

## REPORT

*Of the Committee to which was referred so much of the President's message as relates to the Slave Trade.*

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FEBRUARY 9, 1821.

Read, and ordered to lie upon the table.

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The Committee, to which is referred so much of the President's message as relates to the Slave Trade, and to which are referred the two messages of the President, transmitting, in pursuance of the resolution of the House of Representatives, of the 4th of December, a report of the Secretary of State, and enclosed documents, relating to the negotiation for the suppression of the Slave Trade,

### REPORT:

That the Committee have deemed it advisable, previous to entering into a consideration of the proposed co-operation to exterminate the slave trade, to take a summary review of the constitution and laws of the United States relating to this subject. It will disclose the earnestness and zeal with which this nation has been actuated, and the laudable ambition that has animated her councils to take a lead in the reformation of a disgraceful practice, and one which is productive of so much human misery; it will, by displaying the constant anxiety of this nation to suppress the African slave trade, afford ample testimony that she will be the last to persevere in measures wisely digested to effectuate this great and most desirable object, whenever such measures can be adopted in consistency with the leading principles of her local institutions.

In consequence of the existence of slavery in many of the states, when British colonies, the habits, and means of carrying on industry, could not be suddenly changed; and the constitution of the United States yielded to the provision, that the migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808.

But, long antecedent to this period, Congress legislated on the subject wherever its power extended, and endeavored, by a system of rigorous penalties, to suppress this unnatural trade.

The act of Congress of the 22d of March, 1794, contains provisions that no citizen or citizens of the United States, or foreigner, or any other person coming into, or residing within the same, shall, for himself or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare, any ship or vessel within any port or place of the United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of carrying on any trade or traffic in slaves to any foreign country; or for the purpose of procuring from any foreign kingdom, place, or country, the inhabitants of such kingdom, place, or country, to be transported to any foreign country, port, or place whatever, to be sold or disposed of as slaves, under the penalty of the forfeiture of any such vessel, and of the payment of large sums of money by the persons offending against the directions of the act.

By an act of the third of April, 1798, in relation to the Mississippi territory, to which the constitutional provision did not extend, the introduction of slaves, under severe penalties, was forbidden, and every slave imported contrary to the act, was to be entitled to freedom.

By an act of the 10th of May, 1800, the citizens or residents of this country were prohibited from holding any right or property in vessels employed in transporting slaves from one foreign country to another, on pain of forfeiting their right of property, and also double the value of that right in money, and double the value of their interest in the slaves; nor were they allowed to serve on board of vessels of the United States employed in the transportation of slaves from one country to another, under the punishment of fines and imprisonment, nor were they permitted to serve on board of foreign ships employed in the slave trade. By this act, also, the commissioned vessels of the United States were authorized to seize vessels and crews employed contrary to the act.

By an act of the 28th of February, 1803, masters of vessels were not allowed to bring into any port (where the laws of the state prohibited the importation) any negro, mulatto, or other person of color, not being a native, a citizen, or registered seaman, of the United States, under the pain of penalties; and no vessel, having on board persons of the above description, was to be admitted to an entry; and if any such person should be landed from on board of any vessel, the same was to be forfeited.

By an act of the 2d of March, 1807, the importation of slaves into any port of the United States was to be prohibited after the first of January, 1808, the time prescribed by the constitutional provision. This act contains many severe provisions against any interference or participation in the slave trade, such as heavy fines, long imprisonments, and the forfeitures of vessels; the President was also authorized to employ armed vessels to cruize on any part of the coast where he might judge attempts would be made to violate the act, and to instruct the commanders of armed vessels to seize, and bring in, vessels found on the high seas contravening the provisions of the law.

By an Act of the 26th of April, 1818, the laws, in prohibition of the slave trade, were farther improved; this act is characterized with a peculiarity of legislative precaution, especially in the eighth section, which throws the labor of proof upon the defendant, that the colored persons brought into the United States by him, had not been brought in contrary to the laws.

By an act of the 3d of March, 1819, the power is continued in the President to employ the armed ships of the United States, to seize, and bring into port, any vessel engaged in the slave trade by citizens or residents of the United States, and such vessels, together with the goods and effects on board, are to be forfeited and sold, and the proceeds to be distributed, in like manner, as is provided by law for the distribution of prizes taken from an enemy; and the officers and crew are to undergo the punishments inflicted by previous acts. The President, by this act, is authorized to make such regulations and arrangements as he may deem expedient, for the safe keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color, as may have been brought within its jurisdiction, and to appoint a proper person or persons residing on the coast of Africa, as agent or agents for receiving the negroes, mulattoes, or persons of color, delivered from on board of vessels seized in the prosecution of the slave trade.

And in addition to all the aforesaid laws, the present Congress, on the 15th of May, 1820, believing that the then existing provisions would not be sufficiently available, enacted, that if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel, engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel, owned in the whole, or in part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall land from any such ship or vessel, and on foreign shore seize any negro or mulatto, not held to service or labor, by the laws of either of the states or territories of the United States, with intent to make such negro or mulatto a slave, or shall decoy or forcibly bring, or carry, or shall receive such negro or mulatto, on board any such ship or vessel, with intent as aforesaid, such citizen or person shall be adjudged a pirate, and on conviction *shall suffer death.*

The immoral and pernicious practice of the slave-trade has attracted much public attention in Europe, within the last few years, and in a Congress at Vienna, on the 8th of February, 1815, five of the principal powers, made a solemn engagement in the face of mankind, that this traffic should be made to cease; in pursuance of which, these powers have enacted municipal laws to suppress the trade. Spain, although not a party to the original engagement, did soon after, in her treaty with England, stipulate for the immediate abolition of the Spanish slave trade, to the north of the equator, and for its final and universal abolition on the 30th of May, 1820.

Portugal likewise, in her treaty in 1817, stipulated, that the Portuguese slave trade on the coast of Africa should entirely cease to the

northward of the equator, and engaged, that it should be unlawful for her subjects to purchase or trade in slaves except to the southward of the line; the precise period at which the entire abolition is to take place in Portugal does not appear to be finally fixed; but the Portuguese ambassador, in the presence of the Congress at Vienna, declared, that Portugal, faithful to her principles, would not refuse to adopt the term of eight years, which term will expire in the year 1825.

At this time, among the European states, there is not a flag which can legally cover this inhuman traffic to the north of the line; nevertheless, experience has proved the inefficacy of the various and rigorous laws which have been made in Europe, and in this country; it being a lamentable fact, that the disgraceful practice is even now carried on to a surprising extent. During the last year, Captain Trenchard, the commander of the United States' sloop of war the *Cyane*, found that part of the coast of Africa which he visited lined with vessels, engaged, as it is presumed, in this forbidden traffic; of these he examined many; and five, which appeared to be fitted out on American account, he sent into the jurisdiction of the United States, for adjudication; each of them, it is believed, has been condemned, and the commanders of two of them have been sentenced to the punishment prescribed by the laws of the United States.

The testimony recently published, with the opinion of the presiding judge of the United States court of the southern district in the state of New York, in the case of the schooner *Plattsburg*, lays open a scene of the grossest fraud that could be practised to deceive the officers of government, and conceal the unlawful transaction.

The extension of the trade for the last 25 or 30 years must, in a degree, be conjectural, but the best information that can be obtained on the subject furnishes good foundation to believe, that, during that period, the number of slaves withdrawn from western Africa amounts to upwards of a million and a half; the annual average would be a mean somewhere between fifty and eighty thousand.

The trade appears to be lucrative in proportion to its heinousness; and, as it is generally inhibited, the unfeeling slave dealers, in order to elude the laws, increase its horrors: the innocent Africans, who are mercilessly forced from their native homes in irons, are crowded in vessels and situations which are not adapted for the transportation of human beings; and this cruelty is frequently succeeded, during the voyage of their destination, with dreadful mortality. Further information on this subject will appear in a letter from the Secretary of the Navy, enclosing two other letters, marked 1 and 2, and also by the extract of a letter from an officer of the *Cyane*, dated April 10, 1820, which are annexed to this report. While the slave trade exists, there can be no prospect of civilization in Africa.

However well disposed the European powers may be, to effect a practical abolition of the trade, it seems generally acknowledged, that, for the attainment of this object, it is necessary to agree upon

some concerted plan of co-operation; but, unhappily, no arrangement has as yet obtained universal consent.

England has recently engaged in treaties with Spain, Portugal, and the Netherlands, in which the mutual right of visitation and search is exchanged; this right is of a special and limited character, as well in relation to the number and description of vessels, as to space; and, to avoid possible inconveniences, no suspicious circumstances are to warrant the detention of a vessel; this right is restricted to the simple fact of slaves being on board.

These treaties contemplate the establishment of mixed courts, formed of an equal number of individuals of the two contracting nations, the one to reside in a possession belonging to his Britannic Majesty, the other within the territory of the other respective power; when a vessel is visited and detained, it is to be taken to the nearest court, and if condemned, the vessel is to be declared a lawful prize, as well as the cargo, and are to be sold for the profit of the two nations; the slaves are to receive a certificate of emancipation, and to be delivered over to the government on whose territory the court is which passes sentence, to be employed as servants or free laborers; each of the governments binds itself to guaranty the liberty of such portion of these individuals as may be respectively assigned to it. Particular provisions are made for remuneration, in case vessels are not condemned after trial, and special instructions are stipulated to be furnished to commanders of vessels possessing the qualified right of visitation and search.

These powers entertain the opinion, that nothing short of the concession of a qualified right of visitation and search can practically suppress the slave-trade; an association of armed ships is contemplated, to form a species of naval police, to be stationed principally in the African seas, where the commanders of the ships will be enabled to co-operate in harmony and concert.

The United States have been earnestly invited by the principal Secretary of State for Foreign Affairs, of the British government, to join in the same, or similar arrangements; and this invitation has been sanctioned and enforced, by an unanimous vote of the House of Lords and Commons, in a manner that precludes all doubts as to the sincerity and benevolence of their designs.

In answer to this invitation, the President of the United States has expressed his regret that the stipulations in the treaties communicated, are of a character to which the peculiar situation and institutions of the United States do not permit them to accede.

The objections made are contained in an extract of a letter from the Secretary of State, under date of the 2d November, 1818; in which it is observed, that, "in examining the provisions of the treaties communicated by Lord Castlereagh, all the essential articles appear to be of a character not adaptable to the institutions, or to the circumstances, of the United States. The powers agreed to be reciprocally given to the officers of the ships of war of either party, to enter, search, capture, and carry into port for adjudication, the

“ merchant vessels of the other, however qualified and restricted, is  
 “ most essentially connected with the institution, by each treaty, of  
 “ two mixed courts, one of which to reside in the external or colo-  
 “ nial possession of each of the two parties respectively. This part  
 “ of the system is indispensable to give it that character of recip-  
 “ city, without which the right granted to the armed ships of one  
 “ nation, to search the merchant vessels of another, would be rather  
 “ a mark of vassalage than of independence. But to this part of the  
 “ system the United States, having no colonies either on the coast of  
 “ Africa, or in the West Indies, cannot give effect. That, by the  
 “ constitution of the United States, it is provided, that the judicial  
 “ power of the United States shall be vested in a supreme court, and  
 “ in such inferior courts as the Congress may, from time to time,  
 “ ordain and establish. It provides that the judges of these courts  
 “ shall hold their offices during good behavior; and that they shall be  
 “ removable by impeachment, on conviction of crimes and misde-  
 “ meanors. There may be doubts whether the power of the govern-  
 “ ment of the United States is competent to institute a court for car-  
 “ rying into execution their penal statutes beyond the territories of  
 “ the United States—a court consisting partly of foreign judges, not  
 “ amenable to impeachment for corruption, and deciding upon sta-  
 “ tutes of the United States without appeal.

“ That the disposal of the negroes found on board of the slave  
 “ trading vessels, which might be condemned by the sentence of  
 “ these mixed courts, cannot be carried into effect by the United  
 “ States; for, if the slaves of vessels condemned by the mixed courts,  
 “ should be delivered over to the government of the United States as  
 “ freemen, they could not, but by their own consent, be employed as  
 “ servants or free laborers. The condition of the blacks being, in  
 “ this Union, regulated by the municipal laws of the separate states,  
 “ the government of the United States can neither guaranty their  
 “ liberty in the states where they could only be received as slaves, nor  
 “ control them in the states where they would be recognized as free.  
 “ That the admission of a right in 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 this country; that there would  
 “ be no prospect of a ratification, by advice and consent of the Senate,  
 “ to any stipulation of that nature; that the search by foreign offi-  
 “ cers even in time of war is so obnoxious to the feelings and recol-  
 “ lections of this country, that nothing could reconcile them to the  
 “ extension of it, however qualified or restricted, to a time of peace;  
 “ and that it would be viewed in a still more aggravated light, if,  
 “ as in the treaty with the Netherlands, connected with a formal  
 “ admission that even vessels under convoy of ships of war of their  
 “ own nation, should be liable to search by the ships of war of  
 “ another.”

The Committee will observe, in the first instance, that a mutual  
 right of search appears to be indispensable to the great object of abo-

lition; for, while flags remain as a cover for this traffic, against the right of search by any vessels except of the same nation, the chance of detection will be much less than it would be if the right of search was extended to vessels of other powers; and as soon as any one nation should cease to be vigilant in the discovery of infractions practised on its own code, the slave dealers would avail themselves of a system of obtaining fraudulent papers, and concealing the real ownership under the cover of such flags; which would be carried on with such address, as to render it easy for the citizens or subjects of one state, to evade their own municipal laws: but if a concerted system existed, and a qualified right of mutual search was granted, the apprehension of these piratical offenders would be reduced to a much greater certainty; and the very knowledge of the existence of an active and vigorous system of co-operation would divert many from this traffic, as the unlawful trade would become too hazardous for profitable speculation.

In relation to any inconveniences that might result from such an arrangement, the commerce of the United States is so limited on the African coast, that it could not be much affected by it; and, as it regards economy, the expense of stationing a few vessels on that coast would not be much greater than to maintain them at any other place.

The Committee have briefly noticed the practical results of a reciprocal right of search, as it bears on the slave trade: but the objection as to the propriety of ceding this right remains. It is with deference that the Committee undertake to make any remarks upon it; they bear in recollection the opinions entertained in this country, on the practice of searching neutral vessels in time of war: but they cannot perceive that the right under discussion is, in principle, allied, in any degree, to the general question of search; it can involve no commitment, nor is it susceptible of any unfavorable inference on that subject; and even if there were any affinity between the cases, the necessity of a special agreement would be inconsistent with the idea of existing rights: the proposal itself, in the manner made, is a total abandonment on the part of England, of any claim to visit and search vessels in a time of peace, and this question has been unequivocally decided in the negative in her admiralty courts.

Although it is not among the objections that the desired arrangement would give any color to a claim or right of search in time of peace, yet, lest the case in this respect may be prejudiced in the minds of any, the committee will observe, that the right of search, in time of peace, is one that is not claimed by any power as a part of the law of nations; no nation pretends that it can exercise the right of visitation and search upon the common and unappropriated parts of the sea, except upon the belligerent claim. A recent decision in the British admiralty court, in the case of the French slave ship *Le Louis*, is clear and decisive on this point. The case is annexed to this report.

In regard then to the reciprocal right wished to be ceded, it is re-

duced to the simple inquiry whether, in practice, it will be beneficial to the two contracting nations. Its exercise, so far as it relates to the detention of vessels, as it is confined to the fact of slaves being actually on board, precludes almost the possibility of accident or much inconvenience.

In relation also to the disposal of the vessels and slaves detained, an arrangement perhaps could be effected, so as to deliver them up to the vessels of the nation to which the detained vessel should belong. Under such an understanding, the vessels and slaves delivered to the jurisdiction of the United States might be disposed of in conformity with the provisions of our own act of the 3d of March, 1819; and an arrangement of this kind would be free from any of the other objections.

An exchange of the right of search, limited in duration, or to continue at pleasure, for the sake of experiment, might, it is anxiously hoped, be so restricted to vessels and seas, and with such civil and harmonious stipulations, as not to be unacceptable.

The feelings of this country on the general question of search have often been roused to a degree of excitement that evince their unchangeable character: but the American people will readily see the distinction between the cases; the one in its exercise to the extent claimed will ever produce irritation, and excite a patriotic spirit of resistance: the other is amicable and charitable; the justness and nobleness of the undertaking are worthy of the combined concern of Christian nations.

The detestable crime of kidnapping the unoffending inhabitants of one country, and chaining them to slavery in another, is marked with all the atrociousness of piracy; and, as such, it is stigmatized and punishable by our own laws.

To efface this reproachful stain from the character of civilized mankind, would be the proudest triumph that could be achieved in the cause of humanity. On this subject the United States having led the way, owe it to themselves to give their influence and cordial co-operation to any measure that will accomplish the great and good purpose; but this happy result, experience has demonstrated, cannot be realized by any system, except a concession by the maritime powers to each other's ships of war, of a qualified right of search; if this object was generally attained, it is confidently believed that the active exertions of even a few nations would be sufficient entirely to suppress the slave trade.

The slave dealers could be successfully assailed on the coast upon which the trade originates, as they must necessarily consume more time in the collection and embarkation of their cargoes, than in the subsequent distribution in the markets for which they are destined; this renders that coast the most advantageous position for their apprehension; and, besides, the African coast frequented by the slave ships, is indented with so few commodious or accessible harbors, that, notwithstanding its great extent, it could be guarded by the vigilance of a small number of cruisers. But, if the slave ships are permit-



ted to escape from the African coast, and to be dispersed to different parts of the world, their capture would be rendered uncertain and hopeless.

The committee, after much reflection, offer the following resolution:

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to enter into such arrangements as he may deem suitable and proper, with one or more of the maritime powers of Europe, for the effectual abolition of the African slave trade.*

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NAVY DEPARTMENT,

*February 7th, 1821.*

SIR: I have the honor to transmit to you such information as this Department affords upon the subject of the slave trade, in answer to your letter of the 30th of January last.

The enclosed copy No. 1, of a circular to the United States' District attorneys and marshals, has been answered, generally, that no slaves have been brought into their respective districts, with the exception Maryland, South Carolina, and Georgia; answers have not been received from Louisiana.

There appears to have been partial captures made upon the coast, and in the neighborhood of Georgia, by the public vessels of the United States; the slaves in some cases have been bonded out to individuals until adjudication.

The slave trade has been checked by our cruisers upon the southern coasts of the United States, and no great attempts appear to have been made to introduce slaves through illicit channels.

There are now in charge of the marshal of Georgia two hundred and forty-eight Africans, taken out of a South American privateer, the General Ramirez, whose crew mutinied, and brought the vessel into St. Mary's, Georgia; sixty more are in the custody of the marshal, detained, and maintained in the vicinity of Savannah; forty or fifty more have been sent out of that state; under what orders it is not known.

The ships cruising on the coast of Africa, during the last year, captured the following vessels engaged in the slave trade, but having no slaves on board at the time, viz:

	Schooner	Endymion,
Do.		Plattsburgh,
Do.		Science,
Do.		Esperanza, and
Brig		Alexander.

These vessels have been condemned in the district courts of New York, and Massachusetts; and their commanders sentenced to fine and imprisonment, under the acts of Congress.\*

The most detailed information that has been communicated to this Department, in relation to the slave trade, will be found in the enclosed copy No. 2, from the late United States agent, then resident in Africa, but since deceased.

I have the honor to be,

With great respect, sir,

Your most obedient servant,

SMITH THOMPSON.

Hon. JOSEPH HEMPHILL,

*Chairman of the Committee on the Slave Trade,  
House of Representatives.*

No. 1.-

NAVY DEPARTMENT,

15th January, 1821.

SIR: I duly received your letter of 25th November last, an answer to which has been delayed by the urgency of public business.

I request you will be pleased to inform me what disposition has been made of the two hundred and fifty-eight Africans mentioned in your letter; and what expense, if any, has been incurred for their safe-keeping. It is very desirable to save further expenses by an early decision of their case.

I wish also to be informed upon the cases of all others within your jurisdiction, and coming within the execution of the laws for prohibiting and suppressing the slave trade.

I am, very respectfully,

Your obedient servant,

SMITH THOMPSON.

JOHN H. MOREL, Esq.

*Marshal of the district of Georgia, Savannah.*

\*The information contained in this paragraph is not derived from any official source; it is nevertheless believed to be correct.

No. 2.

*Extract of a letter from the Rev. Samuel Bacon to the Secretary of the Navy, dated*

CAMPELAR, (Sherbro Island,) 21st March, 1820.

“ The slave trade is carried on briskly in this neighborhood: had I authority so to do, I could take a vessel lying within the floating of one tide, say 25 miles from us, in the Shebar, under American colors, taking in a cargo of slaves. Their policy is to come with a cargo of goods suited to the market, deliver it to a slave factor on shore, and contract for slaves. They then lay at anchor in the river, or stand out to sea for a specified number of days, till the slaves are all procured and brought to the beach, and placed under a hovel or shed prepared for the purpose, all chained two and two. At the appointed time, or on a concerted signal, the vessel comes in and takes her slaves on board, and is off in an hour. This is rendered necessary, as they cannot be seized unless they have slaves on board; and they are watched by the cruisers, so as to be taken when they have slaves with them. The *Augusta*, (the schooner I purchased) is a vessel of 104 tons, a swift sailer, and was intended to take a cargo of 100; she has a cambouse fitted to boil rice in large quantities. Slaves receive one pint each per day.”

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UNITED STATES' SHIP *CYANE*,

*Off Sierra Leone, April 10, 1820.*

During our stay at Sierra Leone, the European gentlemen who were residents at the place treated us with the utmost respect, striving who should be most forward in attention and hospitality. A party was formed by those gentlemen to shew our officers the interior settlements; and from their report on their return, I learned the extent of the colony, and the benevolent philanthropy of the British nation, in alleviating the miseries of the oppressed and ignorant Africans. Not less than six thousand captured Africans have been landed at this settlement by the British ships of war. On their arrival, those of a proper age are named and sent to the adjacent villages. A house and lot is appointed to each family, and they are supported one year by government, at the expiration of which they are obliged to look out for themselves. The captured children are also sent to the villages, where they are kept at school till married, which is always at an early age. At the head of each village is a missionary, who receives his annual support from the government, and who acts in the double capacity of minister and school master.

