**The Suppression of the African Slave Trade to the United States of America eBook**

**The Suppression of the African Slave Trade to the United States of America by William Ewart Gladstone**

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*Chapter I*

INTRODUCTORY.

1.  Plan of the Monograph.
2.  The Rise of the English Slave-Trade.

1. *Plan of the Monograph.* This monograph proposes to set forth the efforts made in the United States of America, from early colonial times until the present, to limit and suppress the trade in slaves between Africa and these shores.

The study begins with the colonial period, setting forth in brief the attitude of England and, more in detail, the attitude of the planting, farming, and trading groups of colonies toward the slave-trade.  It deals next with the first concerted effort against the trade and with the further action of the individual States.  The important work of the Constitutional Convention follows, together with the history of the trade in that critical period which preceded the Act of 1807.  The attempt to suppress the trade from 1807 to 1830 is next recounted.  A chapter then deals with the slave-trade as an international problem.  Finally the development of the crises up to the Civil War is studied, together with the steps leading to the final suppression; and a concluding chapter seeks to sum up the results of the investigation.  Throughout the monograph the institution of slavery and the interstate slave-trade are considered only incidentally.

2. *The Rise of the English Slave-Trade.* Any attempt to consider the attitude of the English colonies toward the African slave-trade must be prefaced by a word as to the attitude of England herself and the development of the trade in her hands.[1]

Sir John Hawkins’s celebrated voyage took place in 1562, but probably not until 1631[2] did a regular chartered company undertake to carry on the trade.[3] This company was unsuccessful,[4] and was eventually succeeded by the “Company of Royal Adventurers trading to Africa,” chartered by Charles II. in 1662, and including the Queen Dowager and the Duke of York.[5] The company contracted to supply the West Indies with three thousand slaves annually; but contraband trade, misconduct, and war so reduced it that in 1672 it surrendered its charter to another company for L34,000.[6] This new corporation, chartered by Charles II. as the “Royal African Company,” proved more successful than its predecessors, and carried on a growing trade for a quarter of a century.

In 1698 Parliamentary interference with the trade began.  By the Statute 9 and 10 William and Mary, chapter 26, private traders, on payment of a duty of 10% on English goods exported to Africa, were allowed to participate in the trade.  This was brought about by the clamor of the merchants, especially the “American Merchants,” who “in their Petition suggest, that it would be a great Benefit to the Kingdom to secure the Trade by maintaining Forts and Castles there, with an equal Duty upon all Goods exported."[7] This plan, being a compromise between maintaining the monopoly intact and entirely abolishing it, was adopted, and the statute declared the trade “highly Beneficial and Advantageous to this Kingdom, and to the Plantations and Colonies thereunto belonging.”

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Having thus gained practically free admittance to the field, English merchants sought to exclude other nations by securing a monopoly of the lucrative Spanish colonial slave-trade.  Their object was finally accomplished by the signing of the Assiento in 1713.[8]

The Assiento was a treaty between England and Spain by which the latter granted the former a monopoly of the Spanish colonial slave-trade for thirty years, and England engaged to supply the colonies within that time with at least 144,000 slaves, at the rate of 4,800 per year.  England was also to advance Spain 200,000 crowns, and to pay a duty of 331/2 crowns for each slave imported.  The kings of Spain and England were each to receive one-fourth of the profits of the trade, and the Royal African Company were authorized to import as many slaves as they wished above the specified number in the first twenty-five years, and to sell them, except in three ports, at any price they could get.

It is stated that, in the twenty years from 1713 to 1733, fifteen thousand slaves were annually imported into America by the English, of whom from one-third to one-half went to the Spanish colonies.[9] To the company itself the venture proved a financial failure; for during the years 1729-1750 Parliament assisted the Royal Company by annual grants which amounted to L90,000,[10] and by 1739 Spain was a creditor to the extent of L68,000, and threatened to suspend the treaty.  The war interrupted the carrying out of the contract, but the Peace of Aix-la-Chapelle extended the limit by four years.  Finally, October 5, 1750, this privilege was waived for a money consideration paid to England; the Assiento was ended, and the Royal Company was bankrupt.

By the Statute 23 George II., chapter 31, the old company was dissolved and a new “Company of Merchants trading to Africa” erected in its stead.[11] Any merchant so desiring was allowed to engage in the trade on payment of certain small duties, and such merchants formed a company headed by nine directors.  This marked the total abolition of monopoly in the slave-trade, and was the form under which the trade was carried on until after the American Revolution.

