the nearest cove or harbor, and there land her living cargo before she could be actually come in contact with; then when a convenient opportunity came, he would reship the unfortunate wretches he had put on shore and continue his voyage, Spain on December 10, 1822, agreed to an explanatory article which would remedy the imperfection of the earlier treaty. This article provided that ships were to be condemned if there was undeniable proof that a slave or slaves had been put on board in that particular voyage.<sup>1</sup> But this article was not even confirmed by His Catholic Majesty in communicated to Spanish authorities anywhere until the year 1826.<sup>2</sup>

December 31, 1822, the Netherlands signed an additional article to the same effect as that signed by Spain; that clear and undeniable proof that slaves had been on board during the voyage, were sufficient to condemn the ship.<sup>3</sup>

January 25, 1823, a further additional article was agreed to for the purpose of specifying just what constituted clear and undeniable proof. The following were agreed to:

1. Having her hatches fitted with open gratings, instead of being close hatches, as usual in merchant vessels, or

1. Ibid., Vol. 11, p. 713.

2. Ibid., Vol., 23, p. 54.

3. Ibid., Vol. 11, p., 732.

2. Having more divisions or bulkheads in the hold or on deck than necessary for trading vessels, or

3. Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second, or moveable deck, or slave deck,

4. Having on board shackles, bolts, or handcuffs,

5. Having on board an unreasonable quantity of water in casks or in tanks, more than sufficient for the consumption of her crew as a merchant vessel,

6. Having on board an unreasonable number of water casks or other vessels for holding water, unless the Master shall produce a certificate from the customhouse, from the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks or other vessels should only be used for the reception of palm oil.

7. Having on board a greater quantity of mess tubs or kids than requisite for the use of her crew as a merchant vessel,

8. Having on board two or more copper boilers, or even one of an unreasonable size, larger than requisite for the use of her crew as a merchant vessel,

9. Having on board an unreasonable quantity of rice, or farina (flour of the manioc of Brazil, or of Cassads), or maize, or Indian corn, beyond any probably requisite provision for the use of her crew; and such rice, flour, maize or

Indian corn, not being entered on the manifest as part of the cargo for trade.<sup>1</sup>

Negotiations with Portugal had been going on, meanwhile, as usual. In 1821 Great Britain attempted to get her to set a definite date for abolition, but did not succeed. In 1822 she wrote Portugal that they really no longer had any real basis for their slave trade, since Brazil had separated from Portugal. Portugal had no other transatlantic possessions, and according to her treaty, she was to carry on the trade only for the purpose of supplying such possessions. Nothing definite was obtained until March 15, 1823, when Portugal agreed to the additional article providing that ships were to be condemned if there was clear and undeniable proof that a slave or slaves had been on board during the particular voyage.<sup>2</sup>

During the period from 1823 to 1831, the following treaties were secured. May 31, 1823 a treaty was signed with Madagascar providing for the seizure of ships violating the earlier treaty and disposal of Africans on board.<sup>3</sup> Sweden, November 6, 1824, agreed to the establishment of the right of search between the two nations, and promised to make penal laws concerning the slave trade.<sup>4</sup> A treaty with Brazil of November 23, 1826, declared that because of

1. Ibid., Vol. 11, p. 723.

2. Ibid., Vol. 11, p. 23.

3. Ibid., Vol. 13, p. 332.

4. Ibid., Vol. 12, p. 3.

separation from Portugal they would renew, confirm and give full effect to the treaties between Great Britain and Portugal. Brazil agreed to adopt word for word the treaties with Portugal of January 22, 1815, and July 28, 1817, and promised to abolish the slave trade three years from the exchange of ratifications (which really took place March 13, 1827) making slave trade by citizens of Brazil, piracy.<sup>1</sup>

A rather curious provision respecting the slave trade was contained in the treaty of June 24, 1827 with Biaforas (Africa). Article II stated that "the relation which now exists between different classes of the community are to continue, but no slave or domestic servant is to be sold for exportation beyond the frontier of Ghinala."<sup>2</sup>

Due to the respected remonstrance of the British minister in Spain, respecting the continuance of slave trade by Spain, and the inefficiency of the royal order of January 2, 1826, another royal order was issued March 4, 1830 in which His Majesty commanded that the articles of the Treaty of 1817 be rigorously observed, "for it is his sovereign's will that all agreements entered into with foreign powers shall be fulfilled." This was made in answer to British request for an additional article to the Treaty of 1817.<sup>3</sup>

1. Ibid., Vol. 14, pp. 609-611.

2. Ibid., Vol 28, p. 630

3. Ibid., Vol. 18, p. 499.

Repeated attempts were made to secure an additional article with Spain where by vessels, which upon inspection, were proved to be fitted up expressly for the purpose of illegal slave trade, should be rendered liable to capture and condemnation under the treaty. The attempts, however, met with no success.