Lieutenant Cooper and myself walked through the villages situated to the westward of Sierra Leone. We landed at King Town, the former residence of King Tom. The house in which the king resided

is in ruins, and almost hidden from view by shrubbery. From thence we proceeded to Krow Town, a small village, inhabited by about five hundred Krowmen. The British ships of war on this station have each from twenty-five to seventy of these men on their books.

The trade of this place is considerable. Several vessels entered and sailed during our short stay; many of them were loaded with ship timber, which is somewhat like our white oak. The other articles of trade are ivory, cam wood, wax, and palm oil. We sent a boat from Sierra Leone for Mr. Bacon, who came up and remained with us two days. He has already settled himself with his followers, (until after the rains,) on Sherbro Island. I fear this island will not answer his wishes; it is low, unhealthy, difficult of access for ships, and is not very fertile. There are many places to leeward possessing greater advantages, one of which I hope he will select for a permanent settlement.

After remaining nine days at Sierra Leone, we sailed for the Galinas, a place of resort for slave vessels; since which we have made ten captures; some by fair sailing, others by boats and stratagem. Although they are evidently owned by Americans, they are so completely covered by Spanish papers that it is impossible to condemn them. Two schooners, the *Endymion* and *Esperanza*, we sent home. We shall leave the coast in the course of three or four days, for Port Praya, from whence we shall proceed to Teneriffe for provisions.

The slave trade is carried on to a very great extent. There are, probably, not less than three hundred vessels on the coast, engaged in that traffic, each having two or three sets of papers. I sincerely hope government have revised the law giving us more authority. You have no idea how cruelly these poor creatures are treated by the monsters engaged in taking them from the coast.

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*Case of the French slave ship Le Louis, extracted from the 12th annual report of the African Institution, printed in 1818.*

This vessel sailed from Martinique on the 30th of January, 1816, on a slave trading voyage to the coast of Africa, and was captured near Cape Mesurado by the Sierra Leone colonial vessel of war, the *Queen Charlotte*, after a severe engagement which followed an attempt to escape, in which eight men were killed and twelve wounded of the British; and proceedings having been instituted against *Le Louis* in the Vice admiralty court of Sierra Leone, as belonging to French subjects and as fitted out, manned, and navigated, for the purpose of carrying on the slave trade, after the trade had been abolished both by the internal laws of France and by the treaty between that country and Great Britain, the ship and cargo were condemned as forfeited to his majesty.

From this sentence an appeal having been made to the High Court of Admiralty, the cause came on for hearing, when the court reversed the judgment of the inferior court, and ordered the restitution of the property to the claimants.

The judgment of Sir William Scott was given at great length. The directors will advert to such points of it as are immediately connected with their present subject. "No doubt," he said, "could exist that this was a French ship intentionally engaged in the slave trade." But, as these were facts which were ascertained in consequence of its seizure, before the seizer could avail himself of this discovery, it was necessary to inquire whether he possessed any right of visitation and search; because, if the discovery was unlawfully produced, he could not be allowed to take advantage of the consequences of his own wrong.

The learned judge then discussed, at considerable length, the question, whether the right of search exists in time of peace? And he decided it without hesitation in the negative. "I can find," he says, "no authority that gives the right of interruption to the navigation of states in amity, upon the high seas, excepting that which the rights of war give to both belligerents against neutrals. No nation can exercise a right of visitation and search upon the common and unappropriated parts of the sea, save only on the belligerent claim." He admits, indeed, and with just concern, that if this right be not conceded in time of peace, it will be extremely difficult to suppress the traffic in slaves.

"The great object, therefore, ought to be to obtain the concurrence of other nations, by application, by remonstrance, by example, by every peaceable instrument which men can employ to attract the consent of men. But a nation is not justified in assuming rights that do not belong to her, merely because she means to apply them to a laudable purpose."

"If this right," he adds, "is imported into a state of peace, it must be done by convention; and it will then be for the prudence of states to regulate by such convention the exercise of the right with all the softenings of which it is susceptible."

The judgment of Sir William Scott would have been equally conclusive against the legality of this seizure, even if it could have been established in evidence that France had previously prohibited the slave trade by her municipal laws. For the sake of argument, however, he assumes that the view he has taken of the subject might, in such a case, be controverted. He proceeds therefore to inquire how far the French law had actually abolished the slave trade at the time of this adventure. The actual state of the matter, as collected from the documents before the court, he observes, is this:

"On the 27th of July, 1815, the British Minister at Paris writes a note to Prince Talleyrand, then minister to the King of France, expressing a desire on the part of his court to be informed whether, under the law of France as it then stood, it was prohibited to French subjects to carry on the slave trade. The French minister informs

him in answer, on the 30th of July, that the law of the Usurper on that subject was null and void, (as were all his decrees,) but that his most Christian Majesty had issued directions, that, on the part of France, "the traffic should cease from the present time, every where and forever."

"In what form these directions were issued or to whom addressed, does not appear; but, upon such authority, it must be presumed that they were actually issued. It is, however, no violation of the respect due to that authority, to inquire what was the result or effect of those directions so given; what followed in obedience to them in any public and binding form? And I fear, I am compelled to say, that nothing of the kind followed, and that the directions must have slept in the port folio of the office to which they were addressed; for it is, I think, impossible that if any public and authoritative ordinance had followed, it could have escaped the sleepless attention of many persons in our own country, to all public foreign proceedings upon this interesting subject. Still less would it have escaped the notice of the British resident minister, who, at the distance of a year and a half, is compelled, on the part of his own court, to express a curiosity to know what laws, ordinances, instructions, and other public and ostensible acts, had passed for the abolition of the slave trade.

"On the 30th of November, in the same year (1815,) the additional article of the definitive treaty, a very solemn instrument, most undoubtedly, is formally and publicly executed, and it is in these terms: 'The high contracting parties sincerely desiring to give effect to the measures on which they deliberated at the Congress of Vienna, for 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 a view to ensure final success to the principle which they proclaimed in the declaration of the 8th of February, 1815, and to concert, without loss of time, by their ministers at the court of London, the most effectual measures for the entire and definitive abolition of the traffic, so odious, and so highly reprobated by the laws of religion and nature.'

"Now, what are the effects of this treaty? According to the view I take of it, they are two, and two only; one declaratory of a fact, the other promissory of future measures. It is to be observed, that the treaty itself does not abolish the slave trade; it does not inform the subjects that that trade is *hereby* abolished, and that, by virtue of the prohibitions therein contained, its subjects shall not in future carry on the trade; but the contracting parties mutually inform each other of the fact that they have in their respective dominions abolished the slave trade, without stating at all the mode in which that abolition had taken place."

"It next engages to take future measures for the universal abolition.

"That, with respect to both the declaratory and promissory parts, Great Britain has acted with the *optima fides*, is known to the whole

world, which has witnessed its domestic laws, as well as its foreign negotiations.

“I am very far from intimating that the government of this country did not act with perfect propriety, in accepting the assurance that the French government had actually abolished the slave trade, as a sufficient proof of the fact; but the fact is now denied by a person who has a right to deny it: for, though a French subject, he is not bound to acknowledge the existence of any law which has not publicly appeared; and the other party having taken upon himself the burthen of proving it in the course of a legal inquiry, the court is compelled to demand and expect the ordinary evidence of such a disputed fact. It was not till the 15th of January, in the present year, (1817) that the British resident minister applies for the communication I have described, of all laws, instructions, ordinances, and so on: he receives in return what is delivered by the French minister as *the ordinance*, bearing date only one week before the requested communication, namely, the 8th of January. It has been asserted, in argument, that no such ordinance has yet, up to this very hour, even, appeared in any printed or public form, however much it might import both French subjects, and the subjects of foreign states, so to receive it.

“How the fact may be, I cannot say; but I observe it appears before me in a manuscript form; and, by inquiry at the Secretary of State’s office, I find it exists there in no other plight or condition.

“In transmitting this to the British government, the British minister observes, it is not the document he had reason to expect: and, certainly, with much propriety; for, how does the document answer his requisition? His requisition is for all laws, ordinances, instructions, and so forth. How does this, a simple ordinance, professing to have passed only a week before, realize the assurance given on the 30th of July, 1815, that the traffic “should cease, from the present time, every where and forever?” or how does this realize the promise made in November, that measures should be taken, without loss of time, to prohibit not only French colonists, but French subjects likewise, from taking any part whatever in this traffic? What is this regulation in substance? Why, it is a mere prospective colonial regulation, prohibiting the importation of slaves into the French colonies from the 8th of January, 1817.

“Consistently with this declaration, even if it does exist, in the form and with the force of a law, French subjects may be yet the common carriers of slaves to any foreign settlement that will admit them, and may devote their capital and their industry, unmolested by law, to the supply of any such markets.

“Supposing, however, the regulations to contain the fullest and most entire fulfilment of the engagement of France, both in time and in substance, what possible application can a prospective regulation of January, 1817, have to a transaction of March, 1816?

“Nobody is now to be told that a modern edict which does not appear, cannot be presumed; and that no penal law of any state can

bind the conduct of its subjects, unless it is conveyed to their attention in a way which excludes the possibility of honest ignorance. The very production of a law professing to be enacted in the beginning of 1817, is a satisfactory proof that no such law existed in 1816, the year of this transaction. In short, the seizer has entirely failed in the task he has undertaken, in proving the existence of a prohibitory law, enacted by the legal government of France, which can be applied to the present transaction."



## PAPERS

### RELATING TO THE SLAVE TRADE.

Presented to both Houses of Parliament, by command of the Prince Regent.

FEBRUARY, 1819.

No. 1.

Extract of the Protocol of the Conference between the Plenipotentiaries of Austria, France, Great Britain, Prussia, and Russia, held at London on the 14th December, 1817.

*Present:*

<b>LORD CASTLEREAGH,</b>	Plenipotentiary of	Great Britain.
<b>COUNT LIEVEN,</b>	ditto	of Russia.
<b>BARON HUMBOLDT,</b>	ditto	of Prussia.
<b>PRINCE ESTERHAZY,</b>	ditto	of Austria.
<b>COUNT CARAMAN,</b>	Chargé des Affairs of	France.

The plenipotentiaries of Great Britain, Russia, Prussia, and Austria, and the Chargé des Affaires of France, having agreed to meet together for the purpose of resuming the conferences relative to the abolition of the slave trade—Lord Castlereagh presents two conventions which his government has concluded during the present year; the one with Portugal, and the other with Spain, on the subject of the abolition of the slave trade; his excellency requests to defer to another day the consideration of these two transactions, with reference to the further measures which may, under the present circumstances, be to be taken respecting this question. The two said documents are annexed to this protocol, sub litt. A and B.

A note, dated the 19th February, 1817, addressed by the Portuguese Minister to the plenipotentiaries, on the question of the abolition of the slave trade, is read; their excellencies agree to take into consideration the contents thereof, as soon as the subject shall again be proceeded in by them, and they order that it may in the mean time, be inserted in the protocol, to which it is annexed, sub lit. C.

After which the sitting was adjourned.

HUMBOLDT.  
LIEVEN.  
CASTLEREAGH.  
ESTERHAZY.  
G. DE CARAMAN.

*Note.*—The annexes A and B to the protocol of the conference of the 4th December, 1817: (viz. the additional conventions between Great Britain, Portugal, and Spain, signed at London on the 28th July, 1817, and at Madrid on the 23d September, 1817, respectively) have been already printed and laid before parliament.



*Annex C to the protocol of the conference of the 4th Dec. 1817. (Inclosed in No. 1.)*

Note of the Count de Palmella to the plenipotentiaries of the five Powers.

LONDON, 19th February, 1817.

The undersigned envoy extraordinary and minister plenipotentiary of his most faithful majesty, having received from his court the instructions requested by his predecessor, M. de Freire, upon the subject of the invitation addressed to him by the plenipotentiaries of the powers who signed the additional article of the treaty of Paris of the 20th November, 1815, considers it his duty to make their excellencies acquainted with the tenor thereof, being persuaded that they will find therein satisfactory proof of the plain and candid line of conduct which the King his master has adopted, from the beginning of this negotiation.

His majesty the King of Portugal, not having signed the additional article of the treaty of Paris of the 20th November, 1815, does not consider himself bound to take a part in the conferences established in London by virtue of that article, and the less so as, at the time when the said conferences were proposed at the Congress at Vienna, the Portuguese plenipotentiaries positively refused to concur therein.

His majesty being, nevertheless, desirous of giving this further proof of his wish to co-operate with the high powers who signed the

additional article, in the accomplishment of the object proclaimed in the declaration of the Congress of Vienna of the 8th February, 1815, has authorized the undersigned, notwithstanding the efforts and the sacrifices which it has already and must still cost the Brazils to accomplish it, to accept the invitation of the plenipotentiaries of those powers who signed the above mentioned additional article, and to take part in their conferences, whenever their excellencies shall have given him the assurance that the negotiation in question will be grounded upon the following principles:

1st. That, in conformity to the solemn declaration of the Congress of Vienna, due regard shall be had, in proceeding to the abolition of the slave trade, to the interests, the customs, and even the prejudices of the subjects of those powers which still permit this traffic.

2dly. That each of the said powers having the right to enact the final abolition at the period which it may judge most expedient, that period shall be fixed upon between the powers by means of negotiation.

3dly. That the general negotiation which may ensue, shall in no way prejudice the stipulation of the 4th article of the treaty of the 22d January, 1815, between his most faithful majesty and his Britannic majesty, wherein it is stated, that the period when the said traffic is universally to cease and be prohibited in the Portuguese dominions, shall be fixed by a separate treaty between the two high contracting parties.

The principles thus laid down appear to the undersigned to be so clear and so conformable to every thing which the plenipotentiaries to whom he has the honor of addressing himself, have themselves communicated to him, that he doubts not they will explicitly acknowledge them in the answer, which he has been desired by the King his master to request they will favor him with, and in consequence of which he will consider himself duly authorized to accept the invitation addressed by their excellencies to his predecessor, and to take part in the negotiation proposed at the sitting of the Congress at Vienna, held on the 20th January, 1815.

The undersigned most readily avails himself of this opportunity to request their excellencies to accept the assurance of his highest consideration.

**LE COMTE DE PALMELLA.**

*To their excellencies the plenipotentiaries of the powers who signed the additional article of the treaty of Paris, of the 20th November, 1815.*

## No. 2.

*Protocol of the Conference between the Plenipotentiaries of the Five Powers, of the 4th of February, 1818.*

**Present:** PRINCE ESTERHAZY.  
MARQUIS D'OSMOND.  
BARON DE HUMBOLDT.  
COUNT LIEVEN.  
LORD CASTLEREAGH.

Lord Castlereagh reads a note verbale, containing a proposition on the part of his government, the object of which is to make a convention between the powers represented by the plenipotentiaries assembled, for the purpose of abolishing illicit slave trade; and he accordingly invites his colleagues to request forthwith instructions on this subject from their respective courts, in the event of their not being provided with sufficient authority to negotiate such a convention.

Lord Castlereagh then reads several reports derived from different societies occupied in the abolition of the slave trade, relative to the extent and nature of this traffic on the coasts of Africa, and requests the insertion in the protocol of the proposition above stated, together with the said reports as annexes thereto. All these documents are inserted sub Litt. A, B, C, D.

The plenipotentiaries agree to invite verbally Count Palmella, minister of Portugal, to assist at the ensuing conference on the abolition of the slave trade, and adjourn for the present the further consideration of the subject.

CASTLEREAGH.  
LIEVEN.  
ESTERHAZY.  
OSMOND.  
HUMBOLDT.

## FIRST INCLOSURE IN No. 2.

*Annex A to the protocol of the conference of the 4th of February, 1818.*

## MEMORANDUM OF VISCOUNT CASTLEREAGH.

In laying before the Conference the reports received from the African societies in London, in answer to the queries addressed to them by his majesty's government, upon the present state of the slave trade, as connected with the improvement and civilization of Africa—Lord Castlereagh (the reports being read) called the attention of his colleagues to the following prominent facts.

That a considerable revival of the slave trade had taken place, especially on the coast of Africa north of the line, since the restoration of peace; and that the principal part of this traffic being now of an illicit description, the parties engaged in it had adopted the practice of carrying it on in armed and fast-sailing vessels:

That the ships engaged in this armed traffic, not only threatened resistance to all legal attempts to repress the same, but, by their piratical practices, menaced the legitimate commerce of all nations on the coast with destruction:

That the traffic thus carried on was marked with increased horrors, from the inhuman manner in which these desperate adventurers were in the habit of crowding the slaves on board vessels better adapted to escape from the interruption of cruisers, than to serve for the transport of human beings:

That, as the improvement of Africa, especially in a commercial point of view, has advanced in proportion as the slave trade had been suppressed, so, with its revival, every prospect of industry and of amendment appears to decline:

That the British government has made considerable exertions to check the growing evil; that, during the war, and whilst in possession of the French and Dutch settlements on that coast, their endeavors had been attended with very considerable success, but that since the restoration of those possessions, and more especially since the return of peace had rendered it illegal for British cruisers to visit vessels sailing under foreign flags, the trade in slaves had greatly increased:

That the British government in the performance of this act of moral duty, had invariably wished, as far as possible, to avoid giving umbrage to the rights of any friendly power; that, with this view, as early as July, 1816, the accompanying circular order had been issued to all British cruisers, requiring them to advert to the fact, that the right of search (being a belligerent right) had ceased with the war, and directing them to abstain from exercising the same:

That the difficulty of distinguishing in all cases the fraudulent from the licit slave traders, of the former of whom a large proportion were notoriously British subjects, feloniously carrying on this traffic in defiance of the laws of their own country, had given occasion to the detention of a number of vessels upon grounds which the prince regent's government could not sanction; and in reparation for which seizures, due compensation had been assigned in the late convention with Spain and Portugal:

That it was, however, proved, beyond the possibility of a doubt, that, unless the right to visit vessels engaged in this illicit traffic should be established, by the same being mutually conceded between the maritime states, the illicit slave trade must, in time of peace, not only continue to subsist, but to increase:

That the system of obtaining fraudulent papers, and concealing the real ownership, was now carried on with such address, as to ren-

der it easy for the subjects of all states to carry on the traffic, whilst the trade in slaves remained legal for the subjects of any one state.

That even were the traffic abolished by all states, whilst the flag of one state shall preclude the visit of all other states, the illicit slave trader will always have the means of concealing himself under the disguise of the nation whose cruizer there is the least chance of his meeting on the coast. Thus, the Portuguese slave trader, since the abolition north of the line took effect, has been found to conceal himself under the Spanish flag; the American, and even the British dealer, has in like manner assumed a foreign disguise. Many instances have occurred of British subjects evading the laws of their country, either by establishing houses at the Havanna, or obtaining false papers. If such has been the case in time of war, when neutral flags were legally subjected to the visit of the belligerent cruizer, the evil must tenfold increase when peace has extinguished this right, and when even British ships, by fraudulently assuming a foreign flag, may, with every prospect of impunity, carry on the traffic:

The obvious necessity of combining the repression of the illicit slave trade with the measure of abolition, in order to render the latter in any degree effectual, has been admitted both by the Spanish and Portuguese governments, and, in furtherance of this principle, the late conventions have been negotiated; but, whilst the system therein established is confined to the three powers, and whilst the flags of other maritime states, and more especially those of France, Holland, and the United States, are not included therein, the effect must be to vary the ostensible character of the fraud, rather than in any material degree to suppress the mischief.

The great powers of Europe, assembled in Congress at Vienna, having taken a solemn engagement in the face of mankind, that this traffic should be made to cease; and it clearly appearing, that the law of abolition is nothing in itself, unless the contraband slave trade shall be suppressed by a combined system,—it is submitted, that they owe it to themselves to unite their endeavors without delay for that purpose, and as the best means it is proposed, that the five Powers now assembled in conference under the third additional article of the treaty of Paris, should conclude a treaty with each other, upon such enlarged, and at the same time simple, principles, as might become a conventional regulation, to which all other maritime states should be invited to give their accession. This convention might embrace the following general provisions:

1st. An engagement by effectual enactments to render not only the import of slaves into their respective dominions illegal, but to constitute the trafficking in slaves, on the part of any of their subjects, a criminal act, to be punished in such suitable manner as their respective codes of law may ordain.

2d. That the right of visit be mutually conceded to their respective ships of war, furnished with the proper instructions, *ad hoc*,—that the visit be made under the inspection of a commissioned officer,

and no vessel be detained unless slaves shall be found actually on board.

3d. The minor regulations to be such as are established in the conventions with Spain and Portugal, under such further modifications as may appear calculated to obviate abuse and to render the system, if possible, more unobjectionable as a general law, amongst the high contracting parties, applicable to this particular evil.

After the abolition shall have become general, in a course of years, the laws of each particular state may perhaps be made in a great measure effectual to exclude import. The measure to be taken on the coast of Africa will then become comparatively unimportant; but so long as the partial nature of the abolition, and the facility to contraband import throughout the extensive possessions to which slaves are carried from the coast of Africa, shall afford to the illicit slave trader irresistible temptation to pursue this abominable but lucrative traffic, so long nothing but the vigilant superintendence of an armed and international police on the coast of Africa, can be expected successfully to cope with such practices.

To render such a police either legal or effectual to its object, it must be established under the sanction and by the authority of all civilized states, concurring in the humane policy of abolition: the force necessary to repress the same may be supplied as circumstances of convenience may suggest, by the powers having possessions on the coast of Africa, or local interests, which may induce them to station ships of war in that quarter of the globe; but the endeavors of these powers must be ineffectual, unless backed by a general alliance, framed for this especial purpose. The rights of all nations must be brought to co-operate to the end in view, by at least ceasing to be the cover, under which the object, which all aim at accomplishing, is to be defeated.

At the outset some difficulty may occur in the execution of a common system, and especially whilst the trade remains legal, within certain limits, to the subjects both of the crowns of Spain and Portugal; but if the principal powers frequenting the coast of Africa, evince a determination to combine their means against the illicit slave trader as a common enemy, and if they are supported in doing so, by other states denying to such illicit slave traders the cover of their flag, the traffic will soon be rendered too hazardous for profitable speculation. The evil must thus cease, and the efforts of Africa be directed to those habits of peaceful commerce and industry, in which all nations will find their best reward for the exertions they shall have devoted to the suppression of this great moral evil.