That the slave-trade was the very life of the colonies had, by 1700, become an almost unquestioned axiom in British practical economics.  The colonists themselves declared slaves “the strength and sinews of this western world,"[12] and the lack of them “the grand obstruction"[13] here, as the settlements “cannot subsist without supplies of them."[14] Thus, with merchants clamoring at home and planters abroad, it easily became the settled policy of England to encourage the slave-trade.  Then, too, she readily argued that what was an economic necessity in Jamaica and the Barbadoes could scarcely be disadvantageous to Carolina, Virginia, or even New York.  Consequently, the colonial governors were generally instructed to “give all due encouragement and invitation to merchants and others, ... and in

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particular to the royal African company of England."[15] Duties laid on the importer, and all acts in any way restricting the trade, were frowned upon and very often disallowed.  “Whereas,” ran Governor Dobbs’s instructions, “Acts have been passed in some of our Plantations in America for laying duties on the importation and exportation of Negroes to the great discouragement of the Merchants trading thither from the coast of Africa....  It is our Will and Pleasure that you do not give your assent to or pass any Law imposing duties upon Negroes imported into our Province of North Carolina."[16]

The exact proportions of the slave-trade to America can be but approximately determined.  From 1680 to 1688 the African Company sent 249 ships to Africa, shipped there 60,783 Negro slaves, and after losing 14,387 on the middle passage, delivered 46,396 in America.  The trade increased early in the eighteenth century, 104 ships clearing for Africa in 1701; it then dwindled until the signing of the Assiento, standing at 74 clearances in 1724.  The final dissolution of the monopoly in 1750 led—­excepting in the years 1754-57, when the closing of Spanish marts sensibly affected the trade—­to an extraordinary development, 192 clearances being made in 1771.  The Revolutionary War nearly stopped the traffic; but by 1786 the clearances had risen again to 146.

To these figures must be added the unregistered trade of Americans and foreigners.  It is probable that about 25,000 slaves were brought to America each year between 1698 and 1707.  The importation then dwindled, but rose after the Assiento to perhaps 30,000.  The proportion, too, of these slaves carried to the continent now began to increase.  Of about 20,000 whom the English annually imported from 1733 to 1766, South Carolina alone received some 3,000.  Before the Revolution, the total exportation to America is variously estimated as between 40,000 and 100,000 each year.  Bancroft places the total slave population of the continental colonies at 59,000 in 1714, 78,000 in 1727, and 293,000 in 1754.  The census of 1790 showed 697,897 slaves in the United States.[17]

In colonies like those in the West Indies and in South Carolina and Georgia, the rapid importation into America of a multitude of savages gave rise to a system of slavery far different from that which the late Civil War abolished.  The strikingly harsh and even inhuman slave codes in these colonies show this.  Crucifixion, burning, and starvation were legal modes of punishment.[18] The rough and brutal character of the time and place was partly responsible for this, but a more decisive reason lay in the fierce and turbulent character of the imported Negroes.  The docility to which long years of bondage and strict discipline gave rise was absent, and insurrections and acts of violence were of frequent occurrence.[19] Again and again the danger of planters being “cut off by their own negroes"[20] is mentioned, both in the islands and on the continent.  This condition of vague dread and unrest not only increased the severity of laws and strengthened the police system, but was the prime motive back of all the earlier efforts to check the further importation of slaves.

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On the other hand, in New England and New York the Negroes were merely house servants or farm hands, and were treated neither better nor worse than servants in general in those days.  Between these two extremes, the system of slavery varied from a mild serfdom in Pennsylvania and New Jersey to an aristocratic caste system in Maryland and Virginia.

**FOOTNOTES:**

  [1] This account is based largely on the *Report of the Lords
      of the Committee of Council*, *etc*. (London, 1789).

  [2] African trading-companies had previously been erected
     (e.g. by Elizabeth in 1585 and 1588, and by James I. in 1618);
      but slaves are not specifically mentioned in their charters,
      and they probably did not trade in slaves.  Cf.  Bandinel,
      *Account of the Slave Trade* (1842), pp. 38-44.

  [3] Chartered by Charles I. Cf.  Sainsbury, *Cal.  State Papers,
      Col.  Ser., America and W. Indies, 1574-1660*, p. 135.

  [4] In 1651, during the Protectorate, the privileges of the
      African trade were granted anew to this same company for
      fourteen years.  Cf.  Sainsbury, *Cal.  State Papers, Col.  Ser.,
      America and W. Indies, 1574-1660*, pp. 342, 355.

  [5] Sainsbury, *Cal.  State Papers, Col.  Ser., America and W.
      Indies, 1661-1668*, Sec. 408.

  [6] Sainsbury, *Cal.  State Papers, Col.  Ser., America and W.
      Indies, 1669-1674*, Sec.Sec. 934, 1095.