The cause of abolition was greatly furthered by the convention with France signed November 30, 1831. France had been responsible for blocking effective action.<sup>1</sup> By this convention she agreed to a reciprocal right of search in the following limits:

1. Along the western coast of Africa from the 10th degree of south latitude to the 15th degree of north latitude, and as far as the 30th degree of west longitude, reckoning from the meridian of Paris.

2. All around the island of Madagascar, to the extent of 20 degrees from the island.

3. To the same distance from the coasts of Cuba, Porto Rico, and Brazil.

The provision was made that captured ships were to be taken before a competent court of the country to which they belonged. Also, although the number of cruisers for each nation need not be the same, the number of ships for one nation could in no case be more than double the number of the ships of the other. An article which led to a number

1. Frank Klingberg, *The Anti-Slavery Movement in England*, V, p. 169.

of similar treaties with other nations was Article IX, which declared that "the High Contracting Parties to the present treaty agree to invite the other maritime powers to accede to it within as short a period as possible.<sup>1</sup>"

A supplementary convention to the above treaty was signed March 22, 1833, whereby vessels, which upon inspection were proved to be fitted up expressly for the purpose of illegal slave trade, should be liable to capture and condemnation. Parts of this convention stated the particulars which were to be considered proof that she was fitted out for the slave trade. These particulars have already been given in the discussion of an earlier treaty.<sup>2</sup>

In accordance with the Treaty of 1831 the other maritime powers were invited to accede to the conventions of 1831 and 1833 between France and Great Britain, Portugal, Brazil, the Netherlands, Spain and Sweden had already signed more extensive and effectual treaties with England, so obviously the invitation was not extended to them.<sup>3</sup>

Denmark was the first to accept the invitation, and on July 26, 1834 she signed a treaty acceding to the conventions of 1831 and 1833 between France and England. Captured ships were to be sent to Danish authorities for adjudication.<sup>4</sup> Sardinia acceded August 8, 1834.<sup>5</sup> Russia was little interested and while they expressed a readiness to allow a mutual right of search, she declined

1. British and Foreign Papers, Vol. 18, pp. 641, 645.

2. Ibid., Vol. 20, pp. 286, 295.

3. Ibid., Vol. 23, p. 105.

4. Ibid., Vol. 22, p. 218.

5. Ibid., Vol. 22, p. 1059.

being a party to any convention of that nature, without a renewal of negotiations on the subject, in concert with the Austrian, French, British and Prussian Governments, Prussia replied to the invitations extended to her "that the Prussian flag never has been, and never can be, employed to cover the traffic in slaves; that Prussia has but little commerce with countries within the limits to which these conventions are applicable; and that what she has is exclusively carried on in ships of the maritime company and of the company of Elberfeldt, both sufficiently under the control of the Government, to render their participation in the slave trade impossible. Such being the case, the accession of Prussia to the conventions would be a gratuitous concession of the principle of the right of search, where no opportunity of exercising it could occur, and from which consequently, no benefit could accrue."<sup>1</sup>

During this time, abolition or partial abolition, where secured by treaty, was badly enforced. In correspondence with Spain it was stated that several Spanish vessels that had been found carrying on the trade again which had formerly been condemned by the Mixed Commissions. England recommended as a remedy the entire breaking up of every vessel that was condemned and the sale of its parts. The acquiescence of the Spanish Government to such a provision was requested.<sup>2</sup>

1. Ibid., Vol. 23, pp. 119, 115.

2. Ibid., Vol. 22, p. 49.

Two years later, January 1, 1835, the British Commissioner in Cuba wrote Viscount Palmerston that "never during the last ten years of anti-constitutional government, was witnessed so glaring a disregard of the treaty for the abolition of the slave trade as is now manifested in Cuba".<sup>1</sup>

A report from Brazil for the same year declared that the laws there, for suppressing the Slave trade were wholly ineffectual to their end.<sup>2</sup> Uruguay had signed no treaty with Great Britain, since by Article CXXX of their Constitution all traffic in slaves by citizens of that Republic was declared unlawful after September 10, 1829, and Great Britain felt no treaty was needed. But in 1832 a contract was made with two men to import slaves under the name of colonists. Other similar contracts were made later. The new legislature made these contracts illegal in 1835. By that method a vessel furnished with such a license took the slaves on board in Africa, went then to Brazil and attempted to land the slaves there, but if she failed, continued to Montevideo, landed the slaves there and marched them through the interior to the Brazilian markets. England of course greatly objected to such a procedure, and under British pressure the following decrees were issued:

1. Ibid., Vol. 24, p. 48.
2. Ibid., Vol. 24, p. 252.

October 13, 1835.

Every Sea-Letter (Patents de Navegacion) by which vessels of the Republic or of whatever other nation, are permitted to trade in slaves, and to import them into the territory or places subjects to its dominion, whether they be in the quality of such, or under the denomination of African colonists, is well and of no value.

October 14, 1835.