Lord Castlereagh, upon these grounds, invited his colleagues, in the name of the prince regent, should the powers under which they at present act, not enable them to proceed to negotiate a convention upon the grounds above stated, to solicit, without delay, from their respective sovereigns, the authority necessary to this effect.—His royal highness confidently trusting that the enlarged and enlightened principles which guided the councils of these illustrious persons at

Vienna, and which have now happily advanced the cause of abolition so nearly to its completion, will determine them perseveringly to conduct the measure to that successful close, which nothing but their combined wisdom and continued exertions can effectuate.

Lord Castlereagh concluded by calling the attention of his colleagues to the indisputable proofs afforded both by the present state of the colony of Sierra Leone, and by the increase of African commerce in latter years, of the faculties of that continent, both in its soil and population, for becoming civilized and industrious, the only impediment to which undoubtedly was the pernicious practice of slave trading, which, wherever it prevailed, at once turned aside the attention of the natives from the more slow and laborious means of barter, which industry presented, to that of seizing upon and selling each other.

It was therefore through the total extinction of this traffic, that Africa could alone be expected to make its natural advances in civilization, a result which it was the declared object of these conferences, by all possible means, to accelerate and to promote.

*Note.*—The proposition made by viscount Castlereagh, in the preceding memorandum, was immediately transmitted by the several plenipotentiaries for the consideration of their courts, but no answer was received from the respective governments previous to the meeting of the conferences at Aix-la-Chapelle, in September, 1818.

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## SECOND INCLOSURE IN No. 2.

*Annex B to the Protocol of the Conference of the 4th of February, 1818.*

Queries proposed by Viscount Castlereagh to, and answers of, the African Society in London, December, 1816.

*Query 1.* What number of slaves are supposed at present to be annually carried from the western coast of Africa across the Atlantic?

*Answer 1.* It would be impossible to give any other than a conjectural answer to this question. It has been calculated, but certainly on loose and uncertain data, that the number of slaves at present carried from the western coast of Africa across the Atlantic, amounts to upwards of 60,000.

*Query 2.* State as far as you can the comparative numbers annually withdrawn for the last 25 years, either by giving the probable number withdrawn, in each year, or upon an average of years?

*Answer 2.* The number of slaves withdrawn from Western Africa during the last 25 years is also necessarily involved in considerable uncertainty. It has probably amounted to upwards of a million and



a half. During many of the early years of that period, the number annually withdrawn is stated, on credible authority, to have amounted to near 80,000.

This agrees with the result of the evidence taken before the privy council in 1787 and 1788. Even this enormous amount, however, is more likely to fall below the real export than to exceed it; for, in the specification contained in the Privy Council Report, the Portuguese are supposed to have carried off only 15,000 annually, whereas there is reason to believe that their export was much more considerable: The number carried off by ships of the United States is also, it is apprehended, rated too low.

The abolition of the British slave trade in 1806, must of course have materially lessened the extent of the slave trade.

The diminution in the price of slaves on the coast, however, which followed that measure, appears in no long time to have had the effect of tempting other nations to enlarge their purchases, and to crowd their ships; and British capital also gradually found its way into this branch of trade through the medium of foreign houses. On the whole, it is supposed that the average export of the last eight years may have somewhat exceeded the rate of 50,000 annually.

*Query 5.* From what parts of the coast have these supplies been drawn? State as far as may be the approximated distribution of these numbers with respect to different parts of the coast of Africa.

*Answer 5.* Previously to the year 1810, these supplies were drawn from all parts of the African coast, without distinction.

About a fourth part of the whole, it is supposed, was drawn from that part of the coast extending from the river Senegal to the eastern extremity of the Gold Coast. Of the remaining three-fourths, one half is supposed to have been drawn from Whydau, the Bight of Benin, the rivers Bonny, Calabar, Gaboon, and the intermediate districts north of the equator; and the other half from Congo, Angola, Benguela, and other parts of the south of the equator.

Subsequently to the year 1793, the slave trade between the Senegal and the eastern extremity of the Gold Coast, was divided almost exclusively between the English and the Americans, probably more than three fourths of it being engrossed by the former. The contemporaneous abolition of the slave trade, therefore, by these two nations, tended greatly to diminish the export of slaves from that line of coast. The Portuguese had previously confined their slave trade almost entirely to the Bight of Benin, and the coast to the southward of it, but in consequence of the reduction in the price of slaves on the Windward and Gold Coasts, which followed the abolition of the British and American slave trade, they were gradually drawn thither. Before, however, their expeditions to this part of the coast had become very frequent, they were checked by the promulgation of the treaty of amity between Great Britain and Portugal of February 1810, confining the Portuguese slave trade to places under the dominion of the crown of Portugal. The Windward, and also the Gold Coast, were thus preserved for some years from suffering so severely by the

ravages of the slave trade, as would otherwise probably be the case. Considerable cargoes, it is true, were occasionally carried away from these districts during the years in question, especially when it could be ascertained that there were no British cruizers in the way to obstruct their progress.

But still, from the year 1808 to the year 1815, the slaves carried from Western Africa were principally taken from Whydow, the Bight of Benin, and the coast southward of it, and the coast north of that line was comparatively exempt from the ravages of this traffic.

*Query 4.* By what nations, and in what proportions, is it understood that the gross annual supply has been purchased and carried away?

*Answer 4.* Previous to the revolutionary war the number carried away in British ships was estimated at 38,000 annually. About 40,000 or 42,000 more were supposed to be carried away by the Portuguese, French, Dutch, Danes, and Americans.

This estimate, however, probably falls below the truth, as there is reason to believe that the annual export of the Portuguese alone usually amounted to 25,000, and the number of slaves introduced into St. Domingo by the French for some time before the revolution in that island is known to have been very large.

For about two years after the breaking out of the maritime war of 1793, the slave trade on the west coast of Africa suffered a considerable interruption.

The French and Dutch were entirely driven from it, and the captures made from the English greatly discouraged their trade on that open and unprotected coast. Our maritime successes, and the capture of Dutch Guiana, combined to revive it, and the English share of the slave trade rose to the enormous amount of 55,000 slaves in a single year. The only other nations that during this period, and down to the year 1810, were engaged in the slave trade of Western Africa, were the Portuguese and Americans. The number carried off by the Portuguese has been estimated at from 20,000 to 25,000 annually, and by the Americans about 15,000. Notwithstanding the prohibitory act of America, which was passed in 1807, ships bearing the American flag continued to trade for slaves until 1809, when, in consequence of a decision in the English prize appeal courts, which rendered American slave ships liable to capture and condemnation, that flag suddenly disappeared from the coast. Its place was almost instantaneously supplied by the Spanish flag, which, with one or two exceptions, was now seen for the first time on the African coast, engaged in covering the slave trade.

This sudden substitution of the Spanish for the American flag, seemed to confirm what was established in a variety of instances by more direct testimony, that the slave trade, which now for the first time assumed a Spanish dress, was in reality only the trade of other nations in disguise.

*Query 5.* To what parts of the continent of North or South America, or the islands in the West Indies, have these slaves been carried?

*Answer 5.* The slaves formerly taken from the coast by the French, Dutch, and Danes, were almost exclusively for the supply of their own colonies.

Until the abolition of the British and American slave trade, the Portuguese carried the slaves taken by them from the coast, with scarcely any exceptions, to the Brazils.

Subsequently to that event the Portuguese flag was for some years employed in carrying cargoes of slaves to the Spanish colonies.

This practice, however, was greatly checked at least, if not wholly suppressed, in consequence of instructions issued to British cruisers, authorizing them to bring in for adjudication such Portuguese ships as might be found carrying slaves to places not subject to the crown of Portugal.

For the last two or three years, therefore, the Portuguese flag has been almost exclusively used in carrying slaves to the Brazils.

Before the abolition of the American slave trade, a considerable number of slaves were constantly introduced into South Carolina and Louisiana. The chief part, however, of the American slave trade before that event, and nearly the whole of it afterwards, was carried on for the supply of the Spanish colonies.

From the year 1810, as has been already noticed, whatever slave trade may have been carried on by an American capital, has been under the disguise of either the Portuguese or Spanish flag, but chiefly of the latter.

The English for many years were in the habit of supplying the colonies of Spain with a considerable number of slaves. The remainder of the slaves they carried from the coast was distributed throughout their own colonies. Between the years 1795 and 1805, the largest share of their slave trade was carried on for the supply of Dutch Guiana, then in the possession of Great Britain, Trinidad, and the conquered colonies. Cuba also continued to receive a considerable supply of slaves from the English.

In 1805 Great Britain prohibited the slave trade for the supply of the colonies she had captured during the war, and in the following year prohibited that for the supply of the colonies of any foreign power whatever. The whole of the slaves, therefore, taken from Africa by the English, in the year 1806 and 1807, excepting what may have been smuggled, must have been distributed among her old colonies, and in the prospect of the approaching abolition of the British slave trade, that number was very considerable.

*Query 6.* What is the present extent and nature of the contraband trade in slaves?

*Query 7.* By what description of persons, under what flag, upon what part of the coast, and for the supply of what market, is this illicit trade carried on?

*Answers 6, 7.* It would be impossible by any probable estimate to distinguish at the present moment the contraband slave trade from

that which may be considered as legal. The whole of the slave trade, whether legal or contraband, which is now carried on from Western Africa, passes, with a very few exceptions, under the Spanish and Portuguese flags; the former being seen chiefly to the north of the equator, and the latter to the south of it. The flag, however, affords but a very slight presumption of the real national character of the adventure. In the case of a very great majority of the vessels detained by our cruizers, it has proved a disguise assumed by the contraband trader in order to escape detention. Of the slaves exported from the western coast of Africa, at the present time, estimated, as has been already said, at upwards of 50,000, probably a half is carried off under the Spanish and the other half under the Portuguese flag. During the last months of 1814, and the first months of 1815, several ships bearing the French flag appeared on the African coast, and carried off cargoes of slaves. Within the last twelve months also, several vessels bearing the American flag have come upon the coast, professedly for the purpose of carrying on its innocent and legitimate commerce: meeting, however, as they conceived, with a convenient opportunity of carrying off a cargo of slaves for the Havana market, they have not scrupled to take them on board. Two vessels, under these circumstances, sailed from the Rio Nunez full of slaves, in January 1816, and it is supposed reached the place of their destination in safety. Another vessel of the same description was captured in the Rio Pongas, in April, 1816, while employed in taking the slaves on board.

With these exceptions, the whole slave trade of western Africa, for the last six or seven years, has been carried on, it is believed, under the flags of Spain and Portugal.

The Spanish flag, however, is probably, in almost every case, a mere disguise, and covers not *bona fide* Spanish property, but the property of unlawful traders, whether English, American, or others.

It is a well known fact, that until the year 1809 or 1810, the Spanish flag had not for a long time been engaged in the African slave trade, except in one or two instances. Its sudden and extensive appearance subsequently to that period furnishes, as has already been remarked, a very strong presumption of the fraudulent character of the adventurers which it is employed to protect.

The ordinary course of proceeding is this: the ship belonging to the unlawful trader calls at the Havanna or Teneriffe, for the most part at the former port. A nominal sale of ship and cargo is there effected to some Spanish house, and regular Spanish papers, and a nominal Spanish captain, having been obtained, and her real captain having taken the character either of supercargo or passenger, she sails on her slave trading expedition as a Spanish ship.

Since the Portuguese have been restricted by treaty from trading for slaves on certain parts of the African coast, they have resorted to similar expedients for protecting their slave trading expeditions to places within the prohibited district. And at the present moment there is little doubt, that a considerable part of the apparently

Spanish slave trade which is carrying on to the north of the equator, where the Portuguese are forbidden to buy slaves, is really a Portuguese trade.

A farther use is now found for the Spanish flag, in protecting the French slave traders; and it is affirmed, that the French ships fitted out in France for the slave trade, call at Corunna for the purpose of effecting a nominal transfer of the property engaged in the illegal voyage, to some Spanish house, and thus obtaining the requisite evidence of Spanish ownership.

In consequence of these uses to which the Spanish flag has been applied, a great increase of the apparently Spanish slave trade has taken place of late. And as the flag of that nation is permitted to range over the whole extent of the African coast, it seems to keep alive the slave trade in places from which it would otherwise have been shut out; and it has of late revived that trade in situations where it had been previously almost wholly extinguished.

The Portuguese flag is now chiefly seen to the south of the equator, although sometimes the Portuguese traders do not hesitate still to resort to the rivers between Whydaw and the equator, even without a Spanish disguise. The only two cruizers which have recently visited that part of the coast, found several ships under the Portuguese flag, openly trading for slaves, in Lago, and the Bight of Benin.

In a great variety of cases the Portuguese flag has been found to cover the property of British or American slave traders. It will doubtless be now employed to protect also the slave traders of other nations by which the trade is prohibited. The limitation of that flag to parts south of the line, renders it less desirable for a general voyage to the unlawful trader, than the Spanish flag which is under no local restriction.

The extraordinary facility with which a change may be effected in the national character of a ship and cargo, intended to be employed in the slave trade, has been judicially established in a great variety of instances. The Brazils, and the Island of Cuba, form the great marts of the sale of the slaves carried from the western coast of Africa, exclusive of those smuggled into the British and restored French and Dutch colonies.

*Query 8.* Has this trade been lately carried on to a considerable extent on the coasts north of the equator?

*Answer 8.* The slave trade, under the circumstances stated in the answer to the last question, has certainly been carried on during the last two years, to a great extent on the African coast north of the equator.

*Query 9.* By what description of persons, and under what flag?

*Answer 9.* This question has been already answered.

*Query 10.* Have those fraudulent slave traders come in armed vessels, and have they employed force in order to effectuate their purposes?

*Answer 10.* During the last two years many slave ships have

come to the coast armed, and have employed force to effectuate their purposes.

*Query 11.* When interrupted, have they threatened to return with armed ships of a larger class?

*Answer 11.* They have, and in some instances have executed their threats.

*Query 12.* From whence are these armed contrabandists chiefly fitted out?

*Answer 12.* A few of these armed ships have come from the Brazils, and one or two from Martinique; but for the most part they have come from the United States, having first obtained a Spanish disguise at the Havanna. They have consisted chiefly of vessels which had been employed as American privateers during the war, and which sail uncommonly fast. In more than one instance they have come in small squadrons of two or three vessels, for the purpose of attacking and carrying any armed vessel which might obstruct their proceedings.

*Query 13.* What has been the effect produced by their depredations on the coast north of the line?

*Answer 13.* The effects of these proceedings have been highly detrimental. Exclusive of all the evils which are inseparable from a slave trade, under any circumstances, they have discouraged, and in some cases crushed, the first efforts to extend agriculture and legitimate commerce, which had been produced in this quarter by the cessation for a time of the slave trade. Even the innocent commerce of Sierra Leone with the surrounding districts, which had tended more than any thing else to give a steady impulse to the industry of the neighbouring natives, has been subjected to outrage and spoliation, attended in some cases with the loss of life. They operate most fatally in another point of view. The native chiefs and traders who began at length to be convinced, by the evidence of facts, that the abolition was likely to be permanently maintained, and that it was therefore absolutely necessary to engage heartily in schemes of cultivation if they would preserve their influence, have learnt from recent events to distrust all such assurances. Notwithstanding all that had been said and done, they now see the slave traders again sweeping the whole range of coast without molestation, nay, with the air of triumph and defiance. It will be long, therefore, before they are likely to yield to the same conviction respecting the purposes of the European powers to abolish the slave trade which they had been led to admit. Even if effectual means should now be adopted for totally and finally abolishing this traffic, years will probably elapse before they will be induced to forego the expectation of its revival. It would be difficult fully to appreciate the deep and lasting injury inflicted on northern Africa, by the transactions of the last two or three years. And this injury will be the greater on this account, that in the interior of that country at least, they do not discriminate with any accuracy between the different nations of Europe. They only know in general that the white men who had ceased to trade in slaves, and

who they understood were 'to trade no more in that commodity except as smugglers, liable to be seized and punished, have now resumed the open, avowed, and uncontrolled practice of that traffic.

*Query 14.* What system do you conceive best calculated to repress this evil?

*Answer 14.* I do not apprehend that the evil can be repressed, or even very materially alleviated, unless the abolition be made total and universal; and, even then, unless the slave trade be pronounced to be felonious, and punished as such. At present no check whatever exists, not even that very inadequate one, which, in time of war, arises from the right of search, exercised by belligerents. It may be expected, therefore, that the slave trade, instead of being diminished, will increase from day to day. More prohibitory acts, even should they be adopted by all the powers of Europe, would be eluded unless regulations adapted to the very peculiar circumstances of the case were devised for confirming them.

*Query 15.* What progress had there been made, during the war, to exclude the trade in slaves from the coast of Africa north of the line?

*Answer 15.* The progress had been very considerable, as has been shewn above, and was shewn more largely by authentic documents communicated to Lord Castlereagh and the Duke of Wellington in 1814. The restoration of peace in Europe has been attended with very disastrous effects to this part of Africa.

*Query 16.* What effects can be traced to have arisen from such exclusion upon the interior civilization of industry, or upon the external commerce of this part of the coast, compared with what existed twenty years before?

*Answer 16.* In some remarks, drawn up in August, 1814, on the subject of the legitimate commerce of Africa, it was very clearly shewn that, at that period, a very considerable effect had been produced by the exclusion of the slave trade from northern Africa, imperfect as that exclusion was, on the external commerce; and consequently on the industry of that part of the coast, as compared with what existed twenty years before. Since 1814 the slave trade in northern Africa has unhappily experienced a very considerable revival, and it is to be apprehended that a corresponding check may have been given to the progress of industry and legitimate commerce.

It is obviously only when the slave trade has been eradicated, that any marked progress in civilization can be expected. The existence of that trade is necessarily a bar to improvement. Supposing, however, that it should be effectually abolished, we are already in possession of very satisfactory evidence to shew that there is nothing in the local circumstances of Africa, and as little in the character of her inhabitants, which would prevent, in their case at least, as rapid an advance in the arts of civilized life, and in the acquisition of moral and religious habits, as the world has witnessed in any other similar instance. A part of this evidence is derived from the colony of Sierra Leone. The population of that colony, in 1809, did not exceed 1500 souls, chiefly Africans. Since that time it has swelled to upwards of

10,000. This large increase consists almost entirely of persons who, having been rescued at different periods during the last seven years, from the holds of slave ships, may be supposed, at the time of their introduction, to have stood at the lowest point of mental and moral depression.

The population of Sierra Leone, therefore, at this time, exhibits all the varying shades of civilization, (varying partly according to the time that has elapsed since their introduction into the colony; and partly according to the character and opportunities of each individual,) from the enterprising trader, skilful mechanic, or industrious farmer, supporting himself and his family in comfort, and performing respectably his social, and even religious duties, to the almost brutish state of the recently liberated captive.

Of these 10,000 Africans, all, excepting those who may yet be too young to labor, or who may have been too recently introduced into the colony to be able as yet to reap the fruits of their labors, maintain themselves by their own industry, chiefly in the cultivation of farms of their own. Making due allowance for previous habits, and the difficulties arising from difference of language, they are found to be as perceptible of moral and intellectual culture as any people whatever.

In the month of October last the schools in the colony contained 1237 scholars, whose advancement in knowledge was satisfactory to their instructors and to the government; and it is said that a great eagerness existed among them to avail themselves of the means of instruction within their reach. The general conduct of the liberated captives has been such as to merit the approbation and confidence of their governors, and not a few have already so far improved their advantages as to be capable of discharging such subordinate judicial functions as jurors, constables, &c. &c.

From the foundation of the colony, indeed, these functions have been almost exclusively discharged by Africans; and Sierra Leone exhibits the important example of a community of black men, living as freemen, enjoying the benefits of the British constitution, maintaining themselves by the ordinary pursuits of commerce, agriculture, or some mechanical art, fulfilling their various social and civil relations by the means only of such sanctions as the administration of British law and the precepts of charity impose upon them, and gradually improving, by means of schools and other institutions, in knowledge and civilization.

“A population of 10,000 freemen,” observes Dr. Hogan, the chief judge of the colony, in a letter dated in October, 1816, “collected upon one spot, *so favorably situated*, and guided and governed with a view to such noble and ennobling objects, forms too grand a stride in the moral march of human affairs, not to fix the attention of an enlightened observer. I take this colony, then, as it is, and looking steadily to the great objects which it was, from its first settlement, intended to promote, am well content.” He afterwards adds, that,



with so much to deplore as there necessarily must be in a population such as has been described, he distinctly perceives "all the principal elements of social order and effectual civilization in existence and vigor, requiring only the care of a skilful hand to mould them into form, and to collect from them the early fruits of a successful and rapid cultivation."

The case of Sierra Leone has been adduced chiefly for the purpose of shewing that the African character is susceptible of improvement and civilization, in a degree perhaps not inferior to any other. It was in that part of the coast adjoining to Sierra Leone that the slave trade was, for a time, most effectually extinguished; and the consequence of that suspension of the slave trade was a very considerable increase of innocent commerce, and particularly of the export of rice; of that article considerable quantities were carried, during the peninsular war, to Portugal and Spain; and many cargoes have also been carried to Madeira, Teneriffe, and the West Indies. The trade in rice was one which might have been indefinitely extended, provided the slave trade had not revived. There is reason to fear that its revival may destroy in the bud this promising branch of commerce.

*Query 17.* State what measures are now in progress for the improvement of Africa, and how they are likely to be affected by the continuance or discontinuance of this trade, partially or generally?

*Answer 17.* This question has received a partial answer above.

Sierra Leone, and its immediate neighbourhood, may be considered as the only part of the African coast where plans of improvement can be pursued without immediately encountering the malignant influence of the slave trade. It is almost necessary, therefore, to confine within that sphere, at least for the present, the direct efforts made for the civilization and improvement of Africa. Even the establishment formed in the Rio Pongas for the instruction of the natives, it is feared, must be withdrawn, in consequence of the revival of the slave trade.

At Sierra Leone, between 12 and 1300 African youths of both sexes, most of them rescued from the holds of slave ships, are now under instruction. These have been brought to Sierra Leone from all parts of Africa, from Senegal to Benzuela, so that there is scarcely a language spoken in that extensive range of coast, which is not spoken by some of the Sierra Leone colonists.

In instructing these liberated captives, the views of their benefactors are by no means confined to the benefits which they themselves may derive from the instruction afforded them, but extend to the possibility that individuals may hereafter arise from among them, who may convey to their own native regions that light which they have acquired at Sierra Leone.

*Query 18.* Is there any reason to apprehend that the contraband trade may become extensive in time of peace, even on the coast north of the line, where so considerable a progress had been made to suppress the slave trade generally, if some decisive measures are not adopted by the powers conjointly to repress the same?