That all Special Licenses which authorize national or foreign vessels to carry on that trade, or to introduce African colonists or slaves in the territory of the state, are equally well and of no value.<sup>1</sup>

Portugal, too, though she had given repeated assurances of her desire to cooperate with Great Britain, was still an offender. Trade still continued to be carried on openly and actively under the Portuguese flag, though, since the separation of Brazil from Portugal the subjects of Portugal were in reality prohibited, absolutely and without limitation from carrying on the slave trade. But the provision in the Treaty of 1817 prohibited the detention of any Portuguese slave vessel found anywhere south of the Equator unless she had been chased from north of the Equator, so all the traders secured slaves south of the Equator because here they were protected by the treaty. In all those parts of Africa possessed by Portugal the slave trade was publicly carried on

1. Ibid., Vol. 24, 315.

and in Portuguese ports, vessels were permitted to take on cargoes of slaves, and to lie at anchor with those slaves on board even in the presence of the cruisers which were employed under the orders of both Governments, for the sole purpose of suppressing the slave trade. This trade, also, was carried on with all the horrors ever attending it. The slave ships were pitifully crowded, and negroes whose health had broken down under the torture of the confinement, or who were likely to be unprofitable at the time of sale, were thrown overboard in order to lighten the ship and make its escape sure.<sup>1</sup>

In order to make abolition more effective, Sweden agreed, June 15, 1835, to an additional article whereby any ship condemned by a mixed commission, was, immediately after its condemnation, to be broken up entirely and sold in separate parts.<sup>2</sup>

Through the continued pressure of Great Britain, Spain June 28, 1835, agreed to another treaty for the abolition of the slave trade. She agreed to make penal laws to severely punish any of her subjects who should engage in the trade, and to prevent her flag from being used to cover the trade in slaves. Captured slavers were to be tried under the jurisdiction of their own country. Ships were to be condemned whether actually found with slaves on board, if

1. Ibid., Vol. 24, p. 222.

2. Ibid., Vol. 23, pp 339,340.

they were fitted up for the trade. The ships, immediately after being condemned, were to be broken up and sold. The two countries further agreed to make good any losses which their respective subjects might incur by the arbitrary and illegal detention of their vessels, the expense to be borne by the country whose cruiser should cause the detention.<sup>1</sup>

The Netherlands signed an additional article, February 7, 1837, making an integral part of the treaty, a stipulation that the vessel condemned should be entirely demolished, and its parts sold.<sup>2</sup>

In response to the invitation provided in conventions themselves, the Hanse Towns acceded to the conventions between Great Britain and France, June 9, 1837, but it was agreed that they might furnish special authority or warrant to the commanders of the British and French cruisers, instead of fitting out her own cruisers, should she deem it expedient.<sup>3</sup> Tuscany did the same thing. November 24, 1837.<sup>3</sup> The United States refused to accede to these conventions.<sup>4</sup> The Two Sicilies at first refused to enter a formal treaty to accede to the conventions because:

"1. Because His Majesty does not possess colonies where the labor of negroes is required;

2. Because the commercial navy of this Kingdom never

1. Ibid., Vol. 23, p. 343.

2. Ibid., Vol. 26, p. 262.

3. Ibid., Vol. 26, p. 268.

4. Ibid., Vol. 26, p. 285.

5. Ibid., Vol. 24, p. 285.

extends its navigation as far as those seas in which this unlawful traffic is carried on; and,

3. Because His Sicilian Majesty does not find himself in a state to furnish men-of-war to cruise, and which according to the letter of the convention, should station themselves on the western coast of Africa, from Cape de Verd to the distance of 10 degrees south of the Equator, round the island of Madagascar, and Cuba, and Porto Rico, and on the coast of the Brazils." However, they declared that they approved of the intention and purpose of the conventions.<sup>1</sup> But the Two Sicillies did accede later. February 14, 1838, under the same conditions as the Hanse Towns and Tuscany.<sup>2</sup>

A treaty was signed with an Arab chieftain, April 17, 1838, by which he agreed to search any suspicious vessel that might come to his parts.<sup>3</sup>

The powers met again to consider the slave trade in London in 1838. This was the fourth conference on the subject, these same nations having met at Vienna in 1815, at Aix-la-Chapelle in 1818, and at Verona in 1822. At this present conference England laid before the representatives of France, Russia, Prussia, and Austria, the project of a treaty, to which all but France assented. This treaty which was signed December 20, 1841, denounced the slave trade as

1. Ibid., Vol. 23, p. 129.
2. Ibid., Vol. 27, p. 792.
3. Ibid., Vol. 28, p. 1259.

piracy by international law and declared that "the High Contracting Parties agree by common consent, that those of their ships of war which shall be provided with special warrants and orders.....may search every merchant-vessel belonging to any one of the High Contracting Parties which shall, on reasonable grounds, be suspected of being engaged in the traffic in slaves." All captured slaves were to be sent to their own country for trial. This treaty is known as the Quintuple Treaty.<sup>1</sup> It was merely a formality, however, because the right of search could not be exercised in the Mediterranean and no ships of Austria, Prussia, or Russia had ever been engaged in the slave trade or were ever captured by British vessels.<sup>2</sup>