*Answer* 18. There is the strongest reason to apprehend this consequence. Indeed, the event here only supposed possible, is actually, at this moment, matter of history.

*Query* 19, 20. Has it not been found that the trade is conducted with peculiar inhumanity and waste of life by these illicit traders? State the instances that have latterly occurred to illustrate the fact.

*Answer* 19, 20. Undoubtedly. The slave ships are now crowded to excess, and the mortality is dreadful. The following are some of the instances which have come to our knowledge:

1. The *Venus Havannera*, under Spanish colors, of the burden of about 180 tons, carried off from the river Bonny 530 slaves. When captured on her passage to the Havanna, and carried into Tortola, the mortality was found to have amounted to 120.

2. *La Manella*, a ship of the burden of 272 tons, sailed under the Spanish flag, and took on board, in the river Bonny, 642 slaves. The deaths on the passage to the West Indies, previous to her capture, amounted to 140.

3. The *Gertrudes*, a ship sailing under the Spanish flag, took on board upwards of 600 slaves. This ship was taken while yet on the African coast, and brought to Sierra Leone for adjudication. But, notwithstanding the short time that had elapsed since the slaves were taken on board, such was the dreadful state of crowding, that about 200 died before the ship was brought in, or within a short time after her arrival; many, even of those who survived, were so much debilitated by their sufferings, as never to be likely to enjoy sound health.

4. *Nueva Constitucion*, a vessel under the Spanish flag, of only 30 tons burden, had on board 81 slaves; but, having been brought in within a few days after the slaves had been taken on board, the bad effects which must have followed such a state of crowding, on a very long passage, were prevented.

5. The *Maria Primeira*, a ship under Portuguese colors, took on board upwards of 500 slaves. This number was reduced to 405, in consequence of extreme crowding, before she was brought into Sierra Leone; and nearly 100 more died soon after, in consequence of the diseases contracted on board.

6. Portuguese brig *San Antonio*, of 120 tons, took on board 600 slaves; when captured, although she had only sailed 80 leagues, 30 slaves had already died, and many more were found to be in a dying state, and died soon after. The capturing officer took 150 of the slaves on board his own ship, to prevent the almost universal mortality he apprehended. When he first went on board the slave ship he found a dead body, in a state of absolute putridity, lying among the sick.

7. The Spanish ship *Carlos*, under 200 tons burden, took on board 512 negroes, in addition to a crew consisting of 84. About 80 slaves had died previous to her capture, and the rest were in a most deplorable state. Many more instances might be added; but these may be considered as exhibiting the ordinary rate of mortality on board the ships engaged in the illicit slave trade.

*Query 21.* What has been the general influence, observable on the interior of Africa, by the successive acts of abolition on the part of different states?

*Answer 21.* Very little is known of the interior of Africa, or of the moral or political changes which take place there. Our knowledge is almost entirely confined to the banks of navigable rivers, and to the line of the sea coast. There, indeed, the influence has been very observable of all the variations in the policy of European nations in respect to the slave trade; and, perhaps, some corresponding effect may be assumed to be produced in the interior regions which are removed from observation. Many proofs might be given of the evil effects produced on the coast of Africa by the vacillation and uncertainty which has attended the measure of abolition. And, if any truth be more than another fully demonstrated by experience, with respect to Africa, it is this: that, without an effective abolition of the slave trade by all the powers of Europe, it will be in vain to expect the development of the immense agricultural and commercial faculties of that continent; or that, except in very partial instances, the many millions of men by whom it is peopled, should rise a single step in the scale of civilization above their present degraded level.

*Query 22.* What do you conceive would be the particular effect of an abolition of the slave trade, on the part of Spain?

*Answer 22.* An abolition on the part of Spain would at once deliver the whole of northern Africa from the slave trade, provided effectual measures were taken to seize and punish illicit traders. The Spanish flag being now the only flag that can show itself in northern Africa, engaged in the slave trade, the beneficial effects of such an arrangement may be inferred from what has been already said.

Another effect would be this: No slave trade would be lawful but what was found moving in the line between southern Africa and the Brazils, and no slave trader, therefore, could navigate any part of the Atlantic north of the equator; so that the risk of smuggling into the West India islands would be greatly lessened.

By the prolongation of the Spanish slave trade, on the contrary, not only is the whole of northern Africa, which would otherwise be exempt, given up to the ravages of that traffic, and the progress already made in improvement sacrificed, but facilities are afforded of smuggling into every island of the West Indies, which could not otherwise exist, and which, while slave ships may lawfully pass from Africa to Cuba and Porto Rico, it would perhaps be impossible to prevent.

*Query 23.* What amount of slaves do the Portuguese import annually into the kingdom of Brazil?

*Answer 23.* The number has been estimated at from 20,000 to 30,000 annually.

*December, 1816.*

## THIRD INCLOSURE IN No. 2.

*Annex C, to the Protocol of the Conference of the 4th of February, 1818.*

Answers from Sierra Leone to the queries of viscount Castlereagh, dated April, 1817.

*Query 6.* What is the present extent and nature of the contraband trade in slaves?

*Answer 6.* For some time past, especially after the settlement was formed in the Gambia, and previous to the recent transfer of Senegal and Goree to France, the contraband slave trade was confined to the part of the coast southward of the river Sherbró in lat. 7° north, with the exception of a few vessels which now and then took off slaves from Bissao, and the trade carried on in the Rio Pongas.

The expedition of 1814 crushed the trade in the Rio Pongas for two years, but as many of the Rio Pongas traders have settled in the Havanna, they have, since their recovery from that shock, returned to it with more eagerness and rapacity than ever.

From Sherbró and the Gallinas, to Cape Appollonia, a most extensive and, by far, the most abominable slave trade is carried on; in this district the practice of kidnapping the natives who go off in canoes, is chiefly pursued; the vessels employed for this part of the coast are generally under the Spanish flag, but connected with former and present slave factors on that part of the coast.

It is supposed that very little, if any, slave trade is carried on between Cape Appollonia and Popo, where the Portuguese factories commence; and from which place to their most southern settlements, a very extensive trade is carried on.

It is generally carried on in large schooners and brigs, well armed and manned; and from the circumstance of slaves being cheaper on the coast than whilst the slave trade was permitted by Great Britain and America, and from the risks run in each voyage, they crowd their vessels to an inhuman and destructive degree.

The vessels are chosen for their force and swiftness, without the least regard to the accommodation or the comforts of the slaves; and the persons chosen to man and command these vessels are certainly far more celebrated for their ferocity and daring spirit, than for their humanity.

There can be no doubt but that a very great proportion of the slaves carried from the coast, are fairly purchased from the factories by the slave captains, however unjustly they may have come into the possession of the factors, still it is equally notorious that the Havanna traders do, whenever there is an opportunity, kidnap and carry off the free natives.

*Query 7.* By what description of persons; under what flags; upon what part of the coast; and for the supply of what market, is this illicit trade carried on?

*Answer 7.* The greatest part of, indeed nearly the entire slave trade on the windward coast, is carried on by vessels fitted out from the Havanna, and other ports in the island of Cuba, though many vessels come for slaves from Old Spain and Teneriffe, but their ulterior destination is ostensibly for the Havanna.

Several vessels have been fitted out from France, as the "Rondeur" from Nantes, and from the French West India Islands, as the "Louis."

Though the settlements of Senegal and Gorree have been delivered up so very lately to France, yet there is a very active and extensive slave trade already carrying on from those places and the adjacent countries; some of the vessels are from France, some from Teneriffe; and there can be no doubt but that this last mentioned place, from its vicinity to these settlements, will, in a very short time, become the *dépôt* for vessels intended to be employed in this trade on the Windward coast.

From experience in the trade, it has now become the practice to have their vessels manned, &c. as much as possible with Spanish subjects, and the voyage under the control of a Spaniard. But this is far from being universally the case. It has been clearly proved, in many instances, that the property was not Spanish: for instance, the *Dolores* proved to be English; the *Paz*, English and American; the *Theresa*, English and French; the *Triomphante*, Portuguese, &c. &c. with many others, besides the vessels sent out by several English subjects resident in the Havanna.

The *Alexander* and *Triumverata*, were both under the command of American subjects, and came directly from North America to the coast, though documented with Spanish papers from the Spanish consuls residing in ports from whence they sailed.

The exertions of captain Irby and captain Scobell induced the Portuguese traders to confine themselves to their own factories in the Bight of Benin, or rather to those parts of the Bight which are considered as Portuguese.

With the exception of those places, where I fancy little but Portuguese slave trading is carried on, the greatest part of that trade from Sherbró to Cape Appolonia, and among the rivers on the coast, as well as at Cape Formosa and Gaboon, is under the Spanish flag; and there is every reason to believe, that three-fourths of the slaves carried from the coast north of the line, (except by the Portuguese in the Bight of the Benin) are procured in the extensive rivers of Calabar, Cameroons, Bonny Gaboon, &c.

A very extensive Portuguese slave trade is carried on in the Bight of Benin and Biafra, especially about Popo, Whydaw, and the Cameroons, and those vessels wishing to trade in slaves from the Gaboons and the places adjoining, lie at Cape Lopez, in about one south, and send their large launches to those places to trade, and small craft are, also, constantly employed in carrying slaves from those places to St. Thomas's, from which they are shipped across the Atlantic; these facts have been repeatedly proved in the court of vice admiralty here.

for instance, in the case of the *Ceres*, *Joanna*, *Caroline*, *Dos Almi-gos*, &c. &c.

The islands of Cuba and Porto Rico are held out by the vessels under the Spanish flag, as their ports of destination, though there can be very little doubt but that many are intended for, and actually do unload at, the French West India Islands. What becomes of the slaves after their arrival at the Island of Cuba is no part of this question.

The Portuguese carry the greatest part of their slaves to Brazil, though many vessels, as the *General Silveria*, and the *Temerario*, were intended for the Havanna. It clearly appears, from the cases of the *Intrepida* and others, that a very considerable trade in slaves is carried on between the Brazils and that place. It may also be proper to remark, that, from the open confessions of all the masters and supercargoes of slave vessels brought in here, a most extensive slave trade is carried on at every part of the coast distant from a British settlement. So eager are the slave traders to carry on this trade, that after the cession of Goree and Senegal to France, but before the British troops had all left the former place, 200 slaves were actually exported from it. The Moorish princes are already ravaging the negro towns within their reach.

*Query 8.* Has this trade been lately carried on to a considerable extent on the coast north of the Equator.

*Answer 8.* The preceding observations apply chiefly to the trade carried on north of the line; few of our cruizers go to the south of it, consequently very few vessels from that part of the coast are detained or sent in here. On this account it is difficult to form any opinion at this place, on the trade carried on there, although no doubt can be entertained that it is still more extensive than that carried on to the north. Nearly all these observations are therefore intended for the trade north of the line; the extent and misery of which, though dreadful, are not one half of what is entailed on the western coast of this continent.

*Query 9.* By what description of persons and under what flag?

*Answer 9.* It is impossible, from the art with which experience has taught them to cover their vessels, to say how much of the slave trade carried on is *bona fide* the property of the nation whose flag it bears; but, from the proportion of vessels amongst those sent to this port for adjudication, which have been clearly proved to be fraudulently disguised, there is no doubt but that much English, but more American property is engaged in it. The captain and supercargo are generally also Spanish subjects, though many instances have occurred to the contrary, and during the war the sailors were often of that nation. Since the war, however, this practice is altered. The large American privateers have been completely fitted out in America, with the exception perhaps of the gratings, and have come to the Havanna fully manned, where a sale, or pretended sale having taken place, a Spanish subject or two are put on board, whilst the American mate and sailors remain, engage for a new voyage, and come upon the coasts; and there is too much reason to believe at present, that many

English sailors are also engaged in these vessels. With the exception of the Portuguese flag in the Bight of Benin and Biafra, and the rivers near the line, the trade carried on to the north is chiefly under the Spanish flag; though a few vessels like the *Louis*, (French,) *Rebecca*, (American,) and two schooners (French,) now said to be trading in slaves in the Gaboon, do now and then appear under their own flag. Some vessels, as the *Catalina*, have been also fitted out from Jamaica.

*Query 10.* Have these fraudulent slave traders come in armed vessels, and have they employed force to effectuate their purpose?

*Answer 10.* The fact is so notorious that the best answer to this query may be an enumeration of some cases concerning which we have certain information.

1st. The schooner, name unknown, which destroyed the brig *Kitty*, of Liverpool, murdered the master (Roach,) and carried the black people, two of whom were captured negroes of Sierra Leone, as slaves to the Havanna.

2d. The *Camperdown*, a brig of 16 guns, and a large complement of men, commanded by the same person as the preceding. She destroyed the sloops *Rambler* and *Trial*, belonging to this port, and carried the blacks off as slaves. It is supposed that she carried off at least 200 free blacks in her different voyages, as she made slaves of all the people going off in canoes. She had several skirmishes with the *Princess Charlotte*, and was once chased by the *Creole* and *Astrea*.

3d. The *Laura Anna*, taken in the Rio Nunez, where they were obliged to promise the sailors their wages to prevent an action.

4th. The *Venganza*, which fought the party sent to the Gambia after her, and at last blew up whilst engaging.

5th. The *Moulatto*, a large black schooner from the Havanna, which made two or three voyages to the coast, carried off a great number of free negroes, and beat the *Princess Charlotte* off.

6. A large black schooner her companion, which also beat the *Princess Charlotte* off.

7th. The *Paz*, which, under the American flag, beat off the *Princess Charlotte*, and killed several of her men.

8th. The *Leal*, Portuguese, a large brig under Portuguese colors, with 12 or 14 guns, fought the *Princess Charlotte* off Lagos for a long time, but was taken.

9th. The *Rosa*, formerly the American privateer *Commodore Perry*, fitted out in America and manned with Americans, but supposed to be the property of an Englishman, who was an old slave trader, and partner of *Boostock* at Mesurado, fought the boats of his majesty's ship *Bann*, and the commissioned sloop *Mary* for some time, but was at length captured.

10. The schooner *Gaudaloupe*, taken by the young *Princess Charlotte*; besides their regular charge of two round shot, ten guns were each of them loaded with bags of 500 musket balls. She was taken by boarding.

11th. Brig *Temerario*, from Brazil. She was built on purpose for this forced trade, has 18 guns, which were cast on purpose with her name on them. She made one voyage to the coast, when she was chased by the *Princess Charlotte*, but escaped. On her second voyage she was taken, after an action of two hours by his majesty's ship *Bann*. She had a complement of 80 men.

12th. Schooner *Dolores*, formerly American schooner *Commodore M·Donough*, said to belong to an English house in the Havana, taken after a severe action by his majesty's ship *Forrest*.

13th. Brig *Nueva Paz*, formerly the American privateer *Argus*, fitted from America, though supposed in part to be British property, and manned with Americans and English. She took and plundered the schooner *Apollo*, of this port, and made an attack on the *Prince Regent*, but was captured by boarding, after a short but severe action.

14. Schooner *Carmen*, from Brazil, taken for slave trading to the north of the line.

15. Schooner *Triumphante*, from Havana, late the American privateer *Criterion*, of sixteen guns, commanded by a Portuguese subject, taken by the boats of the *Prince Regent*, after a severe action in the river Cameroons.

16. American schooner *Dorset*, from Baltimore direct, called the Spanish schooner *Triumvirate*, with an American supercargo, a Spanish captain, and American, French, English, and Spanish crew, taken after a smart action in the *Rio Pongas* last January, by a vessel from this place.

17. A large schooner, name unknown, supposed from the Havana, took and plundered the brig *Industry*, of this port, last November, and carried the greatest part of the crew off as slaves.

18. Saucy Jack, an American privateer, which carried off a cargo of slaves in 1814, and I believe convoyed several vessels to and from the coast; he boarded, but did not molest a sloop from this place to *Goree*, with rice.

These are specific instances, which have all been proved before some court of justice, and it is notorious that these are not one-eighth part of the vessels of this description which come on the coast, for the purpose of carrying on this trade.

It has also lately become the practice of these vessels to sail in company. Captain *Lawson*, of the ship *Diana*, wished last year to seize one in the river *Bonny*, (or *Calabar*) but durst not; and *Capt. Hogan*, during his last cruise in the *Prince Regent*, looked into their rivers, but durst not go in, though he had a crew of 120 men.

*Query* 11. When interrupted, have they threatened to return with armed ships of a larger class?

*Answer* 11. Yes, almost uniformly; although, from the universality of the trade, it is difficult to remember every particular instance.

The *Nueva Paz* was one where the threat was put in execution; and one of the most violent of the slave traders has very lately returned to the *Gallinas* and sent up a message by an American, that



he was waiting for the Prince Regent. Unfortunately, she was unrigged and repairing at Bance Island, which gave an opportunity to the trader of carrying off a cargo of slaves. The Dolores and Temerario were avowedly fitted out for the destruction of the colonial brig, and there can be no doubt but that very violent and powerful attempts will be made for that purpose, as, from the great annoyance she has been to the slave-traders; the constant terror which has existed of her being found between Cape Verd and Cape Palmas, a circumstance which has prevented many vessels from carrying on the slave trade in these limits; and from the number of vessels she has captured, she is the greatest object of hatred and detestation to the slave merchants.

*Query 12.* From whence are these armed contrabandists chiefly fitted out?

*Answer 12.* The Havanna is the port from which the majority of these vessels are fitted out, though many them, as the old American privateers, are fitted out in America, and only go to the Havanna for papers; and whilst some, like the *Triumvirata*, also *Dorset*, have the papers carried from the Havanna to America, a few, like the *Louis*, are fitted out from the French islands; and the Portuguese come from the Brazil.

*Query 13.* What has been the effect produced by their depredations on the north coast of the line?

*Answer 13.* The worst consequence of this contraband trade, as far as respects the civilization of the coast, and the turning of the natives from this inhuman and destructive trade to the arts of social life, and the pursuits of an innocent commerce, is, that the natives will never believe that the abolition is really to take place; and as long as one slave ship is allowed to visit the coast, the natives will always be looking forward to more, and will never believe it to be for their interest to change their present pursuits.

There can be no doubt but that the natives, immediately after the English abolition act took place, were more inclined to believe in the probability of an universal abolition of the trade than they are now. A stop was put to the trade for some time, and it was nearly two years before the slave traders took to other flags, and in this interim the natives began to look forward to some other means of procuring the luxuries and necessaries of life: a few vessels, with American and English men and papers, and a foreign flag, began at last to appear, and the hopes of the slave factors for a renewal of this trade to revive; and it has now increased to such an extent, that the slave traders who frequent the part of the coast near Sierra Leone destroy every vessel they meet, unless of very considerable force, and these they drive away. This at first had merely the effect of injuring the owners of these vessels, but the practice being continued, and the slave traders having declared their determination to persist in it, whatever might be the consequence, no English vessel, especially if connected with this place, dare shew itself on the neighboring coasts: the result of which is clear; the innocent coasting trade is completely

destroyed, nothing but a large English vessel dare go, these go but seldom, and the natives, thus deprived of every other means of acquiring what to them have by habit become necessities of life, must engage in the slave trade.

*Query 14.* What system do you conceive best calculated to repair this evil?

*Answer 14.* This certainly is a question which requires the greatest consideration, and which will be very difficult to solve; as, however, we have the advantage of some experience to guide us, we may be more able to decide it now with a prospect of success, than any person could have done in 1807.

The following points must be firmly established before any adequate success can be expected to follow the greatest efforts:

1st. That the prohibition be positive and universal, and that all persons agree in the same regulations for its extinction.

2d. That the penalties inflicted on persons and property engaged in it, be severe and certain.

3d. 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.

It must be clear and evident, that whilst any one power is allowed to carry on the trade, the subjects of the other powers (wishing to be engaged in it) will cover themselves under the flag of the permitting power; and, from the experience these men have had in the art of fraudulent disguise, will cover themselves beyond the possibility of detection. We need look no further for a proof of this, than to the difference between the Spanish slave trade before the war, in the years 1808, 1809, and now.

It is also clear, that to make this a common cause, and not the cause of each state entering into the agreement, the regulations, provisions, and penalties, attached to it, should be the same in all; and that it should not only be agreed upon between the states, but that every individual state should make a positive internal law upon the subject, embracing all the regulations, &c. And this is the more necessary to prevent any future collisions or jealousies in enforcing the penalties; for if the parties are honest in the cause, and the penalties to be inflicted by all the parties are equal, no difficulties can arise; but, if they are unequal, a very great ground is laid for complaints, reproaches, and disputes, which would at once destroy every thing which had previously been done.

As this may be a matter of much dispute, the following plan is proposed, as less liable to objection:

That all property found engaged in the trade, either in the inception, the prosecution, or the conclusion, be confiscated to the seizer's use, either by the courts of his own country, or by a tribunal to be specially appointed for that purpose.

That the sentence of inferior courts be final and conclusive whenever slaves are found on board.

That an appeal be allowed if no slaves are on board. That some further punishment should be inflicted on the parties engaged, which, in case of resistance, should be much severer than when none was made; and that this punishment should be inflicted as agreed on between the contracting parties.

That death should be inflicted by the courts of the parties' own country, on the officers of any ship where free natives had been kidnapped, or any persons killed by their piratical resistance.

Neither agreements, regulations, or penalties, will be of any use, unless the contracting parties are determined, one and all, to enforce them upon every person found engaged in the trade; and also to use every means of detecting them. This is an object which cannot be obtained with a small force.

A large one must at first be employed; but there is every reason to believe that this force, if actively and properly employed, would soon render it safe to reduce it.

The whole coast of Africa will be frequented by the smugglers; and smugglers there will be, unless some very energetic measures are adopted to prevent the importation of slaves into the trans-atlantic world; and it is not to be supposed for a moment, that the coast of Africa can be guarded by one ship.

*Query. 15.* What progress had there been made during the war, to exclude the trade in slaves from the coast of Africa north of the line?

*Answer. 15.* Whatever exclusion has taken place during the last war, must be attributed chiefly to the war itself, and the activity of the officers employed. Generally one, sometimes two, and now and then three ships of war, were on the coast.—After the settlement was formed in the Gambia the slave trade was completely excluded to the northward of Bissao; the trade between that place and Popo was reduced from a most extensive and open trade to a comparatively small and smuggling one. It was entirely suppressed for a considerable distance round the British settlements.