Meanwhile, England had signed other treaties. January 19, 1839, the Chilean Government totally prohibited the slave trade to all its citizens and in all parts of the world. The treaty was of the usual form, providing for right of search, mixed courts of justice, and that ships caught engaging in the trade or fitted out for it, were to be condemned and broken up.<sup>3</sup> This was followed on March 15, by a similar treaty with Venezuela. We may notice two articles in it. The traffic in slaves was abolished forever, meaning "negroes brought from Africa, in order to transport them to

1. W.E. DuBois, *Suppression of the African Slave Trade*, IX, p. 146.

2. Eugene Schuyler, *American Diplomacy*, V, p. 252.

3. *British and Foreign State Papers*, Vol. 28, pp. 260-69.

other parts of the world for sale; but in no manner whatever the conveying from one part or place to another belonging to the Republic, the slaves existing within it, be such undertaken either with the object of selling them, or with any other not prohibited by law." By the second article the Republic of Venezuela agreed to preserve in force the provisions of the law of February 18, 1825, whose object was to declare as pirates, and punish by death, all Venezuelans who, "on the high seas, or in any other place under the jurisdiction of the Republic, may be found embarking, one or more persons brought from Africa as slaves."<sup>1</sup> A treaty, with the same provisions as that with Chile, was signed with the Argentine Confederation, May 24, 1839.<sup>2</sup> May 31, a convention of commerce was concluded with Muscat, whereby, in addition to renewing his engagement of September 10, 1822, for the entire suppression of the slave trade, His Highness further agreed "that the ships and vessels of war belonging to the East India Company, shall be allowed to give full force and effect to the stipulations of the said treaty, agreeably with the conditions prescribed therein, and in the same manner as the ships and vessels of Her Britannic Majesty."<sup>3</sup> Uruguay agreed to a treaty like that with Chile, July 13, 1839.<sup>4</sup>

1. Ibid., Vol. 27, p. 969.

2. Ibid., Vol. 29, pp. 813, 814.

3. Ibid., Vol. 28, p. 1080.

4. Ibid., Vol. 28, p. 292.

On December 23, 1839, Hayti acceded to the French Convention of 1831 and 1833, with the provision that they need not furnish cruisers.<sup>1</sup> Rao of Kutch (India) issued a proclamation that if any slaves were brought to any seaport in Kutch for sale after July 1836, the vessel would be confiscated, and its cargo become the property of that Government. He strictly prohibited any further importation of slaves.<sup>2</sup> Additional articles with Muscat signed December 17, 1839, to the effect that Government cruisers should confiscate ships carrying slaves and declared the selling of males and females to be piracy.<sup>3</sup> Bolivia, September 25, 1840, signed a treaty totally abolishing the slave trade of its citizens. The other articles were the same as those with Chile.<sup>4</sup> On November 16, 1840, a treaty was signed between Great Britain and Texas. By this treaty the parties engaged to prohibit "either by their respective subjects or citizens, or under their respective flags, or by means of capital belonging to their respective subjects or citizens." They further agreed to declare the trade piracy, and declared that any vessel that attempted to carry on the slave trade, should, by that act alone, lose all right to claim the protection of their flag. This treaty differed from the other treaties in that

1. Ibid., Vol. 28, p. 1158.

Ibid., Vol. 28, p. 1285.

3. Ibid., Vol. 29, 1109.

4. Ibid., Vol. 29, p. 9.

it contained no provision for mixed commissions.<sup>1</sup> Mexico abolished the trade February 24, 1841,<sup>2</sup> and Equator (Ecuador), May 24, 1841.<sup>3</sup>

Numerous negotiations had been carried on with the United States but the first treaty which gave Great Britain any satisfaction at all was the Treaty of Washington concluded November 10, 1842. While not granting right of search a compromise was made by substituting joint cruising by English and American squadrons.<sup>4</sup> The United States Government bound itself to keep a squadron carrying not less than eighty guns on the African coast, in connection with the British squadron but independent of it. This provision was only a part of the treaty, its object being to settle several questions between the two governments.<sup>5</sup>

July 3, 1842, Portugal signed a treaty whereby slavery was to be a strictly prohibited and highly penal crime. She granted the right of search, it not<sup>to</sup> be exercised however, within the Mediterranean Sea, nor within the seas in Europe which lie without the Straits of Gibraltar, and to the northward of the 37th parallel of north latitude, and within and to the eastward of the meridian of longitude 20 degrees west of Greenwich." The other provisions of the treaty were

1. Ibid., Vol. 29, p. 85.

2. Ibid., Vol. 29, p. 55.

3. Ibid., Vol. 30., p. 304.

4. W.E. DuBois, *Suppression of the African Slave Trade*, IX, p. 147.

5. Eugene Schuyler, *American Diplomacy*, V, p. 254.

were practically identical with numerous earlier treaties made with other nations.<sup>1</sup> On the same day an agreement between the Duke of Pamella and Lord Howard de Walden promised on the part of Portugal to promulgate a decree "establishing penalties to be inflicted upon persons implicated in the slave trade, declared piracy by Article XV of the Treaty."<sup>2</sup> Thus ended the long struggle with Portugal for the abolition of the slave trade.

Negotiations now turned to France. At London, May 29, 1845, another convention was concluded between England and France. Its purpose may be seen in the opening word of the convention: "Considering that the conventions of 1831 and 1833 have effected their object in preventing the use of the English and French flags in carrying on the slave trade, but that this odious traffic still exists and that the said conventions are insufficient to insure its complete suppression" we adopt more effectual measures. The French and English nations each agreed to keep a naval force of at least twenty-six cruisers on the west coast of Africa, and Great Britain was to keep such a force on the east coast as was judged sufficient to prevent the trade. Treaties were to be negotiated with the native Princes along the coast, each nation having the privilege of being a party to all treaties made. The prohibition of the slave trade was to be continued in the colonies of both powers. The treaty itself was

1. British and Foreign State Papers, Vol. 30, pp. 527-30

2. Ibid., Vol. 31, p. 448.

to be valid ten years, and at the end of five years the powers were to again consider the subject.<sup>1</sup> As a consequence of this treaty, thirty-three treaties were entered into by Great Britain or France with native chiefs of Africa. In this, France seems to have been interested and took the initiative. Most of these treaties were agreed to in the year 1845.<sup>2</sup>

The protocol of a conference in London, October 3, 1845, between Austria, Russia, Prussia and Great Britain declared that in order to protect licit commerce from detention, the finding on board of more water than was needed by the crew, was not sufficient cause for detention.<sup>3</sup> This, of course, would not give many ships a chance to escape, because if they were actually engaged in the trade, there would be other evidence on board.

Several treaties of no great importance were signed from 1844 to 1850. In a treaty between Great Britain of Johanna, November 8, 1844, the Sultan agreed to abolish the foreign slave trade forever in his dominions, consented to the seizure of vessels and crew of his subjects found carrying on the trade or fitted out for it, and promised to punish his subjects which should be found so employed.<sup>4</sup> Muscat again signed an agreement for the abolition of the

1. Ibid., Vol. 33, pp. 4-11.

2. Ibid., Vol. 35., pp. 579 678 fg.

3. Ibid., Vol. 34, p. 813.

4. Ibid., Vol. 32, p. 1236.

trade, in 1845,<sup>1</sup> and in 1847, in a treaty of friendship and commerce with Borneo a provision for such abolition was inserted.<sup>2</sup> February 24, 1848, Belgium accede to the Treaty of December 20, 1841, between Great Britain, Austria, Prussia and Russia -- the so-called Quadruple Treaty.<sup>3</sup>

The United States never properly carried out the treaty of 1842 for any length of time. Difficulties continued to occur, and evasions were frequent. Du Bois in his book on the Suppression of the African Slave Trade gives some definite examples. "The Illinois, of Gloucester, Massachusetts, while lying at Whydah, Africa, was boarded by a British officer, but having American papers was unmolested. Three days later she hoisted Spanish colors and sailed away with a cargo of slaves. Next morning she fell in with another British vessel and hoisted American colors; the British ship had then no right to molest her; but the captain of the slaver feared that she would, and therefore ran his vessel aground, slaves and all. The Senior English officer reported that 'had Lieutenant Cumberland brought to and boarded the "Illinois", notwithstanding the American colors which she hoisted the American master of the "Illinois" would have complained to his government of the detention of his vessel.' Again, a vessel which had been boarded by British officers and found with American flag and papers was, a little later, captured

1. Ibid., Vol. 35, p. 632.

2. Ibid., Vol. 35, p. 14.

3. Ibid., Vol. 36, p. 397.

under the Spanish flag with four hundred and thirty slaves. She had in the interim complained to the United States government of the boarding."<sup>1</sup>

Thus England had cause for her claim that the United States was really protecting pirates wholesale under her flag. The slave trade of the world seemed to float securely under her flag. Great Britain pressed negotiations upon the United States but all to no avail. She proposed joint cruising off the coast of Cuba, and offered to relieve the United States of any embarrassment by receiving all captured negroes into the West Indies, but President Buchanan would agree to no such arrangement and refused to increase the squadron on the coast of Africa.