*Query. 16.* What effect can be traced to have arisen from such exclusion, upon the interior civilization and industry, or upon the external commerce of this part of the coast, compared with what existed twenty years before?

*Answer 16.* The civilization to a certain degree, of the natives for some distance around the British settlements, and in those places where the trade was entirely excluded, is the effect of the partial abolition; the natives have also become more peaceable and quiet, and have turned their attention to the arts of a civilized life, and have left off those practices whose only object was to procure slaves.—In places where the exclusion of the trade has only been partial, these advantages have not arisen. Wars, kidnappings, and false trials, have not been so frequent, because the demand for slaves was small; still they existed, and the natives, with minds unchanged, continued to have recourse to them when slaves were wanted; no doubt can ex-

ist but that these circumstances have affected the very interior of the continent, and that though not more civilized, yet they have been more peaceable and quiet since the abolition than before, for the slaves procured are not more in number than answer the present comparatively small demand. The effects upon the external commerce of the coast has been astonishing; compare the imports into England at present with what they were twenty years ago. Let it also be considered, that not one third, perhaps not one quarter of the trade goes to England, and then some ideas may be formed of the capabilities of the coast of Africa to carry on an immense traffic in innocent articles. A complete exclusion would do more to promote this object in five years, than a partial one in fifty.

*Query 17.* State what measures are now in progress for the improvement of Africa, and how they are likely to be affected by the continuance of the trade, partially or generally?

*Answer 17.* Little can be here said upon the measures in progress for the civilization of Africa, which is not known already. Since Senegal and Goree have been transferred, those measures are nearly confined to Sierra Leone. Here the greatest improvements have been and are still making, and hence must the civilization of Africa proceed. With common attention a large number of persons may be educated, anxious and capable of spreading the blessings they have received throughout their native continent. But where the slave trade is allowed, no improvements can come; its pestiferous breath blasts at once the hopes of the philanthropist and the missionary, and a train of desolation, barbarity, and misery follows close on the steps of the slave trader.

*Query 18.* Is there any reason to apprehend that the contraband trade may become extensive in time of peace, even on the coast north of the line, where so considerable a progress had been made to suppress the slave trade generally, if some decisive measures are not adopted by the powers conjointly to repress the same?

*Answer 18.* Of this, not a doubt can exist. It will be carried on more extensively and more ferociously than ever. It is since the conclusion of the war, that the large armed vessels have increased so very considerably. Whilst the war existed, and condemnation followed resistance, those persons who thought their property secure, if taken before courts of justice, sent out unarmed and heavy sailing vessels: now that there is no penalty attached to it, every person engaging in the trade will send to the coast vessels well armed and manned, with orders to fight their way through every obstacle: the wages they give are enormous, from seven to ten pounds per month; and in consequence, their vessels will be soon manned with entire crews of American and English sailors: the greatest enormities will be perpetrated, and unless, not only the right of search, with condemnation for resistance, be allowed, but also very vigorous measures be adopted to enforce it, these crimes must all pass unpunished.

*Sierra Leone, April, 1817.*

## FOURTH INCLOSURE IN No. 2.

*Annex D. to the Protocol of the Conference of the 4th of February, 1818.*

Letter of Z. Macauley, Esq. to Viscount Castlereagh, dated

LONDON, 20th of December, 1817.

MY LORD: I have been honored with your lordship's note of the 13th instant, acknowledging the receipt of the answers made on the 26th December, 1816, to the queries which your lordship had proposed relative to the then state of the African slave trade, and requesting the communication of such farther intelligence as I might have since obtained. The answers to the same queries which I delivered last week to Mr. Planta, were written on the coast of Africa in the month of April last, and therefore apply to a period six months later than that to which my answers refer. Since that time I have not received from Africa any detailed communications on this subject. Such as I have received, I will now lay before your lordship.

Colonel Mac Carthy, the governor of Sierra Leone, in a letter dated 20th April, 1817, observes, "I am grieved to say that there is nothing favorable to state with respect to the slave trade, which has not only been renewed in those places from which it had been driven, but actually extended three times as far as at any period during the late war." This representation has been fully confirmed to me, and it is added, "that the slave trade is now openly and undisguisedly carried on both at Senegal and Goree."

Governor Mac Carthy, in a subsequent letter, dated 10th June, 1817, says, "The slave trade is carried on most vigorously by the Spaniards, Portuguese, Americans, and French. I have had it affirmed from several quarters, and do believe it to be a fact, that there is a greater number of vessels employed in that traffic than at any former period." To the same effect are the letters I have received from Sierra Leone, which, under date of 28th June, 1817, state as follows: "The coast is crowded with slave ships, and no trade can be done where they are. We could get rice 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 Carthaginian pirate had been plundering our vessels. It was an Havana 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."

On the 20th of July, 1817, it is further stated as follows:—"The slave trade is raging dreadfully on the coast. Goree has become quite an emporium of this traffic. Our merchants are losing the whole trade of the coast. The whole benefit of it accrues to the slave dealers. No other trade can be carried on where the slave trade prevails."

This view of the subject is confirmed in a report recently published by the Church Missionary Society in Africa and the east. The committee of that society, in communicating to its subscribers the substance of the information recently received from their missionaries on the windward coast of Africa, observe as follows: "The natives saw the missionaries sit down in the midst of them while the slave trade was yet a traffic, sanctioned by the laws of this country, and of the civilized world. They utterly disbelieved at first the professions of the missionaries; and, when at length brought by their patient and consistent conduct to believe them, yet, so debased were their minds by that traffic which our nation in particular had so long maintained among them, that they had no other value for the education offered to their children, than as they conceived it would make them more cunning than their neighbors. But the missionaries gladly became the teachers of their children, in the hope that they should outlive the difficulties which then opposed their mission. The act of abolition seemed to open a bright prospect to the friends of Africa. The numerous slave factories which crowded the Rio Pongas vanished, and Christian churches began to spring up in their room. The country was gradually opening itself to the instruction of the missionaries, when the revival of the slave trade by some of the European powers proved a temptation too great to be resisted. At the moment when the natives began to assemble to hear the missionaries preach, and even to erect houses for the worship of God, at this moment their ancient enemy comes in like a flood, and, it is to be feared, will drive away our missionaries for a time. So great is the demoralizing effect of the slave trade, and so inveterate the evil habits which it generates, that it is not improbable it may be necessary to withdraw wholly for the present, the society's settlements, formed beyond the precincts of the colony of Sierra Leone." Subsequent accounts render it probable that this anticipation has been actually realized.

In addition to the facts already adduced to show the prevalence of French slave trade, a letter from Dominica, dated 7th January, 1817, states, "that, in the month of November, 1816, a Portuguese brig, the Elenora, of Lisbon, with 265 Africans, from Gaboon, arrived off St. Pierre's, in Martinique; and, on the 25th of the same month, landed them at Carlet, between St. Pierre's and Fort Royal, the brig afterwards returning to the former port." It was also known that two vessels had been fitted out and despatched from St. Pierre's to the coast of Africa for slaves, and that at the same time a fast sailing schooner was about to depart for a similar purpose. "The impunity," it is added, "which these infractions of treaties meet with in the French colonies, will no doubt increase the repetition of them to an unbounded degree." In a subsequent letter, dated Dominica, 4th September, 1817, it is observed, "a few weeks ago a large ship arrived from the coast of Africa, and landed at Martinique more

than five hundred slaves; they were disembarked some little distance from St. Pierre's, and marched in by twenties."

In addition to these instances of slave trading, I have to state, that a gentleman who returned about a fortnight since from a voyage to the coast of Africa, informed me, that, while he was lying (about three or four months ago) in the river Gambia, two French vessels, navigating under the white flag, carried off openly from that river 350 slaves.

The following extract of a letter from Cape Coast Castle, 5th March, 1817, shows that the Dutch functionaries in that quarter, notwithstanding the decrees of their government, are actively engaged in the slave trade. "We deem it our duty to inform you of the conduct of the governor of Elmina; we are well aware that a particular feature in the Dutch government at this time, is the desire of preventing the slave trade, which their representative in this country takes every opportunity of aiding and abetting. Portuguese vessels are furnished with canoes, and Spaniards supplied with water. The beginning of last month a Spanish ship was four days at anchor in Elmina, receiving water and bartering dollars for such goods as were suited for the purchase of slaves. This vessel proceeded a short distance to leeward, and came to anchor off Opam, a place about eight miles to the eastward of Tantum, where the master purchased to the number of 400 slaves, and carried them off to the coast: a Spanish schooner also took slaves off from the same neighborhood about three months ago."

I have the honor to be, &c.

Z. MACAULEY.

To Viscount Castlereagh, K. G. &c. &c. &c.

No. 3.

*Protocol of the Conference between the Plenipotentiaries of the Five Powers, of the 7th of February, 1818.*

Present: **BARON DE HUMBOLDT.**  
**LORD CASTLEREAGH.**  
**COUNT LIEVEN.**  
**MARQUIS D'OSMOND.**  
**PRINCE ESTERHAZY.**

The protocol of the last conference being read, the plenipotentiaries approved and signed it.

Count Palmella having accepted the verbal invitation which, in conformity to what had been agreed upon at the conference of the 4th of February last, was made to him by the Plenipotentiaries, lord

Castlereagh communicates to him the convention concluded between his government and that of Spain, on the 23d September, 1817, relative to the abolition of the slave trade, and invites him, in concert with the plenipotentiaries his colleagues, to add his efforts to theirs, for the attainment of an object so interesting to humanity, and which can only be completed when his most faithful majesty shall have adopted similar measures.

Count Palmella replied, that, in accepting, by his note of the 17th February, 1817, the invitation which had been addressed to his predecessor, to take part in the conferences held in pursuance of the additional article of the treaty of Paris, of the 20th of November, 1815, he had, by order of his court, declared the conditions upon which he was authorized to assist at these conferences, and that he did not doubt, from the renewed invitation he had just received from the plenipotentiaries, but that those "bases" had been accepted, the more so, as they were entirely grounded upon the most just principles.

Count Palmella added, that he would lose no time in transmitting to his court the communication of the treaty just concluded between the British and Spanish Governments for the abolition of the slave trade on the part of the subjects of his catholic majesty; and that his most faithful majesty, according to the known principles professed by him individually, would doubtless behold, with the most perfect satisfaction, the advantages which would thereby result to the cause of humanity; which principles his plenipotentiaries had solemnly declared at the congress of Vienna, and to which count Palmella entirely referred himself, as also to the explanations given at the same period respecting the circumstances particularly affecting the Brazils.

Upon which the sitting was adjourned.

HUMBOLDT.  
ESTERHAZY.  
OSMOND.  
LIEVEN.  
CASTLEREAGH.

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No. 4.

*Protocol of the Conference between the Plenipotentiaries of the Five Powers, of the 11th February, 1818.*

Present: LORD CASTLEREAGH.  
COUNT LIEVEN.  
BARON DE HUMBOLDT.  
MARQUIS D'OSMOND.  
PRINCE ESTERHAZY.

The Protocol of the last Conference of the 7th February being read, was approved and signed.



Count Palmella having declared himself, at the conference of the 7th February, ready to receive and transmit to his court the communication of the convention concluded between Great Britain and Spain, under date of the 23d September, 1817, the plenipotentiaries agree to enclose the same to him, in a note which is annexed to this protocol, sub. lit. A.

The plenipotentiaries do not consider themselves called upon to enter at present into discussion on the subject of the conditions stated in count Palmella's official note of the 17th February, 1817, and to which he alluded at the last conference, thinking it sufficient to refer, as to the principal object of their present proceeding, entirely to what is to be found in the protocols of the conferences held on this subject at the Congress of Vienna, as also to the solemn declaration of the Powers, dated on the 8th February, 1815, made at the said Congress.

Upon which the sitting was adjourned.

HUMBOLDT.  
ESTERHAZY.  
D'OSMOND.  
LIEVEN.  
CASTLEREAGH.

#### INCLOSURE IN No. 4.

*Annex A, to the Protocol of the Conference of the 11th of February, 1818.*

Note of the plenipotentiaries of the Five Powers, to count Palmella.

*London, December 11, 1817.*

The undersigned, in reference to the communication made to count Palmella, at the conference of the 7th instant, lose no time in having the honor of transmitting herewith inclosed to his excellency, the treaty concluded between his Britannic majesty and his catholic majesty, which stipulates on the part of Spain the final abolition of the slave trade, and thus offers a very satisfactory result to the solicitude which their respective courts evince for the fulfilment of the engagements they have contracted by the additional article of the treaty of Paris, of the 20th November, 1815. The complete attainment of this interesting object, now solely depending on the abandonment by the court of Portugal of that part of the slave trade which she has still reserved to herself south of the line, the undersigned have the honor to invite count Palmella to solicit from his court full powers to enable him to act in concert with them towards the accomplishment of so desirable an object.

They have at the same time the honor to add herewith, extracts from the protocols of the two last conferences on this subject for his excellency's information, and they avail themselves of this opportunity to offer him the assurance of their distinguished consideration.

**LIEVEN.  
HUMBOLDT.  
CASTLEREAGH.  
D'OSMOND.  
ESTERHAZY.**

No. 5.

*Extract of the protocol of the sitting of the 14th of February, 1818.*

**Present: THE MARQUIS D'OSMOND.  
LORD CASTLEREAGH.  
BARON DE HUMBOLDT.  
PRINCE ESTERHAZY.  
COUNT DE LIEVEN.**

The plenipotentiaries having approved the protocol of the last conference of the 11th February, it is signed.

The answer of the count de Palmella to the note which the plenipotentiaries addressed to him on the 11th February is read, and placed upon the present protocol, sub litt. A.

**INCLOSURE IN No. 5.**

*Annex A, to the protocol of the 14th of February, 1818.*

**LONDON, February 12, 1818.**

The undersigned has received the note which the plenipotentiaries of those courts who signed the additional article of the treaty of Paris of the 20th November, 1815, have done him the honor to address to him, under the date of yesterday.

He will take the earliest opportunity of conveying to the knowledge of his court the treaty concluded between his Britannic majesty and his catholic majesty, which their excellencies have been pleased to communicate to him officially, together with the extracts of the protocols of their two last conferences on this subject.

The undersigned being already furnished with the full powers and instructions necessary to enable him to assist at the conferences held by their excellencies, and to discuss in concert with them the means of attaining the desirable objects in question, does not think himself entitled to ask for new full powers, unless the question should positively change its nature, by a refusal (which the undersigned cannot possibly expect from the plenipotentiaries) to admit on their part the principles put forth in the first note which he had the honor to address to them. Whenever their excellencies shall think themselves called upon to enter into the discussion of those principles, they will see that they all evidently and immediately spring from the declaration of the congress of Vienna of the 8th February, 1815, and from the treaty concluded at the period of the said congress between his most faithful majesty and his Britannic majesty, for the extinction of the slave trade to the north of the line.

The undersigned takes this opportunity of offering to their excellencies the assurance of his high consideration.

THE COUNT DE PALMELLA.

*Memorandum.* The plenipotentiaries having reason to understand that the instructions under which count Palmella acted, were not of a nature which would enable him to conclude any convention, assigning any fixed period for the abolition on the part of Portugal, without reference to his government, did not think it expedient to enter, under such circumstances, into further discussions with count Palmella, inasmuch as they conceived that such discussions could not have led to any satisfactory result.

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## UNITED STATES.

No. VI.

*Letter from Viscount Castlereagh to Richard Rush, Esq. American minister in London, dated*

FOREIGN OFFICE, 20th of June, 1818.

SIR: The distinguished share which the government of the United States has, from the earliest period, borne in advancing the cause of the abolition of the slave trade, makes the British government desirous of submitting to their favorable consideration whatever may appear to them calculated to bring about the final accomplishment of this great work of humanity. The laudable anxiety with which you personally interest yourself in whatever is passing upon this impor-

tant subject, will have led you to perceive, that, with the exception of the crown of Portugal, all states have now either actually prohibited the traffic in slaves to their subjects, or fixed an early period for its cessation, whilst Portugal has also renounced it to the north of the equator. From May, 1820, there will not be a flag which *can legally* cover this detested traffic to the north of the line, and there is reason to hope, that the Portuguese may, ere long, be also prepared to abandon it to the south of the equator; but so long as some effectual concert is not established amongst the principal maritime powers for preventing their respective flags from being made a cover for any illicit slave trade, there is but too much reason to fear, whatever may be the state of the law on this subject, that the evil will continue to exist, and, in proportion as it assumes a contraband form, that it will be carried on under the most aggravated circumstances of cruelty and desolation. It is from a deep conviction of this truth, founded upon experience, that the British government, in all its late negociations upon this subject, has endeavored to combine a system of alliance for the suppression of this most abusive practice, with the engagements which it has succeeded in contracting with the governments of Spain and Portugal, for the total or partial abolition of the slave trade. I have now the honor to inclose to you copies of the treaties which have been happily concluded with those powers, together with the acts which have recently passed the legislature for carrying the same into execution.

I have also the satisfaction to transmit to you copies of a treaty which has been recently concluded with the king of the Netherlands for the like purpose, though at too late a period in the session to admit of its provisions receiving the sanction of Parliament. I am induced to call your attention more particularly to this convention, as it contains certain provisions which were calculated to limit, in some respects, the powers mutually conceded by the former treaties, in a manner which, without essentially weakening their force, may render them more acceptable to the contracting parties.

The intimate knowledge which you possess of this whole subject, renders it unnecessary for me, in requesting you to bring these documents to the observation of your government, to accompany them with any more detailed explanation. What I have earnestly to beg of you is, to bring them under the serious consideration of the President, intimating to him the earnest wish of the British government, that the exertions of the two states may be combined upon a somewhat similar principle to put down this great moral disobedience, wherever it may be committed, to the laws of both countries. I am confident this cannot effectually be done, except by mutually conceding to each other's ships of war a qualified right of search, with a power of detaining the vessels of either state with slaves actually on board. You will perceive in these conventions a studious, and, I trust, a successful attempt to narrow and limit this power within due bounds, and to guard it against perversion.

If the American government is disposed to enter into a similar concert, and can suggest any further regulations the better to obviate abuse, this government will be most ready to listen to any suggestion of this nature; their only object being to contribute, by every effort in their power, to put an end to this disgraceful traffic.

I am, &c.

CASTLEREAGH.

To RICHARD RUSH, Esq.

&c. &c. &c.

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No. VII.

*Letter from Richard Rush, Esq. to Viscount Castlereagh, dated*

LONDON, 23d June, 1818.

MY LORD: I have been honored with your lordship's note of the 20th of this month, inclosing copies of treaties recently concluded between this government and the governments of Portugal, Spain, and the Netherlands, respectively, in relation to the slave trade; and designed to draw the attention of the government of the United States to this subject, with a view to its co-operation, upon principles similar to those held out in these treaties, in measures that may tend to the more complete and universal abolition of the traffic.

The United States, from an early day of their history, have regarded, with deep and uniform abhorrence, the existence of a traffic attended by such complications of misery and guilt. Its transcendent evils roused throughout all ranks a corresponding zeal for their extirpation; one step followed another until humanity triumphed; and against its continuance, under any shape, by their own citizens, the most absolute prohibitions of their code have, for a period of more than ten years, been rigorously, and, it is hoped, beneficially levelled. Your lordship will pardon me this allusion to the earnest efforts of the United States to put down the trade within their own limits; falling in, as it merely does, with the tribute which you have been pleased to pay to their early exertions in helping to dry up this prolific source of human woe.

Whether any causes may throw obstacles in the way of their uniting in that concert of external measures, in which Europe generally, and this nation in particular, are now so happily engaged, the more effectually to banish from the world this great enormity, I dare not, in the total absence of all instructions, presume to intimate, much less have I any opinion of my own to offer upon a subject so full of delicacy and interest; but it is still left for me to say, that I shall per-

form a duty peculiarly gratifying, in transmitting, by the earliest opportunities, copies of your lordship's note, with the documents which accompanied it, to my government; and I sufficiently know the permanent sensibility which pervades all its councils upon this subject to promise, that the overture which the former embraces, will receive from the President the full and anxious consideration due to its importance; and, above all, to the enlarged philanthropy, on the part of this government, by which it has been dictated.

I have, &c.

RICHARD RUSH.

To VISCOUNT CASTLEREAGH, K. G.

&c. &c. &c.

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No. VIII.

*Note from Richard Rush, Esq. to Viscount Castlereagh, dated*

LONDON, 21st of December, 1818.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to present his compliments to lord Castlereagh.

In the note of the 25d of June, which the undersigned had the honor to address to his lordship, in answer to his lordship's communication of the 20th of the same month, relative to the slave trade, the undersigned had great pleasure in giving the assurance that he would transmit a copy of that communication to his government, together with the documents which accompanied it, being copies of treaties entered into on the part of Great Britain with Spain, Portugal, and the Netherlands, for the more complete abolition of the odious traffic in slaves. He accordingly lost no time in fulfilling that duty, and has now the honor to inform his lordship of the instructions with which he has been furnished by his government in reply.

He has been distinctly commanded, in the first place, to make known the sensibility of the President to the friendly spirit of confidence in which these treaties, and the legislative measures of Parliament founded upon them, have been communicated to the United States; and to the invitation which has been given, that they would join in the same or similar arrangements, the more effectually to accomplish the beneficial objects to which they look. He is further commanded to give the strongest assurances, that the solicitude of the United States for the universal extirpation of this traffic, continues with all the earnestness which has so long and steadily distinguished the course of their policy in relation to it.

Of their general prohibitory law of 1807, it is unnecessary that the undersigned should speak, his lordship being already apprized of its provisions; amongst which the authority to employ the national force, as auxiliary to its execution, will not have escaped attention. But, he has it in charge to make known, as a new pledge of their unremitting and active desire in the cause of abolition, that so lately as the month of April last, another act of Congress was passed, by which not only are the citizens and vessels of the United States interdicted from carrying on, or being in any way engaged in the trade, but in which also the best precautions that legislative enactments can devise, or their penalties enforce, are raised up against the introduction into their territories of slaves from abroad, under whatever pretext attempted, and especially from dominions which lie more immediately in their neighborhood. A copy of this act is herewith enclosed for the more particular information of his lordship.

That peculiarity in the eighth section, which throws upon a defendant the labor of proof as the condition of acquittal, the undersigned persuades himself will be regarded as signally manifesting an anxiety to suppress the hateful offence, departing as it does from the analogy of criminal jurisprudence, which so generally requires the independent and positive establishment of guilt as the first step in every public prosecution. To measures of such a character, thus early adopted and sedulously pursued, the undersigned is further commanded to say, that the government of the United States, acting within the pale of its constitutional powers, will always be ready to superadd any others that experience may prove to be necessary for attaining the desirable end in view.

But, on examining the provisions of the treaties, which your lordship honored the undersigned by communicating, it has appeared to the President, that their essential articles are of a character not adapted to the circumstances, or to the institutions of the United States.

The powers agreed to be given to the ships of war of either party, to search, capture, and carry into port for adjudication, the merchant vessels of the other, however qualified, is connected with the establishment by each treaty, of two mixed courts, one of which, is to have its seat in the colonial possessions of the parties respectively. The institution of such tribunals is necessarily regarded as fundamental to the whole arrangement, whilst their peculiar structure is doubtless intended, and would seem to be indispensable towards imparting to it a just reciprocity. But, to this part of the system, the United States, having no colonies upon the coast of Africa, in the West Indies, or elsewhere, cannot give effect.

Moreover, the powers of government in the United States, whilst they can only be exercised within the grants, are also subject to the restrictions of the federal constitution. By the latter instrument, all judicial power is to be vested in a supreme court, and in such other inferior courts as Congress may, from time to time, ordain and establish. It further provides, that the judges of these courts shall

hold their offices during good behaviour, and be removeable on impeachment and conviction of crimes and misdemeanors. There are serious doubts whether, obeying the spirit of these injunctions, the government of the United States would be competent to appear as party to the institution of a court for carrying into execution their penal statutes 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.

Again, obstacles would exist towards giving validity to the disposal of the negroes found on board the slave trading vessels condemned by the sentence of the mixed courts. If they should be delivered over to the government of the United States as freemen, they could not, but by their own consent, be employed as servants or free laborers. The condition of negroes, and other people of colour in the United States, being regulated by the municipal laws of the separate states, the government of the former could neither guarantee their liberty in the states where they could only be received as slaves, nor control them in the states where they would be recognized as free. The provisions of the fifth section of the act of Congress, which the undersigned has the honor to enclose, will be seen to point to this obstacle, and may be taken as still further explanatory of its nature.

These are some of the principal reasons which arrest the assent of the President to the very frank and friendly overture contained in your lordship's communication. Having their foundation in constitutional impediments, the government of his Britannic majesty will know how to appreciate their force. It will be seen how compatible they are with the most earnest wishes on the part of the United States, that the measures concerted by these treaties may bring about the total downfall of the traffic in human blood; and with their determination to co-operate, to the utmost extent of their constitutional power, towards this great consummation, so imperiously due at the hands of all nations, to the past wrongs and sufferings of Africa.

The undersigned prays lord Castlereagh to accept the assurances of his distinguished consideration.

RICHARD RUSH.

To VISCOUNT CASTLEREAGH, K. G.  
&c. &c. &c.



## CONFERENCES AT AIX-LA-CHAPELLE.

### No. IX.

*Despatch from Viscount Castlereagh to Earl Bathurst, dated Aix-la-Chapelle, 2d November, 1818.*

**MY LORD:** In the conference of the 24th October, I opened to the plenipotentiaries the existing state of the trade in slaves and the progress made by the plenipotentiaries in London in proposing further measures for accomplishing its final abolition.

As the further examination of this question required that the ministers should have time to peruse the voluminous documents connected with it, I gave notice that I should, on a future day, submit to them two propositions:

The 1st, for addressing a direct appeal on the part of the five courts to the king of Portugal, founded upon the declaration made in his majesty's name by his plenipotentiary at Vienna, and urging his majesty to give effect to that declaration at the period fixed by Spain for final abolition, viz, on the 20th May, 1820.

The 2d would be, that the powers there represented should accept the principle of a qualified right of mutual visit, as adopted by the courts of Great Britain, Spain, Portugal, and the Netherlands, and should apply the same to the case of their respective flags as circumstances should point out.

It was impossible not to perceive, in the short discussion which ensued, that there was considerable hesitation, especially in the French plenipotentiary, with regard to the principle of the latter measure. Under these circumstances I thought it better to avoid a prolongation of the conversation. I had an interview with the duke de Richelieu on the following day, for the purpose of urging his excellency to a more favorable view of this important question. This led to a very full examination of the measure in all its bearings; and, though I cannot say that I succeeded in shaking his grace's opinion, I flatter myself I reduced the weight and number of his objections; and that I brought his mind to feel the extreme inconvenience as well as moral objection to leaving the question where it is.

It is due to the duke de Richelieu that I should state, that I have found his excellency uniformly anxious to render the measures of his own government effectual to its object; and that he has been cordially disposed to receive and follow up every information which I have laid before him concerning the mal-practices of the subjects of France in this traffic; but he seems, as yet, under great apprehension of the effect in France of any concession of the nature above suggested.

The duke, however, gave me every assurance of its being fully considered, and as a means of doing so, his excellency desired me to furnish him with a memorandum, stating the substance of those explanations which I had given him of the question. I now have to transmit to your lordship a copy of this paper, and to assure you, that I shall lose no opportunity, in conjunction with the duke of Wellington, of following up with zeal and perseverance this important part of my instructions.

I have the honor, &c.

CASTLEREAGH.

Earl BATHURST, &c. &c. &c.

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### FIRST INCLOSURE IN No. 9.

*Protocol of the conference between the Five Powers, held at Aix-la-Chapelle, the 24th October, 1818.*

Lord Castlereagh makes known to the conference the result hitherto obtained by the measures adopted for the general abolition of the trade in slaves, and of the actual state of things in regard to this interesting question; distinguishing between the legal and the illegal trade. His excellency observed, that since the convention of the 23d of September, 1817, by which Spain fixed the year 1820 for the final termination of this traffic, Portugal was the only power which had not explained itself as to the period of abolition. Lord Castlereagh added, that whilst there was a state, whose laws authorized the trade, if it were but partially, and a flag which could protect it, it would scarcely be possible to prevent the continuation of this commerce by contraband means, the increase of which had been very considerable of late years; and that even when the slave trade should be prohibited by the laws of all civilized countries, an active and permanent *surveillance* could alone guaranty the execution of those laws.

After this representation, Lord Castlereagh communicated several papers relative to the question, referring to the details already submitted to the ministers assembled in London. He at the same time explained his ideas:

1st. Upon the means of prosecuting the application of the principle of the legal abolition of the trade.

2d. Upon the means of insuring the execution of the laws and conventions relating to it.

Relative to the first object, lord Castlereagh proposed that a measure should be agreed upon to be taken with respect to the court of Rio de Janerio, in order to induce it to explain itself as to the period it intended to fix for the final abolition of the trade.

Relative to the second object, his excellency proposed to adopt

generally and in an obligatory form, the measures decreed by the last treaties between Great Britain, Spain, Portugal, and the kingdom of the Netherlands.

These propositions were taken *ad referendum*, and it was agreed to resume the deliberation in a subsequent sitting.

METTERNICH.  
RICHELIEU.  
CASTLEREAGH.  
HARDENBERG.  
BERNSTORFF.  
NESSELRODE.  
CAPO D'ISTRIA.

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## SECOND INCLOSURE IN No. 9.

*Note from Viscount Castlereagh to the Duke de Richelieu, dated*

AIX-LA-CHAPELLE, the 27th of October, 1813.

Lord Castlereagh has the honor to inclose to the duc de Richelieu, the memorandum which he yesterday promised to submit to his excellency's consideration.

Lord Castlereagh will be most happy to reply, without loss of time, to any queries which the duke de Richelieu will have the goodness to put to him on this subject; or to procure for his excellency any information which may appear to him material, and which Lord Castlereagh may not have the means of immediately himself supplying.

Lord Castlereagh requests the duke de Richelieu to accept the assurances of his distinguished consideration.

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## THIRD INCLOSURE IN No. 9.

MEMORANDUM. (A)

*First—as to right of Visit.*

None of the three conventions signed by Great Britain with Spain, Portugal, and Holland, gives this right to king's ships indiscriminately. In all it is confined to king's ships, having the *express instructions and authority*, as specified in the treaty.

The provision is, in all cases, reciprocal; but the treaty with the Netherlands restricts the exercise of this right to a specified number

of ships of each power, not exceeding twelve in the whole. Each power, as soon as it grants these instructions to any of its ships of war, is bound to notify to the other the name of the vessel so authorized to visit.

*Second—Right of Detention.*

No visit or detention can take place, except by a commissioned officer having the instructions above referred to, as his special authority for the same; nor can he detain and carry into port any vessel so visited, except on the single and simple fact of *slaves found on board*. There is a saving clause to distinguish domestic slaves, acting as servants or sailors, from those strictly appertaining to the traffic. The powers mutually engage to make the officer personally responsible for any abusive exercise of authority, independent of the pecuniary indemnity to be paid, as hereafter stated, to the owner, for the improper detention of his vessel.

*Third—Adjudication.*

The visiting officer finding slaves on board, as he conceives, contrary to law, may carry the vessel into whichever of the two ports is the nearest, where the mixed commission belonging to the capturing and captured vessels shall reside; but by doing so, he not only renders himself personally responsible to his own government for the discretion of the act, but he also makes his government answerable to the government of the state to whom the vessel so detained belongs, for the full compensation, in pecuniary damage, which the mixed commission may award to the owners for the detention, if unjustifiably made.

The mixed commission has no jurisdiction of a criminal character, and consequently can neither detain nor punish the persons found on board ships so detained, for any offences they may, by such slave trading, have committed against the laws of their particular state. The mixed commission has no other authority than summarily to decide, whether the ship has been properly detained, or not, for having slaves illicitly on board. If this is decided in the affirmative, the ship and cargo, (if any on board) are forfeited, the proceeds to be equally divided between the *two states*; the slaves to be provided for by the state in whose territory the condemnation takes place.

If the mixed commission orders the vessel to be released, it is required at the same moment to award such pecuniary compensation to the owners for the detention, as appears to them reasonable.

A table of demurrage is given in the treaties, and the government of the detaining officer is bound to discharge the same so awarded, without appeal, within twelve months.

The mixed commission is composed of a commissary judge, and a commissary arbitrator, of each nation, as was provided in the convention signed between Great Britain and France, in 1815, for adjudicating the private claims.

*Fourth.—The Sphere of Operation.*

In the Spanish and Portuguese conventions, there is no other restriction as to the limits within which detention, as above, may take place, than what arose naturally out of the state of the laws, viz: That so long as either powers might lawfully trade in slaves, to the south of the equator, no detention should take place within those limits.

In the convention with Holland, a line is drawn from the Straits of Gibraltar to a point in the United States, so as to except out of the operation what may be called the European seas.

In all these conventions, the whole range of voyage, from the coast of Africa, to the opposite shores of both Americas, including the West Indies, is subjected to the regulated *surveillance* thus established.

*Observations.*

Upon the first head, it does not occur that any further restrictions than those provided in the Netherlands' convention, can be required. But this is always open to negotiation.

The same observation appears applicable to the second head.

The same observation applies also to the third head, with this distinction; that a state, such as Austria for example, agreeing to the measure, but having little or no trade on that coast, instead of immediately going to the expense of constituting commissions, might reserve the power of doing so whenever she thought fit; or might be enabled, if she prefer it, to authorize the commissioners of any other state to take cognizance in her name, of any cases in which the property of Austrian subjects might be concerned.

The fourth head seems most susceptible of comment, as it admits the possibility of search over the whole surface of the Atlantic, and in the West Indian seas, where the trading vessels of commercial states are more numerous than on the coast of Africa.

Great Britain was herself so fully satisfied, that under the checks established, abuse is so little to be presumed, that she did not hesitate to expose her own commerce in those seas, however extended, to this, as she conceives, imaginary inconvenience; considering that so urgent a claim upon her humanity would not only justify, but impose upon her as a moral duty even a greater sacrifice.

But notwithstanding what Great Britain has already done in her treaties with the three powers, with whom she has contracted, and is ready to do with all other civilized states, namely, to run some risk of inconvenience for so noble a purpose, there is a distinction which may reasonably be taken between giving effect to this system upon the coast of Africa, and for a certain distance, say 200 leagues from that particular coast, and the extending the same over the entire of the Atlantic and West Indian seas. The latter, as the most effectual measure, Great Britain has preferred, with whatever of inconvenience it may be connected in its operation; but she would not be the

less disposed to attach value to the more limited application of the principle.

It may be stated, that so long as the laws of any one state shall permit a trade in slaves; or that any flag shall exist in the world which is not comprehended in this system of maritime police against the contraband slave trader, the evil will continue to exist. This reasoning, although plausible, should not discourage a common effort against the abuse committed, and upon close examination it will be found fallacious.

1st. The whole of the African coast north of the line, is, at this moment, emancipated from the traffic by the laws of all states having colonies.

2dly. By the 20th May, 1820, no flag of any such state will be enabled legally to carry on the traffic any where to the north of the line on either side of the Atlantic; nor any flag, other than the Portuguese, be authorized to trade south of the line.

Supposing, for a moment, that Portugal should not abolish to the south of the line, till the expiration of the eight years complete from the declaration of Vienna, viz. 1823, what an immense sphere, nevertheless, of salutary operation, would not this conservative alliance have in the interval?

The other branch of the objection is not more solid; it is true, that the ship and flag of the smallest power might, in legal theory, cover these transactions; but, where the property is not belonging to a subject of that power, but of a state that has abolished, the flag of that power, so used in fraud, would be no cover, and the property thus masked would be condemned, whilst the sovereign, whose flag was thus prostituted, neither could nor would complain.

But so long as any of the great powers, such as France, having a considerable extent of commerce on those coasts, shall refuse to adopt the system, not only their example will discourage other states, whose interest is merely nominal, from taking a part, but it will furnish the illicit slave trader with a flag, not only so much to be respected in itself, but so presumable to be found on the coast for purposes of innocent commerce; that no commissioned officer will run the risk of looking into such a vessel, at the hazard of involving himself and his government in a question with a foreign power. The practical as well as the moral effects of the principal maritime states making common cause upon this subject is incalculable. In fact, it must be decisive; without it, their flags must be made the instrument of reciprocally withdrawing the subject from the authority of the sovereign, when committing this offence.

This latter point will appear clear, when we consider the working of the system under the two alternatives. If all the great maritime states adopt the principle, their cruisers form but one squadron against the illicit slave traders, and none of their flags can be made to cover the fraudulent transaction; the immediate effect of which would be considerably to multiply the number of the cruisers, consequently the chance of captures, whilst it would reduce the number of

the flags which the illicit slave traders could assume. Whereas, if France acts alone, the danger to the French illicit trade is reduced to the chance of what her own cruisers may be enabled to effect, along the immensity of that coast; and even where a French armed ship falls in with a French slave trader, by hoisting English Spanish, Portuguese, or Dutch colours, the French officer, supposing him anxious to do his duty, will be very cautious in hazarding a visit where there is so reasonable a presumption that the vessel may be what the flag announces.

But take the other supposition, that all the principal maritime powers shall act in concert, and that the vessel suspected of having slaves on board, hoists the flag of any other state, suppose the Hanseatic flag, the presumption is so conclusive against a Hamburg vessel trading in slaves on her own account, that no officer would hesitate to search the vessel in order to detect the fraud.

It may be further confidently asserted, that if the powers having a real and local interest, come to an understanding and act together, the other states will cheerfully come into the measure, so far as not to suffer their flags to be so monstrously perverted and abused. The omission of France is above all others important, from its station, in Europe, and from its possessions in Africa; its separation from the common effort, more especially if imitated by Russia, Austria, and Prussia, will not only disappoint all the hopes which the world has been taught to form, with respect to the labors of the conference established in London, under the third additional article of the treaty of November, 1815, but will introduce schism and murmur into the ranks of the friends of abolition. The states having abolished, will no longer form one compact and unanimous body, laboring to affiliate the state which has yet to abolish, to a common system, and to render their own acts efficacious; but they will compose two sects, one of states, that have made the possible inconvenience of a restricted visit to their merchant ships, bend to the greater claims of humanity; the other, of states considering their former objection as so far paramount, as not to admit of any qualification, even for the indisputable advantage of a cause, to the importance of which they have at Vienna given a not less solemn sanction. This must materially retard the ultimate success of the measure, and it may in the interval keep alive an inconvenient degree of controversy and agitation upon a subject, which has contributed above all others seriously to excite the moral and religious sentiments of all nations, but especially of the British people, by whom the question has long been regarded as one of the deepest interest.

No. X.

*Dispatch from Viscount Castlereagh to Earl Bathurst, dated*

AIX-LA-CHAPELLE, November 12, 1818.

MY LORD: I have the honor to inclose to your lordship the Protocol of the conferences of the allied ministers of the 4th instant.

This Protocol details the further proceedings upon the slave trade, and has annexed to it the Memorandum drawn up by me on the same subject, which was communicated to your lordship in my dispatch of the 2d instant.

I have, &amp;c.

CASTLEREAGH.

EARL BATHURST, &amp;c. &amp;c.

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 INCLOSURE IN No. 10.

*Protocol of the conferences between the Plenipotentiaries of the Five Powers, held at Aix-la-Chapelle, the 4th of November, 1818.*

In reference to the communications made to the conference on the 24th of October, lord Castlereagh this day developed his propositions relative to the abolition of the slave trade; propositions the object of which is, on the one hand, to complete and extend the measures already adopted for the attainment of the definite extinction of this traffic, and on the other hand, to insure the execution and the efficacy of those measures. As to the first object, lord Castlereagh proposed that some measure should be adopted towards his majesty the king of Portugal and Brazil, and that a letter should be written in the name of the sovereigns, in the most pressing, and at the same time the most affectionate terms, in order to engage his most faithful majesty, reminding him of the part he had taken in the declaration of Vienna, of the 8th of February, 1815, to fix without further delay the period for the definitive abolition of the slave trade throughout his possessions, a period which, after the engagements entered into by the plenipotentiaries of his said majesty at Vienna, and inserted in the Protocol of the 20th of November, 1815, should not extend beyond the year 1823, but which the allied sovereigns desire, from the interest they take in this great cause, to see coincide with that which his majesty the king of Spain has adopted in fixing the 30th of May, 1820, as the final term of that traffic. This proposition was unanimously received.

Lord Castlereagh, in calling the attention of the conference to the declaration of the plenipotentiaries of his most faithful majesty made



at Vienna, on the 6th of February, 1815, "that they were forced to require, as an indispensable condition for the final abolition, that his Britannic majesty should on his side consent to the changes which they had proposed in the commercial system between Portugal and Great Britain," renewed the assurance that his majesty the king of Great Britain was ready to accede to all the reasonable modifications, which should be proposed in the existing treaties of commerce with Portugal; which assurance he had repeatedly given to the Portuguese Minister in London. Lord Castlereagh, above all, desired to call the attention of the conference to the expression *reasonable modifications*, which he made use of, because he could not suppose that the Portuguese ministers intended to demand, on the part of a single power, sacrifices which one state could not well expect of another as indispensable conditions of a general measure, having for its object the good of humanity alone.

As to the second object, lord Castlereagh communicated a memorandum (A.) containing explanations of the treaties concluded in 1817, between Great Britain, Spain, and Portugal, and the Kingdom of the Netherlands, establishing the right of visit against the vessels evidently suspected of being engaged in the trade, in direct contravention of the laws already existing, or hereafter to be made by the different states. Persuaded that, after the explanations given, and the modifications proposed in the said memorandum, such a measure might be adopted without any serious inconvenience, lord Castlereagh invited the plenipotentiaries to take it into their consideration in the sense the most favorable to the success of the abolition, and to agree to it; or if not, at least to substitute some counter-project effectually to prevent the abuse which the illicit trader will not fail to make of the flag of the powers who should refuse to concur in the above-mentioned general measure. The memorandum of lord Castlereagh was annexed to the Protocol, sub Lit. A.

Lord Castlereagh added to these propositions, that, according to the opinion of several persons, whose authority was of great weight on this question, it would be useful, and perhaps necessary, to consider the trade in slaves as a crime against the law of nations, and to this effect to assimilate it to piracy, as soon as, by the accession of Portugal, the abolition of the traffic shall have become an universal measure. He requested the plenipotentiaries to take this opinion into consideration, without making at present a formal proposition upon it.

**METTERNICH.  
RICHELIEU.  
CASTLEREAGH.  
WELLINGTON.  
HARDENBERG.  
BERNSTORFF.  
NESSELRODE.  
CAPO D'ISTRIA.**

*Despatch from Viscount Castlereagh to Earl Bathurst, dated*

*AIX-LA-CHAPELLE, November 23, 1818.*

**MY LORD :** I have the honor to transmit to your lordship the notes of the Russian, French, Austrian, and Prussian plenipotentiaries, upon the two propositions which were brought forward by the British plenipotentiaries, and earnestly pressed upon their attention, as stated in the protocol of the 24th ultimo.

The result of these notes being extremely discouraging to our hopes, it was determined to review the objections brought forward to the measure of mutually conceding the right of visit, especially by the plenipotentiary of France.

After presenting this review to the consideration of the conference, in the memorandum B, (of which a copy is enclosed) ; and in an audience with which I was honored by the Emperor of Russia, I took occasion to represent to his imperial majesty, in the strongest terms, the necessity of taking some effective measure of this nature without delay, and without waiting for the decree of final abolition on the part of Portugal.

His imperial majesty listened with his accustomed interest to my representations on this subject, and promised me to give directions to his ministers, to propose that the consideration of the question should be re-opened in London under fresh instructions.

The modification which I have finally urged of this measure, and, I trust, with considerable hope of success, is, that, in addition to the limitation of the right of visit to the coast of Africa, and to a specific number of ships of each power, the duration of the convention should be for a limited number of years—say seven; at the end of which period the several powers would again have it in their power to review their decision, after some experience of its convenience, or inconvenience, of its efficacy to the object, and of the necessity of its being renewed, regard being had to the then state of the illicit slave trade. This arrangement would sufficiently meet our most pressing wants, whilst it would go less permanently to disturb the acknowledged principles of maritime law, as regulating the right of visit. By the aid of this latter expedient, I flatter myself that I have made a considerable impression in removing the strong repugnance which was at first felt to the measure.

A projet of the letters to be addressed by the sovereigns to the King of Portugal on this subject, is also forwarded in this despatch; and I have to request that your lordship will receive the Prince Regent's pleasure as to making a similar appeal to his most faithful majesty, on his royal highness' part, taking measures for forwarding the whole to the Brazils by the first packet.