But at the outbreak of the Civil War, Secretary Seward expressed his willingness to do anything possible to help suppress the trade. His reasons were probably two; first, to conciliate England and bring them to his side of the war, and second, his feeling concerning slavery itself. Negotiations resulted in a treaty, June 7, 1862, providing for a mutual limited right of search, and establishing mixed courts at the Cape of Good Hope, Sierra Leone, and New York.<sup>2</sup> This treaty was a useless concession to Great Britain, for it did not secure the result expected. Not a single case was ever tried in her courts for the slave trade had died out,

1. DuBois, *Suppression of the African Slave Trade*, IX, pp. 148-150.

2. DuBois, *Suppression of the African Slave Trade*, IX, p. 147.

and by a treaty in 1870, the jurisdiction of the mixed courts was transferred to the admiralty courts of the two nations, British vessels to be judged in British courts, and American vessels in American courts at New York or Key West.<sup>1</sup>

The final slave trade negotiation was a conference at Brussels in 1892. In July 2, a general act was concluded under which a plan of joint action in certain seas adjacent to a specified part of the coast of Africa were put into effect. The parties to the convention were Austria-Hungary, Belgium, Denmark, France, Germany, Great Britain, Italy, the Independent State of the Kongo, the Netherlands, Persia, Portugal, Russia, Sweden, and Norway, Turkey, the United States, and Zanzibar.<sup>2</sup> In this act the signatory powers recognize the desirableness of taking steps in common for the more effective repression of the slave trade in the maritime zone in which it still exists. Article XXI, declares that "this zone extends, on the one hand, between the coasts of the Indian Ocean (those of the Persian Gulf and of the Red Sea included), from Beloochistan to Cape Tangalane (Quillimane); and, on the other hand, a conventional line which first follows the meridian from Tangalane till it intersects the 26th degree of south latitude; it is then merged in this parallel, then passes round the Island of Madagascar by the east, keeping 20 miles off the east and north

1. Eugene Schuyler, *American Diplomacy*, V, p. 264.

2. Moore, *Digest of International Law*, Vol. II, p. 467.

shore, till it intersects the meridian at Cape Ambre. From this point the limit of the zone is determined by an oblique line, which extends to the coast of Beloochistan, passing 20 miles off Cape Ras-el-Had." Such of the signatory powers as had contracted among themselves, agreed to restrict the clauses of those conventions concerning the reciprocal right of visit, of search, and of seizure of vessels at sea to the zone mentioned above, and to limit the right to vessels of less than 500 tons. All engaged to adopt measures to prevent the unlawful use of their flag, as well as the transportation of slaves on vessels authorized to fly it. They agreed to exchange information calculated to lead to the discovery of persons taking part in operations connected with the slave trade. The signatory powers also engaged to exercise a strict surveillance over native vessels authorized to carry their flag, in the zone above mentioned, and over commercial operations carried on by such vessels.

Articles XLII-XLIV laid down rules regarding the stopping of suspected vessels. The officers in command of war vessels of any of the signatory powers are authorized to examine the papers of any vessel of less than 500 tons, when it is found navigating in the above mentioned zone, and when they have reason to believe that it is engaged in the slave trade or is guilty of the fraudulent use of a flag. The convention states however, that this does not imply a change in

the existing state of things as regarding jurisdiction in territorial waters. In order that the ship's papers may be examined, she may be stopped and a naval officer in uniform sent on board, who is to act "with all possible consideration and moderation." The examination or search of the cargo can take place only in the case of vessels sailing under the flags of powers that have concluded special conventions, and in conformity with the stipulations of such conventions. The commander of the detaining man-of-war must report his action fully and promptly, and if he is convinced that an act connected with the slave trade has been committed on board during the voyage, or that irrefutable proofs exist against the captain, or fitterout, for accusing him of fraudulent use of the flag, or fraud, or participation in the slave trade he is to conduct the arrested vessels to the nearest port of the zone where there is a competent magistrate of the power whose flag has been used. A suspected vessel may also be turned over to a cruiser of its own nation if the latter consents to take charge of it.

For purposes of investigation and trial each signatory power agreed to appoint in the zone in question territorial or consular authorities or special delegates, competent to deal with the cases covered by the convention. According to this convention, such a magistrate, when an arrested vessel is turned over to him, must proceed to make a full investigation according to the laws of his own country, in the presence of

officer belonging to the foreign cruiser. If it is proved that a flag has been fraudently used, the vessel is to remain at the disposal of the captor. If the examination shows an act connected with the slave trade, proved by the presence on board of slaves destined for sale, or any other offense connected with the slave trade for which provision is made by special convention, the vessel and cargo are to remain sequestered in charge of the magistrate. The captain and crew are then to be turned over for trial to the tribunal of the nations whose flag they used and the slaves are to be set at liberty as soon as judgment has been pronounced. Damages are to be allowed where a vessel has been illegally arrested.