I have, &c. &c.

**CASTLEREAGH.**

**EARL BATHURST, &c. &c.**

## FIRST INCLOSURE IN No. 11.

*Opinion of the Russian Cabinet upon the Slave Trade.*

AIX-LA-CHAPELLE, November 7, 1818.

The Russian cabinet has laid before the emperor, and taken, in pursuance of his orders, into mature consideration, the different communications made to the conferences of Aix-la-Chapelle, by the plenipotentiaries of his Britannic majesty on the subject of the slave trade.

There is no object in which his imperial majesty takes a more lively interest, and which he has more at heart, than that the decision upon this question may be conformable to the precepts of the christian religion, to the wishes of humanity, and to the rights and real interests of all the powers invited to assist therein.

Although it cannot be dissembled that the measures in which these indispensable conditions are to be united, are attended with difficulty, his imperial majesty hopes, nevertheless, that the obstacles will not be insurmountable.

His imperial majesty entirely concurs in the proposition of the British cabinet, to make an amicable representation to the court of Brazil for the purpose of engaging it to fix a final and early termination to the power which it has reserved to itself to exercise the trade. The force of the motives upon which the wishes of the allied sovereigns rest, and that of the example which they have already given, will, doubtless, be sufficient to influence the free determination which Portugal is invited to make. The cabinet of Russia has hastened to draw out, upon the invitation of the British Plenipotentiaries, the project of a letter which may be addressed, with this view, to the king of Portugal. This project is hereunto annexed.

The emperor views with satisfaction the probable success of a measure which will complete the accession of all the christian states to the entire and perpetual abolition of the trade.

It is only when this abolition shall have been thus solemnly declared in all countries, and without reserve, that the powers will be able to pronounce, without being checked by distressing and contradictory exceptions, the general principle which shall characterise the trade, and place it in the rank of the deepest crimes.

Then, and taking this principle for a basis, may be put in practice the measures which shall serve for its application.

The cabinet of his Britannic majesty has communicated those by which it has already begun to give effect to the principle of abolition: that is to say, the conventions with Portugal, Spain, and the Netherlands.

It is proposed to adopt generally among the maritime powers the rules laid down in these three conventions, and more particularly to establish, as a general principle, the reciprocal right of visit to be exercised by the respective cruisers.

The cabinet of Russia, in doing homage to the intentions which have dictated these dispositions, stipulated between the British government and the three courts above mentioned, and, in appreciating their real efficacy on the supposition that they were universally adopted, has only to express its hopes that the special and most urgent interests which each of the maritime states must consult, will not oppose the attainment of a general coalition. For, inasmuch as it is true that the universal establishment of the reciprocal right of visit, would contribute to this end, so it is equally incontestible that the measures in question must necessarily become illusory, if a single maritime state only, of whatever rank it may be, finds it impossible to adhere to them. It is, therefore, with a view to produce this universal consent, that the allied powers should use their efforts, having once agreed among themselves upon the principle of the right of visit, to obtain the free adherence of all the others to the same basis.

The ministers of his majesty the emperor of Russia regret not to be able to contemplate an accession so unanimous. It appears to them beyond a doubt, that there are some states whom no consideration would induce to submit their navigation to a principle of such high importance. It cannot, then, be disguised, that it is not in this principle that the solution of the difficulty is to be sought.

It has been asked if some other mode, equally sure in its effects, could not be proposed, and of which the general admission on the part of all the states might be more easily foreseen.

Without prejudging the result of the overture of the British cabinet, a mode is here submitted, which, in the event of that not being adopted, is without exception in respect to the right of visit, and which will, perhaps, obtain the suffrage of all states, equally desirous of accomplishing a sacred duty, in putting an end to the horrors of the slave trade.

This expedient would consist in a special association between all the states, having for its end the destruction of the traffic in slaves.

It would pronounce, as a fundamental principle, a law characterizing this odious traffic as a description of piracy, and rendering it punishable as such.

It appears evident that the general promulgation of such a law could not take place until the abolition was universally pronounced, that is to say, until Portugal had totally and every where renounced the trade.

The execution of the law should be confided to an institution the seat of which should be in a central point on the coast of Africa, and in the formation of which all the christian states should take a part.

Declared forever neutral, to be estranged from all political and local interests, like the fraternal and christian alliance, of which it would be a practical manifestation, this institution would follow the single object of strictly maintaining the execution of the law. It would consist of a maritime force, composed of a sufficient number of ships of war, appropriated to the service assigned to them:

Of a judicial power, which should judge all crimes relating to the trade, according to a legislation established upon the subject by the common law:

Of a supreme council, in which would reside the authority of the institution; which would regulate the operations of the maritime force, would revise the sentences of the tribunals, would put them in execution, would inspect all the details, and would render an account of its administration to the future European conferences.

The right of visit and of detention would be granted to this institution as the means of fulfilling its end; and, perhaps, no maritime nation would refuse to submit its flag to this police, exercised in a limited and clearly defined manner, and by a power too feeble to allow of vexations, too disinterested on all maritime and commercial questions, and above all, too widely combined in its elements not to observe a severe but impartial justice towards all.

Would it not be possible to compose this institution of such different elements, as to give it no other tendency, as long as it remained united, but that of doing its duty?

The expense which it would occasion, divided amongst all the christian states, could not be very burthensome, and its duration would be regulated according to the time required for the development of African civilization, which it would protect, and it might also bring about a happy change in the system of cultivation in the colonies.

In submitting these views to the wisdom of the allied cabinets, that of Russia reserves to itself the power, in case they desire to search into and examine them, of entering into more ample explanations upon the subject.

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## SECOND INCLOSURE IN No. 2.

### *Memoir of the French government on the slave trade.*

France has proved, in the most evident manner, that she desires to concur effectually in the complete abolition of the slave trade. Engaged by the declaration to which she has subscribed, of the 8th of February, 1815, at Vienna, with the powers who signed the treaty of the 30th of May, to employ, for this purpose, "all the means at her disposal, and to act in the employment of these means with all the zeal and perseverance due to such a great and noble cause," she flatters herself that she has complied with this engagement; and, in a few months after the declaration of Vienna, she renounced the stipulation of 1814, which had given her a delay of five years for effecting the cessation of the trade. She declared, the 30th of July, 1815, that, from that day, the trade should cease on her part every where

and for ever. The acts of her administration have been conformable to this declaration. The instructions given in the ports of France, and in the colonies, have preceded a special ordinance of the king prohibiting the trade.

This ordinance has been since confirmed by a law, enacted in March, 1818, which pronounces against the violators of the dispositions agreed upon, the most severe punishments which the laws of France can inflict.

Measures of *surveillance* have also been prescribed with a view to secure the execution of the law; and the king has ordered a naval force to cruise on the western coast of Africa, and visit all vessels which should be suspected of continuing a trade which has been prohibited.

Such are the acts of the French government: they clearly prove that they have used "the means which they had at their disposal" to repress the trade.

They have displayed their zeal, in creating the means which were wanting, and in the adoption of a formal law.

Nevertheless, the government of his Britannic majesty, who, to secure the actual abolition of the trade, evince an ardor which cannot but add to the glory which the English nation have acquired in fostering whatever has for its object the good of humanity, have been informed, that the end of their efforts, and of those of the other powers, is not yet attained; and that, in despite of the measures taken to prevent it, many slaves are still carried away from the coast of Africa, by a contraband trade. And they have conceived, that these violations of the laws evince the insufficiency of the dispositions to ensure the execution of them. They believe, that a system of measures combined between the principal powers already engaged, by a clause in the treaty of the 20th November, 1815, to concert means for this object, might finally eradicate the evil. They have proposed, among other measures, to visit rigorously the vessels which shall navigate upon the western coast of Africa; and, in order that this visit should have due effect, they have judged that it would be proper that each of the powers should grant to the others the right of exercising it upon all the ships carrying its flag. The creation of mixed commissions, charged to pronounce upon the legitimacy of the expeditions suspected of fraud, forms the second part of the English projet.

It would be impossible not to acknowledge, that in proposing, such a measure, the government of his Britannic majesty have done all that depended on them to accompany it with precautions to prevent its abuse.

With this view, the limitation of the number of ships of war authorized to visit, and of the places where the visit may be exercised, the rank of the officers who alone can perform this service, give assurance of their respect for the rights of each of the contracting parties.

Three powers, Spain, Portugal, and the kingdom of the Netherlands, have subscribed to these propositions.

The government of his most Christian majesty would eagerly follow such an example, if, carrying their views exclusively to the object, they did not perceive in the means indicated for its attainment, dangers which attach, perhaps, to their particular position, but which it is their duty to prevent.

It would be useless to discuss here, in regard to right, the question of visit at sea in profound peace.

The English government have done homage to the principle which insures, in this respect, the independence of all flags, and it is only in limitation of the principle, not in denial of its existence, that they propose to grant to each power respectively the faculty of detaining ships carrying the flag of others, and of ascertaining the legality of the trade in which they are engaged.

But upon this first point the government of his most Christian majesty feel an invincible obstacle to the proposition of England.

France, by the reverses and misfortunes which she has lately experienced, and which, if they have not effaced, have, at least, obscured the glory which she had acquired, is bound to evince more jealousy of her own dignity than if fortune had not betrayed her. The nation, happy to be again under the rule of its legitimate sovereign, does not regret vain conquests, but she is more than ever alive to the feeling of national honor.

Without doubt a concession, accompanied by the necessary precautions, and with that clause of reciprocity which would save the dignity of each party, might be proposed without fear of wounding the vanity of any one. But it would still be a concession; and the opinion of a nation habituated to judge of the acts of her government, under the influence of a lively imagination, would be alarmed to see them abandon, even with every possible modification, what she regards as one of her most precious rights. She would conceive that the honor of her flag was thereby endangered—a point of the utmost delicacy, and on which she has ever shewn a quick susceptibility. She would see, in the abandonment of this right, a new sacrifice, attached, as it were, as an indispensable condition to the evacuation of her territory, and as a monument of the state of dependence in which she was for a moment placed. There is no doubt, that in giving a generous example, in submitting to the reciprocal right of visit, which she regards as proper to attain the end proposed, England proves to the world that the visit is not incompatible with the honor of the flag. But placed in different circumstances, supported by the opinion of the English nation, which for twenty-five years has called for the abolition of the trade, Great Britain secures all her advantages, even in appearing to abandon the absolute exercise of them, and she cannot fear that the idea of a compulsory sacrifice might attach to the concession.

But even should the government of his most Christian majesty feel themselves authorized to overlook such powerful considerations, and to adopt, notwithstanding the dangers which they perceive in theory,

the project relative to the visit, they would still see in its application serious cause of uneasiness.

It cannot be denied that there exists between the subjects of Great Britain and France, and, as it were, blended with the esteem which they mutually inspire, a sentiment of rivalry, which, heightened by numerous and unfortunate circumstances, has often assumed the character of animosity. It is unfortunately too probable that the mutual exercise of the right of visit at sea would furnish it with new excitements. Whatever precautions may be taken, however mildly it be exercised, the visit must necessarily be a source of disquiet and vexation. Can it be thought that the vessel which believes she can elude it, will not seek to do so by every means? It will then be necessary that the visiting vessel exert force. This force may produce resistance. On the high seas, far from all control, the subjects of the two powers might be tempted to believe themselves no longer bound by the orders of their own sovereigns; and, listening to the voice of a false point of honor, might take up arms in their defence. The most prudent enactments will be illusory. Will the captain of a ship of war charged with the visit consent to show his commission to the inconsiderable trader? If not, how is he to be constrained to do so, and what guarantee shall the detained vessel have, that the visit is not an arbitrary act? How prevent, also, the possible infractions of the regulations agreed upon for rendering the visit less vexatious? The trader may, indeed, complain, and demand punishment; but it is known by experience how difficult is the decision of these abuses. Will not the oppressed be often without the means of knowing what officer shall have abused, in his case, the right reserved to the cruisers; or shall have unduly arrogated it to himself? What proof do the incidents bring which pass far from all witnesses, and which each of the parties may represent under a different light? The English government know that, when they have themselves wished to punish abuses committed by their ships upon the coast of France, or within the limits of her territorial jurisdiction, they have been prevented by the impossibility of procuring documents sufficiently positive to ascertain the guilty.

These inconveniences, which it would be imprudent to lose sight of, receive an additional importance from the probability that they would lead to mutual exasperation; and it is too well known that such sentiments among the people have often disturbed the peace of nations.

If such a misfortune were to follow, would not Europe have a right to demand of the powers a strict account of those measures which, concerted for the good of humanity, should have compromised the public tranquility?

There is another consideration which would induce the government of his most christian majesty to pause, even if they did not see the impossibility of admitting the proposition of the visit. This is in reference to the mixed commissions which would be empowered to adjudge the questions of prize, in the spirit of the regulations for restricting the trade.



The immediate consequence of such an institution would be to withdraw the subjects of his majesty from their natural judges, and his conscience will not permit him to believe that he has the right to do so. Jurisdiction is, of all the rights of sovereignty, that which is the most essentially destined to the defence of the subject; and it may be said that it is the only one exclusively for the interest of the latter. There are circumstances in which the common law of Europe admits that the jurisdiction of the sovereign ceases of right, because he cannot in fact exercise it. It is when a subject commits upon a foreign territory, a crime against the laws of the country upon which this territory depends; he is then liable to the application of those laws, and his sovereign, who cannot oppose, tolerates it.

But, except in these circumstances, the sovereign could not consent that his subject should pass under a foreign jurisdiction. In vain would it be alleged that the mixed commission does not exercise its jurisdiction in a criminal manner, and that it only pronounces "upon the legality of the seizure of the vessel having slaves illicitly on board."

To pronounce upon the legality of the seizure, is to judge the question as much as it is possible to do it; it is to decide that the captured has or has not incurred the penalties attached to the crime which he has committed. His fate is thenceforward fixed.

It matters little that the penalties which he has or has not incurred be determined by the code of his country, or by that of another. When he has undergone the examination of the commission, it only remains to apply this code, or to set him at liberty: he is then in reality judged, and that not by his natural judges. His most Christian majesty, it is repeated, does not believe himself, in conscience, to have the right to sanction such a change in the legislation of his kingdom; and, should he think that this right might belong to him, it is out of all probability that the powers whose co-operation would be necessary to him, in order to admit of this change, would acknowledge it.

It results, from the preceding observations, that France has done all that depended upon her, to bring about the complete abolition of the slave trade; that she perceives in the projet proposed by England for suppressing all possible continuation of this odious commerce, dangers which will not permit her to admit it; that, in a word, it appears to her that, to attain one desirable end, for the interests of a portion of mankind, the risk is run of compromising interests still more precious, since they relate to the maintenance of the peace and the repose of Europe.

She has given her opinion upon this subject with the more freedom, in proportion to her anxiety to attain the objects to which her acts of legislation and administration have been directed. She has no separate views, inconsistent with her declarations. The reports, indeed, which announce that the trade is still actively continued on the French territory, are anterior to the establishment of a naval force upon the coast, and to the new instructions sent to Senegal for put-

ting an end to all fraudulent trade. This is perhaps the place to remark, that implicit faith should not be given to the reports brought forward against the authorities of Senegal. The reports, which implicate them so seriously that the accusers ought to be called upon for their proofs, are in part prepared by persons who conceived themselves to have other grounds of complaint against these authorities.

France, moreover, would not feel that she had sufficiently proved her desire to co-operate in the measures of repression against the trade, if she did not indicate, in her turn, new means of effecting it. Hitherto the dispositions made in this respect have been directed against the transport of slaves, since it is principally upon the manner of detaining at sea the vessels employed in this commerce, that they have been concerted. The principle is good, since the length of the passage offers great probability that the illicit traffic may be intercepted. But, on the other hand, the uncertainty of the sea, and consequently the hope of escaping observation, as well as the enormous benefits it holds out, offer chances, and an attraction sufficiently powerful for the slave merchants not to be totally discouraged. The measures which would tend to check the commerce of slaves, not in its middle passage, but at its birth and at its termination, that is to say, upon the points where the purchase and sale of the negroes are effected, might effectually contribute, when combined with the other arrangements, to accomplish the salutary work which is intended.

It is proposed then to establish in the comptoirs where the purchase of slaves is habitually made, commissioners charged to notify the same to the government, and empowered to prosecute the offending parties in the public tribunals. There might also be introduced into all colonies where the proprietors are interested in recruiting slaves, regulations like those of the registry bill, to fix the number of blacks existing upon each plantation, and to ascertain, by periodical computations, that the law has not been eluded. The confiscation of the negroes upon each plantation, beyond the number previously declared, (saving those born on the spot) and a heavy fine for each slave clandestinely introduced, might be the punishment inflicted upon the delinquents. These measures, which enter into the interior administration of each government, might however be concerted between all; and, instead of mixed commissions, charged with pronouncing upon the culpability of the individuals who import the negroes, committees might be established, charged with the duty of watching the individuals who purchase them, and to make known to the superior authorities of the country the infractions which the inferior agents might shew reluctance in prosecuting. These arrangements are in the nature of those which the government of his most christian majesty might take, without fear to wound the rights of his subjects, and he is ready to come to an understanding in this respect with the powers who unite their efforts for bringing about the entire abolition of a trade, odious in itself, and which has been stigmatized with general condemnation.

## THIRD INCLOSURE IN No. 11.

*Opinion of the Austrian Cabinet upon the question of the Slave Trade.*

Since the abolition of the slave trade has been the object of the common deliberations of the powers of Europe, the cabinet of Austria has not ceased to devote to this question all the interest which it merits in its great relation with the good of humanity, as well as with the precepts of sound morality and religion. Faithful to the principles solemnly proclaimed in this respect at the period of the congress of Vienna, and to the successive engagements founded upon those bases, Austria, although not able, from her geographical position, to co-operate directly for the success of so meritorious and noble an enterprise, has not less eagerly concurred in all which might advance and perfect it; and it has been with these unalterable sentiments, that the minister of Austria has examined with the most serious attention the propositions made by the plenipotentiaries of his British majesty to the present conferences, for completing and extending the system hitherto pursued for attaining the final extinction of the trade, and for insuring the execution and the efficacy of this system.

His majesty the emperor is ready to take part in the measures which the allied sovereigns are about to adopt with the cabinet of Rio de Janeiro, to engage it to fix as soon as possible the period of definitive abolition.

His majesty cannot but feel that the sovereign of Brazil may meet in this transaction difficulties more real perhaps and stronger than any other power has had to surmount who has consented to this salutary measure. But he reckons too much upon the loyalty of this sovereign to admit, that any obstacles whatever would prevent him from fulfilling a sacred engagement, such as that which he has contracted in the face of the world by the declaration of the 8th of February, 1815.

With respect to the measures proposed by the British plenipotentiaries to put an end to the illicit trade: as it appears admitted on all parts that a system of permanent *surveillance* cannot be effectually established, until the abolition of the trade shall have been generally and definitively pronounced by all the powers, the Austrian cabinet is of opinion, that in adjourning to that period the ulterior discussion of the measures to be adopted for this purpose, the intermediate time might be usefully employed in reconciling and conciliating all opinions, persuaded, as it is, that provided the fundamental principle, that of arriving at the universal and effectual abolition of the trade, be never lost sight of, and that each power continues to second with its utmost efforts those which the British government have hitherto used in so honorable a cause, they will ultimately agree upon the most effectual means for securing its full and complete accomplishment.

The Austrian cabinet also desire, that the ministerial conference

established in London, for the consideration of this question, may continue its work in the sense most conformable to the principles by which it has hitherto been guided.

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#### FOURTH INCLOSURE IN No. 11.

##### *Opinion of the Prussian Cabinet on the Slave Trade Question.*

Invariably attached to the principles of morality and humanity which for a long time have demanded the abolition of the slave trade, and faithful to the engagements which they have made to this effect, the Prussian government is constantly ready to concur in every thing that may contribute to the definitive accomplishment of this noble end.

In consequence, they do not hesitate to accede to the proposition of a combined representation to the court of Brazil, in order to engage it to accelerate, as much as the circumstances, and the necessities of its situation may permit, the entire abolition of the trade.

As to the measures of general police that may be adopted to prevent or put a stop to the illicit trade, the Prussian government cannot dissemble the inseparable inconveniences of the concession of a right of visit, exercised on the high seas; a concession which will become but too easily a source of abuse and misunderstanding, and which would subject peaceable and innocent traders to molestations, of which the idea alone will indispose them perhaps still more than the real mischief.

The Prussian government, in consequence, believe it to be their duty to give the preference to every measure of precaution and of *surveillance*, which, being confined to the point of departure, and to the point of arrival, that is, to the coast of Africa, and the colonies interested in favoring these illicit enterprises, will admit of an execution more rigorous, and more decisive.

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#### FIFTH INCLOSURE IN No. 11.

##### MEMORANDUM. (B.)

The plenipotentiaries of Great Britain, after attentively perusing the votes given by the several cabinets on the measures brought forward on the part of the prince regent, for effectuating the abolition of the slave trade, cannot dissemble their deep regret that the deli-

berations of the august assembly which is now about to terminate, are not destined to be marked in the page of history by some more decisive interposition, than is likely to take place, in relief of the sufferings of Africa.

They had persuaded themselves that it was reserved for the plenipotentiaries assembled at Aix-la-Chapelle to have completed at once the work of peace in Europe, and to have laid a broad and lasting foundation, on which the deliverance of another great quarter of the globe from a scourge far more severe than European warfare, in its most aggravated forms, might have been effectuated by establishing an alliance which should for ever deny to the fraudulent slave trader, of whatever nation, the cover of their respective flags for the purposes of his iniquitous traffic. Although disappointed in this hope, they will not despair of ultimately arriving at their object, whilst they have so powerful a cause to advocate, and whilst they can address themselves, not less to the understandings, than to the hearts of those sovereigns, who, when assembled in congress at Vienna, solemnly pronounced upon this question, and devoted their future exertions to the consummation of this work of peace.

They derive additional consolation from the perusal of the documents above referred to; for although they fail them for the present in their conclusion, they nevertheless bear in all their reasonings such homage to the principle, and in some of their details so fully evince the strong sense of duty which animates the august sovereigns in the prosecution of this measure, as to be regarded rather as the precursors of some decided effort for putting an end to this great moral evil, than as indicating on their part any abandonment of a cause, which, in the face of mankind, they have taken under their especial protection. It has been the fate of this question, in every stage of its progress, to have difficulties represented as insurmountable, which in a little time have yielded to the perseverance, and to the more matured impulses of humanity.

The language in every country has been at times discouraging, and yet the principles of truth and of justice have ultimately triumphed, so as to have left only one great blot in the civilized world at this day unremoved. Every nation, one only excepted, has secured itself from this pollution, and his most faithful majesty has taken steps sufficiently decisive in the same direction, to afford the most encouraging prospect of his determination to deliver his people, without loss of time, from a practice which must degrade them in the scale of enlightened policy, so long as it shall continue to be tolerated amongst them. It is against the fraudulent slave trader, for the welfare of Africa, that more decisive measures are urgently called for; were it not for his pestilential influence, more than half of that great continent would at this day have been consigned to peaceful habits, and to the pursuits of industry and of innocent commerce. But they are his piratical practices on the coast of Africa, in breach of the laws of every civilized government, which not only

vex that extended portion of the globe, but which have undone the work of many years of slow, but successful improvement.

.. It was the fraudulent slave trader who introduced anew on those coasts the traffic, with all its desolating influence on the interior of the country, and which, if not soon checked by measures of a decisive character, will banish not only every trace of improvement, but all commerce other than that of slaves.

On the eve of the departure of the illustrious sovereigns from this place, and after the ample deliberations which have already taken place on this subject, the British plenipotentiaries cannot flatter themselves with the hope of obtaining at this time a more favorable decision; but they could not satisfy their own sense of duty, were they not to record their observations upon the objections which have been brought forward to the measures which they were directed to propose, humbly, but confidently submitting them on the part of their court to the more matured consideration of the different cabinets. And as it is the species of measure best calculated to suppress this evil, upon which they are alone divided in sentiments, as all are agreed in the enormity of the offence, and all equally animated with a determination effectually to suppress it, they indulge the confident expectation that the subject may be resumed at no distant period in the conferences in London, and prosecuted under more favorable auspices to some decisive result.

And first, with respect to the memoir presented by the plenipotentiaries of Russia. The plenipotentiaries of Great Britain do homage to the sentiments of enlightened benevolence which on this, as on every other occasion, distinguish the elevated views of the august sovereign of Russia.

They only lament that the Russian cabinet, in the contemplation of other measures to be hereafter taken, should have been discouraged with respect to the great good which lay within their reach; and that his imperial majesty should thus have abstained for the present to throw into the scale of the proposed measure his illustrious and powerful example.

It appears that the Russian government looks forward to the moment when Portugal shall have finally abolished the trade, for founding a system upon the coast of Africa, which shall be authorized not merely to pronounce upon the property of the slave trader, but which shall be competent to proceed criminally against him as a pirate, and which, in addition to those high functions, shall have a naval force at its disposition, and be invested with a general right of visit of all flags, at least upon those coasts. That this institution should be composed of elements drawn from all civilized states, that it should have a directing council and a judicial system. In short, that it should form a body politic, neutral in its character, but exercising these high authorities over all states. The British government will, no doubt, be most anxious to receive from the Russian cabinet the further development of this plan which is promised; but as the prospect of some institution of this nature may form a serious

obstacle to the adoption of what appears to them the more pressing measure, the British plenipotentiaries cannot delay to express their doubts as to the practicability of founding, or preserving in activity, so novel and so complicated a system.

If the moment should have arrived when the traffic in slaves shall have been universally prohibited, and if, under those circumstances, the mode shall have been devised by which this offence shall be raised in the criminal code of all civilized nations to the standard of piracy, they conceive, that this species of piracy, like any other act falling within the same legal principle, will, by the law of nations, be amenable to the ordinary tribunals of any or every particular state.

That the individuals charged with the piracy can plead no national character in bar of such jurisdiction, whether taken on the high seas or on the African coast.

If they be pirates, they are "*hostes humani generis.*" They are under the protection of no flag, and the verification of the fact of piracy by sufficient evidence brings them at once within the reach of the first criminal tribunal of competent authority before whom they may be brought.

It seems equally unnecessary to have recourse to so new a system for arriving at a qualified and guarded right of visit.

In this, as in the former instance, the simplest means will be found the best, and the simplest will generally be found to consist in some modification of what the established practice of nations has for ages sanctioned.

Right of visit is known and submitted to by all nations in time of war.

The belligerent is authorized to visit the neutral, and even to detain upon adequate cause.

If the right of visit be to exist at all, and that it must exist, at least upon the coast of Africa, in some shape or to some extent, seems to be fully admitted by the Russian Memoir, it is infinitely better it should exist in the form of a conventional, but mitigated regulation of the established practice of nations, for the due administration of which every government is responsible, than that it should be confided to a new institution, which, to be neutral, must be irresponsible, and whose very composition would place it wholly beyond the reach of control.

These observations apply to the period when all nations shall have abolished the trade; but, why should the Russian, Austrian, and Prussian governments unnecessarily postpone the taking some measure of this nature for an indefinite period, and until Portugal shall have universally abolished?

Have they not more than two-thirds of the whole coast of Africa, upon which it might at once operate, and as beneficially as if that much wished for æra was arrived?

Has not Portugal herself given unanswerable proofs upon this point by conceding the right of visit north of the equator, where the

abolition has been completed, as well by her, as now by Spain and all other powers?

Perhaps it is because no instance can be quoted that any slave trader, under either the Russian, Austrian, or Prussian flags, has yet appeared on the coast of Africa, that these powers, from a sentiment of delicacy towards states more directly interested both in the local and maritime question, have felt some reluctance to take a lead in giving their sanction to this principle.

The Russian Memoir seems expressly to withhold, or rather to delay its adherence until there is reason to presume that a general concurrence is attainable; but surely in all such cases the most certain mode of obtaining a general concurrence, is to augment the ranks of the concurring parties.

The United States and France are probably alluded to as the dissenting powers; but even in those states, how much might not the chances of success have been improved, had the three powers in question followed the example of those that have already adopted this system; and how narrowed would have been the chance of fraud, had the sphere of the alliance been thus extended by their accession? It is still to be hoped that their present doubts will yield to more mature reflection upon the nature of the proposition. The first instance in which any of their flags should be made the cover of abuse, the British plenipotentiaries are satisfied would be the signal for their vindicating its character, by taking an immediate and decisive step on this subject; but, without waiting for such a stimulus, they trust that the minds of those illustrious sovereigns remain still open to every suggestion on this subject, which can improve the chances of general success; and that the opinion hitherto given on the part of their respective cabinets, will form no obstacle to the adoption, on their part, of that measure, whatever it may be, which, under all the circumstances of the case, shall appear to them most effectual to the suppression of the mischief.

In adverting to the Memoir which has been presented to the conference by the plenipotentiaries of France, the British plenipotentiaries are ready to bear their testimony to the spirit of fairness with which the subject has been met; and to the auspicious protection which the cause of abolition has progressively received from his most Christian majesty.

The French plenipotentiary has candidly conceded, 1st. That the proposed measure cannot be considered as any infraction of the law of nations. That it confirms, on the contrary, that law, inasmuch as it seeks to obtain a new power as a conventional exception from the admitted principles of the general law.

2dly. That it can be regarded as no exclusive surrender of the maritime rights of any particular state, as its provisions are strictly reciprocal; and for an object in which all feel and avow that they have a common interest.

3dly. That the principle of reciprocity may be still further guard-



ed by confining the right of visit, as in the treaty with Holland, to an equal and limited number of the ships of war of each state.

4thly. That every endeavor has been made, strictly to limit the exercise of the power to the immediate purpose for which it is granted; and by suitable regulations to guard it against abuse.

5thly. That, in order still further to distinguish this system from the ordinary right of visit, which every belligerent is entitled to exercise in time of war, it has been proposed to confine its operations, if desired, to the coasts of Africa, and to a limited distance from those coasts.

The objections on the part of France are of a more general description, and such, as it is hoped, time will in itself serve to remove; and 1st, As to the objection which seems to weigh so strongly, viz: That the measure, if now taken, might be falsely regarded by the French nation as a concession imposed upon their government by the powers of Europe, as the price of the evacuation of their territory. It is impossible to contend in argument against such a delusion; but it may be observed, that, had the other powers been pressed to adopt the arrangement in concert with France, it does not seem possible that such an invidious interpretation could have been given to so general and so benevolent a measure; but this happily is one of those objections which a short time must serve to remove.

The second objection is, that there is, as it were, some moral incompetency in the French nation to conform themselves to this measure; that what is felt by the crowns of Spain and Portugal, and of the Netherlands, to be no disparagement of the honor of their flag, nor any inconvenient surrender of the commercial rights and interests of their people, would in France work nothing but a sense of humiliation and discontent.

With great deference to the authority upon which this conclusion is stated, the plenipotentiaries of Great Britain cannot refrain from indulging the hope, that, although in France, there may at first sight exist prejudices against this measure, when received in an exaggerated shape, and without the necessary explanations; that, although there may be also a feeling with respect to possible inconveniences, which, notwithstanding every exertion on the part of the respective governments, might occasionally attend it in the execution; yet, they confidently persuade themselves, that a people so enlightened would not fail cordially to answer to an appeal made by their government to the generosity of their feelings upon such a point; and that the French nation would never shrink from a competition with the British or any other nation, in promoting whatever might conduce to an end in which the great interests of humanity are involved. It is true that Great Britain and France have been regarded as rivals, as well as neighboring nations; but, if they have had occasionally the misfortune to contend against each other in arms, nothing has arisen in the result of those contests which should create a sense of inferiority on either side. Both nations have well sustained their national honor, and both have learnt to respect each other. Why then should

the French people feel that as derogatory to their dignity, which is viewed by the British nation in so different a light? Let us rather hope, that, after their long and common sufferings in war, both nations will feel the strong interest they have in drawing closer those ties of friendship which now happily unite them; and in cultivating those relations in peace, which may render their intercourse useful to each other, and to the world. What object more worthy of their common councils and efforts than to give peace to Africa; and could their rivalship take a more ennobling and auspicious character?

Should a doubt or murmur, at the first aspect, arise among the people of France, they may be told, that four of the most considerable of the maritime powers of the world have cheerfully united their exertions in this system, for the deliverance of Africa; they will learn that the British people, so sensitively alive as they are known to be to every circumstance that might impede their commercial pursuits, or expose the national flag to an unusual interference, have betrayed no apprehension in the instance before us; not a single remonstrance has been heard, either in parliament, or from any commercial body in the empire, not even from any individual merchant or navigator. If the doubt should turn upon the prejudice which such a measure might occasion to the French commercial interests on the coast of Africa, they will on inquiry find, that if France wishes to preserve and to improve her legitimate commerce on that coast, she cannot pursue a more effectual course, than by uniting her effort to those of other powers for putting down the illicit slave trader, who is now become an armed freebooter, combining the plunder of merchant vessels of whatever nation, with his illegal speculations in slaves.

If the idea should occur, that French merchant ships, frequenting that coast, may experience interruption and delays by such visits; that officers may possibly abuse their trust, and that disputes may occur between their subjects and those of foreign powers, let them reduce this objection calmly to its true value; let them estimate it according to the extent of trade on that coast, and the chances of such accidents occurring. Notwithstanding every precaution taken by the respective governments, let them set this evil, taken at the highest computation, in competition with the great moral question, whether a whole continent, in order to avoid these minor inconveniences, shall be suffered to groan under all the aggravated horrors of an illicit slave trade; and let the government of his most Christian majesty judge, whether it is possible that the French government would hesitate in the decision to which it would wish to come, upon such an alternative.

If any instance of abuse should occur for a moment to occasion regret, it will be remembered that this is the price, and how inconsiderable a price, which an humane and enlightened people are deliberately willing to pay for the attainment of such an object; it will be looked at in contrast with the African villages that would have been plundered; with the wars that would have been waged in the interior of that unhappy continent; with the number of human victims that

would have been sacrificed to the cupidity of the slave trader, if civilized nations had not combined their exertions for their protection.

The French memoir argues against the principle of subjecting the property of French subjects to any other jurisdiction than that of their own tribunals; but it will appear that this practice is by no means unusual, in time of war, and for the security of the belligerent this is constantly the case.

The neutral is, in all cases, amenable for the alleged infractions of the rights of the belligerent in matters of blockade, contraband of war, &c. to the tribunals of the belligerent, not to his own or to any mixed tribunal.

If it is said that this is not a case of war, but a regulation introduced in peace, and for the first time, the obvious answer is, does the case warrant the innovation?

If it does, the novelty of the practice ought to form no decisive objection to its adoption; but it is by no means true that this is the first instance, in time of peace, where the property of the subject has been brought under a jurisdiction other than the ordinary tribunals of his own state. Claims, both of a private and public nature, have frequently, by conventional laws, been made the object of such a proceeding, which is made to operate as a species of arbitration. Can we quote a more decisive example than the two conventions which, in November, 1815, referred the private claims upon the French government, immense as they were in amount, to the decision of a *mixed* commission similarly constituted?

It is also to be observed, that the subject gains a singular advantage by having his case disposed of before such a commission, which he would not obtain were he to have to proceed either in his own courts, or in that of the capturing power, for the restitution of his property: namely, that the commission, in deciding upon his cause, not only has the power of pronouncing upon his wrongs, but can give him, by its decision, ample damages, for the discharge of which the state of the capturing ship is made answerable; whereas, in an ordinary case of capture, he would have a dilatory and expensive suit to carry on against, perhaps, an insolvent captor.

Having noticed the principal objections brought forward in the French memoir, which they venture to persuade themselves are not insurmountable, the British plenipotentiaries have observed, with satisfaction, the exertions which the French government have made, and are still prepared to make, for combatting this evil, at least as far as it can be alleged to subsist within their own limits, and to be carried on by French subjects; but they feel persuaded that the government of his most Christian majesty will take a more enlarged view of their power of doing good, and that they will be disposed to extend the sphere of their activity to the suppression of the mischief, wherever it can be reached by their exertions.

The British government also does full justice to the manner in which the French government has, on all occasions, sought from them such information as might enable them the better to enforce the

law of abolition. They bear testimony with pleasure not only to the sincerity of their exertions, but to the arrangements lately made, by stationing a naval force on the coast of Africa, for the more effectual suppression of the slave trade, so far as it is carried on by French ships and subjects. They also view, with the highest satisfaction, the determination now announced of introducing into all the French colonies a registry of slaves; all these beneficent arrangements may be expected to operate powerfully, so far as the mischief has decidedly a French character. but until all the principal powers can agree to have, as against the illicit slave trader, *at least on the coast of Africa*, but one common flag, and co-operating force, they will not have gone to the full extent of their means to effectuate their purpose, in conformity to their declarations at Vienna. With these observations the British plenipotentiaries will conclude their statement, submitting it to the candid examination of the several cabinets.

It would be a great satisfaction to them to be assured, that the representations which they have felt it their duty to make, were likely to receive their earliest consideration, and that the ministers of the several powers in London might expect to receive such further instructions as might enable them, without loss of time, to resume their labors with effect. It being humbly submitted that the final act, which the sovereigns are about to solicit from his majesty the king of Portugal, is not an indispensable preliminary towards establishing, by common consent, on the coast of Africa, at least north of the equator, some efficient system for the suppression of the illicit traffic in slaves, which is, at this moment, carried on to the most alarming extent, and under the most aggravating circumstances, such as loudly to call for the special and authoritative interference of the illustrious sovereigns to whom these remarks are respectfully submitted.



#### SIXTH INCLOSURE IN No. 11.

*Projet of a letter to His Most Faithful Majesty.*

SIR, MY BROTHER:

At the period of the Congress of Vienna, the voice of religion, and the groans of suffering humanity, obtained the most consoling triumph. The world contemplated the near prospect of the termination of a scourge which has long desolated Africa; and your majesty has justly acquired the right to the eternal gratitude of nations in proclaiming, in concert with your allies, the principle of universal abolition of the trade in slaves. Since then the acts concluded at Paris in 1815, and the happy issue of the several negotiations devoted to the progressive execution of this measure, have strengthened the

generous hopes of the age, and have predicted the full accomplishment of the transaction which they have solemnly sanctioned.

If the result of the conference of Aix-la-Chapelle, which consummate the pacification, and guaranty the prosperity of Europe, still leave a wish, it is that of seeing insured the final triumph of the declaration of the 8th of February, 1815, by means of an act decreeing the abolition of the slave trade in all parts, and for ever; that my allies and myself be not permitted to separate without turning our confident regards towards the powers to whom the Supreme Arbiter of the destinies of the earth has reserved the glory of putting an end to the afflictions of an unfortunate population.

This definitive success will be without doubt the fruit of your majesty's intimate relations with the government of Great Britain, because a concurrence of conciliating intentions and of reciprocal sacrifices, is alone of a nature to prosper a work equally meritorious before God and in the eyes of men.

It is only at the close of this negotiation that the measures of mutual inspection, decreed for the strict execution of a law become general, will crown the noble efforts of all the powers, called to govern the different parts of the globe, by the same sentiments of fraternity, of justice, and of religion.

&c. &c. &c.

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No. 12.

*Despatch from Viscount Castlereagh to Earl Bathurst, dated Aix-la-Chapelle, November 24, 1818.*

**MY LORD:** I have the honor to transmit to your lordship the enclosed protocol of the conferences of the allied ministers, of the 11th and 19th instant, containing the votes of the different powers on the subject of the slave trade, which I have already forwarded to your lordship.

I have the honor, &c.

**CASTLEREAGH.**

Earl Bathurst, &c. &c. &c.

## FIRST INCLOSURE IN No. 12.

*Protocol of the Conference between the Plenipotentiaries of the Five Powers, held at Aix-la-Chapelle, the 11th of November, 1818.*

The duke de Richelieu read his observations upon the means proposed by the plenipotentiaries of Great Britain for inspecting and repressing the illicit slave trade. The observations of the duke de Richelieu, as well as the opinion of the Austrian Cabinet, and that which the Prussian cabinet made known in a preceding sitting, are annexed to the protocol.

METTERNICH.  
RICHELIEU.  
CASTLEREAGH.  
WELLINGTON.  
HARDENBERG.  
BERNSTORFF.  
NESSELRODE.  
CAPO D'ISTRIA.

## SECOND INCLOSURE IN No. 12.

*Protocol of the Conference between the Plenipotentiaries of the Five Powers, held at Aix-la-Chapelle, the 19th of November, 1818.*

To resume the discussion of the ulterior measures to be adopted against the slave trade, lord Castlereagh read a memorandum, in which he observed upon the different propositions which have occupied the preceding conferences, and expressed his sincere regret that the present re-union had not brought about a more decisive result for the final success of the abolition, nor, above all, some resolution directly applicable to the repression of the cruel abuses by which the fraudulent commerce has hitherto eluded and frustrated the measures already agreed upon, and the laws and regulations already in force in various states.

After having analysed and discussed in detail the objections brought forward to combat the system of reciprocal visit of ships suspected of being engaged in the illicit trade, and especially those which were developed in the vote of the plenipotentiaries of France, as well as the means of execution proposed by the plenipotentiaries of Russia, lord Castlereagh, in again calling the most serious attention of the powers to a cause so deserving of their interest, desired that the Ministers of the Courts taking part in the conferences in London, should be enjoined to continue their deliberations upon this question, without waiting the effect which the formal measure adopted towards his

Majesty the King of Portugal and the Brazils might produce; particularly as the result of this step was not an indispensable preliminary to the resolutions to be adopted with common consent for effectually suppressing the illicit traffic on the coasts to the north of the line.

The memorandum of lord Castlereagh was annexed to the protocol, and the plenipotentiaries agreed to instruct the Ministers of the Courts in London, in the sense of this last proposition.

On the reading of this protocol, the plenipotentiaries of Russia added, that independent of the instruction agreed upon between the courts, the ambassador of his majesty the emperor, in London, would be informed of the desire of his imperial majesty to see the ministerial conference in London occupied not only with the general question, relative to the basis of the system to be adopted against the illicit trade, but, at the same time, the practical question of the amount of force necessary to be provided for the execution of the general measures; his majesty the emperor of Russia being ready to furnish his contingent as soon as the regulations to be established for this purpose shall be agreed upon.

METTERNICH.  
RICHELIEU.  
CASTLEREAGH.  
WELLINGTON.  
HARDENBERG.  
BERNSTORFF.  
NESSELRODE.  
CAPO D'ISTRIA.

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No. 13..

*Despatch from Viscount Castlereagh to Earl Bathurst, dated Paris, December 10, 1818.*

**MY LORD:** Since I arrived here I have deemed it my duty to renew, with the duke de Richelieu, the subject of the abolition, in order that I might be better enabled to judge as to the course it would be most advisable to pursue, for resuming, in London, under the protocol signed at Aix-la-Chapelle on the 19th November, the deliberations on this question.

In conference with his excellency, it was agreed that I should have an interview with the minister of the marine and colonies, the count de Molé, and with the count de Laisné, the minister of the interior, as the two departments in the government the most competent to advise the king upon the propriety, as well as upon the effect which those regulations might be expected to produce upon the public mind

in France, which I had been directed, in conjunction with the duke of Wellington, to press at Aix-la-Chapelle.

I had, accordingly, a conference with these ministers of nearly three hours, in which I was enabled to go through with them, in the utmost detail, the whole of this important subject; to all the bearings of which they appeared to me to give their utmost attention, and with a desire that the difficulties which they conceived, at least for the present, to stand in the way of their adopting the measure, might be found, in the end, not to be insurmountable.

It is unnecessary that I should attempt to report to your lordship the particulars of this extended conversation, as they would not vary, in any essential point, from the arguments brought forward by the duke de Richelieu, and which are already so fully before the prince regent's government; I have no reason to draw any more unfavorable inference from the manner in which these ministers treated the subject, and they assured me of their disposition to render public in France every information which might tend to throw light on this interesting question, and to strengthen it in the public favor.

Upon the whole, my lord, whilst I cannot give you hopes of any immediate progress, I venture, nevertheless, to indulge a sanguine expectation, that, if the object be pursued with the same persevering and conciliating temper on the part of Great Britain, which has already achieved so much for the cause of abolition, the French government may be brought, at no distant period, to unite their naval exertions with those of the other allied powers for the suppression of the illicit slave trade, under the modified regulations submitted for this purpose to the plenipotentiaries assembled at Aix-la-Chapelle.

I have the honor to be, &c.

CASTLEREAGH.

Earl BATHURST, &c. &c. &c.