A congress was held at Brussels in 1899 to revise this act, but this change had to do mainly with increased of the trade in spirituous liquous with native tribes. This amended act was concluded June 8, 1899.<sup>1</sup>

Although England had begun early to make treaties there seems to have been very little effect upon the slave trade for many years. Even as late as 1836 the British commissioner at Havana stated in his report that "never since the establishment of this mixed commission has the slave trade of the Havana reached such a disgraceful pitch." In 1834, 62 slaves vessels sailed from Havana, twice the number that had

1. Ibid., pp. 949-51.

left in 1832. And in 1835 the number was 80. He gave as causes the high price of colonial produce due to the emancipation of negroes in the British colonies, the security afforded the traders by the Insurance offices, general feeling that the great decrease of cholera morbus around Havana enabled the planters to replace the slaves lost in the epidemic of that disease in 1833 and 1834, and the universal belief that the slave trade is nearing its close which causes them to buy before it is too late and, though running greater risks, gratify their rancor toward England.<sup>1</sup>

In Brazil, the government was exceedingly lax and in 1837, ninety-two vessels under the Portuguese flag imported into the province 46,000 Africans.<sup>2</sup> In 1840 a decrease in the slave trade there was reported, due mainly to the strong measures of the British Government, and the activity of the British cruisers.<sup>3</sup>

The slave trade in Havana declined in the year 1840 only to increase still more in 1841.<sup>4</sup> In 1842 came a real decrease. The commissioner stated in his report of January 2, 1843, that "for the first time in the history of this commission, we are enabled to positively say that good faith has been observed, as regards the Treaty, by this Superior Government; and that the present Captain-General has so far as has personally been in his power, fulfilled the promises

1. British and Foreign State Papers, Vol. 24 p. 80.

2. Ibid., Vol. 27, p. 597.

3. Ibid., Vol. 29, p. 426.

4. Ibid., Vol. 31, p. 379.

he made in that respect on his first assumption of the command in 1841. In that year sailed thirty-one vessels, being a full decrease of one-half of the average of former years."<sup>1</sup> The decline changed to increase in 1842 due to a new governor and the unsettled state of affairs in Spain. But the trade was in a depressed condition, slaves selling for lower prices. This was caused by the low price of sugar which made the planters unable to meet their engagements.<sup>2</sup> The trade declined in 1844 and 1845, but due only to temporary causes which resulted in a smaller demand.<sup>3</sup> But a definite change seemed to come now. No vessels were sent to Africa in 1846, and the commissioner gave as the cause the great number of captures in 1845. During 1847 the trade was still more depressed.<sup>4</sup>

In Brazil, the trade began its decrease in 1840. The number of vessels leaving for Africa were:

1838-----	59
1839-----	64
1840-----	28
1841-----	20
1842-----	21

But in 1843 it increased to 47 with a decline to 34 in 1845.<sup>5</sup>

Now that we have seen the lengths to which England was willing to go, what were her motives? The early motive was probably humanitarian. Ramsay Muir, says that the third great philanthropic movement of the era was the movement for

1. Ibid., Vol. 32, p. 150.

2. Ibid., Vol. 33, p. 331.

3. Ibid., Vol. 35, p. 327; Vol. 34, p. 509.

4. Ibid., Vol. 36, p. 501; Vol. 37, p. 329.

5. Ibid. Vol. 32, p. 157; Vol 33, p. 336; Vol 34, p. 528.

the abolition of the slave trade. The beginning of the attack marks the emergence of a new feeling and responsibility toward backward peoples. He says of Great Britain, "the nation which could produce such a movement and, still more, the nation which could be converted by it to a measure which apparently involved an immense sacrifice at a time of great strain, was obviously not a nation wholly given over to material ends."<sup>1</sup> Frank J. Klingberg says that "new concepts regarding human nature and human perfectibility were developed in the eighteenth century. Philosophic thinkers taught humanitarianism, started a 'back to nature' movement, and intensified the belief in 'the noble savage'. The anti-slavery crusade was an outgrowth of this humanitarianism and of the idealization of backward peoples which was so characteristic of mid-century thought."<sup>2</sup> Cunningham thinks the attempt to put down the slave traffic due to the horrors of the passage.<sup>3</sup> This humanitarian idea was felt by J.R. Green. He says, "The horrors and iniquity of the trade, the ruin and degradation of Africa, which it brought about, the oppression of the negro himself, were felt widely and deeply."<sup>4</sup>

To be sure, the humanitarian feeling had a great deal to do with the abolition of the slave trade. The bulk of the English people probably had no other idea, that was their

1. Ramsay Muir, A Short History of the British Commonwealth, Vol. II, p. 133.

Frank J. Klingberg, The Anti Slavery Movement in England, II. p. 26.

3. Cunningham, English Industry and Commerce, p. 599.

4. J.R. Green, A Short History of the English People, Vol. 4 p. 1742.

sole motive. But it seems unlikely that after the abolition of the slave trade by the English, their government should, for half a century carry on negotiations with other nations, for purely humanitarian reasons. We have seen that large sums of money and other inducements were offered to secure the desired treaties, and long years of negotiation devoted to the cause. Nations seldom are so altruistically inclined, so there must have been other motives back of it.

An important one seems to have been that the English desired commerce with Africa. The continuance of the slave trade kept Africa in a neglected and barbarous state so that little licit commerce could be carried on. The native chiefs had for years maintained their power and riches by the trade, and so long as any nation would continue it, were unwilling to give up a commerce so lucrative and easy, to pursue trade or agriculture, both of which are attended by labor and difficulty, and which they neither liked nor understood. Agriculture would have proved profitable, and the colonies might have been supplied with livestock, with which to furnish the meat supply for the British Isles. As it was the British Government had to pay an enormous price for such imports and even then the British Isles were very ill supplied.<sup>1</sup>

That this would result, the English were confident because during the war the trade had practically been extinguished along the north coast of Africa, particularly in Sierra Leone. With this disappearance of the slave trade

1. British and Foreign State Papers, Vol. 4; p. 127 fg.

industry and agriculture had been started, and the negroes proved themselves capable. Sierra Leone developed quite an export trade in rice, which might have continued could the slave trade have been suppressed. So England was particularly anxious in about 1814, in order to retain the industrious habits of the Africans, that slave trade should not be allowed to revive.<sup>1</sup>

There is also another aspect concerning commerce. Not only were the British ships subject to plundering by the slavers, but also the slavers, because of their enormous profits, could supply the natives with every article that they needed, at a cheaper rate than the British merchant. Thus British trade with the natives must necessarily practically cease.<sup>2</sup>

Some idea of the possibilities of this African trade, which England desired, may be gathered from what actually took place later. The value of the British exports to west coast of Africa during the five years ending with 1844 averaged 482,000 per annum. More than one-half of this was taken by the British settlements, leaving little more than 200,000 for the remaining portion of the country, embracing nearly 4,000 miles of coast and containing probably 30,000,000 inhabitants. These people had less civilization than the English settlements, so that greater commerce was expected as civilization increased.

1. Ibid., Vol. 6, p. 33.

2. Ibid., Vol. 6, p. 136.

Imports to England, too, had an enormous growth. In 1808 the whole quantity of palm oil imported did not exceed 200 tons; in 1836 it amounted to more than 13, 850 tons; in 1844 to 20, 732 tons, and in 1849 to 44, 666 tons. African timber, which thirty years before was unknown to England, was being imported to the extent of 20,000 loads annually. And this, when the neighboring community was still disorganized by slave raids.

The possibilities of Africa were strongly felt by Mr. Laird, a trader. He estimated that the Delta of the Niger alone was capable, if cleared and cultivated, of supporting a much larger population in proportion to its area than anything known in Europe. It was unbelievable to him if the population of that region and many similar ones were weaned from their habits of violence, and if advantage were taken of their desire for obtaining some kinds of European manufactures, to engage them in the cultivation of the soil, that the English commercial dealings with Africa could remain as it was then, scarcely greater in amount than the value of the eggs brought annually from Ireland to the single port in Liverpool. He thought cotton would be the most advantageous article for the Africans to raise, and it was one needed in England.<sup>1</sup>

The West Indies furnished another incentive for slave trade abolition. The Spanish colonies were being well supplied with slaves, so that they threatenèd to rival the Brit-  
 1. G.B. Porter, The Progress of the Nation, p. 487-88.

ish colonies in prosperity. As a result it was necessary to end the traffic in slaves if the produce of the British colonies were to stand any chance of being sold outside the British Empire.<sup>1</sup> This situation seems to have been realized early, for in a debate in the House of Commons on June 15, 1810, Mr. Marryatt, an eminent West Indian merchant made a plea for entire abolition of the grounds that the Spanish were carrying on an enormous traffic, which was ruinous to the British colonies. The slave trade had only changed hands. Trinidad did not receive the negroes necessary, but the same number were being taken from Africa, the trouble being that they were all taken to the Spanish colonies, and none to the British. The Brazilians and Spanish, and not the Africans reaped the benefit of British abolition.<sup>2</sup> For some time these colonies were protected by an import duty of 10s, on the sugar of Bengal, and were allowed special trade privileges.<sup>3</sup> Thus the bulk of their demand for the abolition of the slave trade came after the last vestige of protection had been withdrawn in 1836. Then they were exposed to the full competition of slave grown sugar on the neighboring islands.<sup>4</sup>

But aside from the protection of British commerce, Eugene Schuyler in his book "American Diplomacy", points out

1. Frank J. Klingberg, The Anti-Slavery Movement in England, V, p. 160.
2. Eugene Schuyler, American Diplomacy, V, pp. 236-237.
3. W.L. Mathieson, British Slavery and its Abolition, p. 28.
4. Cunningham, English Industry and Commerce, p. 599.

a reason, which although it cannot be definitely proved, is entirely possible. The British statesmen say that, through the right of visitation and search, it might be easy under the pretext of putting down the slave trade, to obtain the police of the sea, which once having been granted and made the rule of international law, it would be difficult to take away from them. This would secure the preponderance of the British navy, and that was an end worth working for to Great Britain.<sup>1</sup>

Notwithstanding her motive, we must grant to Great Britain that the right of search was necessary for the complete extinction of the slave traffic, and that is the thing she set out to do, in obtaining the wide array of treaties we have reviewed.

1. Eugene Schuyler, American Diplomacy, V, p. 239.