  [7] Quoted in the above *Report*, under “Most Material
      Proceedings in the House of Commons,” Vol.  I. Part I. An import
      duty of 10% on all goods, except Negroes, imported from Africa
      to England and the colonies was also laid.  The proceeds of
      these duties went to the Royal African Company.

  [8] Cf.  Appendix A.

  [9] Bandinel, *Account of the Slave Trade*, p. 59.  Cf.  Bryan
      Edwards, *History of the British Colonies in the W. Indies*
      (London, 1798), Book VI.

 [10] From 1729 to 1788, including compensation to the old
      company, Parliament expended L705,255 on African companies.  Cf.
      *Report*, *etc*., as above.

 [11] Various amendatory statutes were passed:  *e.g*., 24 George
      II. ch. 49, 25 George II. ch. 40, 4 George III. ch. 20, 5
      George III. ch. 44, 23 George III. ch. 65.

 [12] Renatus Enys from Surinam, in 1663:  Sainsbury, *Cal.
      State Papers, Col.  Ser., America and W. Indies, 1661-68*, Sec.
      577.

 [13] Thomas Lynch from Jamaica, in 1665:  Sainsbury, *Cal.
      State Papers, Col.  Ser., America and W. Indies, 1661-68*, Sec.
      934.

 [14] Lieutenant-Governor Willoughby of Barbadoes, in 1666:
      Sainsbury, *Cal.  State Papers, Col.  Ser., America and W.
      Indies, 1661-68*, Sec. 1281.

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 [15] Smith, *History of New Jersey* (1765), p. 254; Sainsbury,
      *Cal.  State Papers, Col.  Ser., America and W. Indies,
      1669-74*., Sec.Sec. 367, 398, 812.

 [16] *N.C.  Col.  Rec.*, V. 1118.  For similar instructions, cf.
      *Penn.  Archives*, I. 306; *Doc. rel.  Col.  Hist.  New York*, VI.
      34; Gordon, *History of the American Revolution*, I. letter 2;
      *Mass.  Hist.  Soc.  Coll.*, 4th Ser.  X. 642.

 [17] These figures are from the above-mentioned *Report*, Vol.
      II.  Part IV.  Nos. 1, 5.  See also Bancroft, *History of the
      United States* (1883), II. 274 ff; Bandinel, *Account of the
      Slave Trade*, p. 63; Benezet, *Caution to Great Britain*, *etc*.,
      pp. 39-40, and *Historical Account of Guinea*, ch. xiii.

 [18] Compare earlier slave codes in South Carolina, Georgia,
      Jamaica, *etc*.; also cf.  Benezet, *Historical Account of
      Guinea*, p. 75; *Report*, *etc*., as above.

[19] Sainsbury, *Cal.  State Papers, Col.  Ser., America and W.
Indies, 1574-1660*, pp. 229, 271, 295; *1661-68*, Sec.Sec. 61, 412,
826, 1270, 1274, 1788; *1669-74*., Sec.Sec. 508, 1244; Bolzius and
Von Reck, *Journals* (in Force, *Tracts*, Vol.  IV.  No. 5, pp.
9, 18); *Proceedings of Governor and Assembly of Jamaica in
regard to the Maroon Negroes* (London, 1796).

[20] Sainsbury, *Cal.  State Papers, Col.  Ser., America and W.
Indies, 1661-68*, Sec. 1679.

\* \* \* \* \*

*Chapter II*

THE PLANTING COLONIES.

3.  Character of these Colonies. 4.  Restrictions in Georgia. 5.  Restrictions in South Carolina. 6.  Restrictions in North Carolina. 7.  Restrictions in Virginia. 8.  Restrictions in Maryland. 9.  General Character of these Restrictions.

3. *Character of these Colonies.* The planting colonies are those Southern settlements whose climate and character destined them to be the chief theatre of North American slavery.  The early attitude of these communities toward the slave-trade is therefore of peculiar interest; for their action was of necessity largely decisive for the future of the trade and for the institution in North America.  Theirs was the only soil, climate, and society suited to slavery; in the other colonies, with few exceptions, the institution was by these same factors doomed from the beginning.  Hence, only strong moral and political motives could in the planting colonies overthrow or check a traffic so favored by the mother country.

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4. *Restrictions in Georgia.* In Georgia we have an example of a community whose philanthropic founders sought to impose upon it a code of morals higher than the colonists wished.  The settlers of Georgia were of even worse moral fibre than their slave-trading and whiskey-using neighbors in Carolina and Virginia; yet Oglethorpe and the London proprietors prohibited from the beginning both the rum and the slave traffic, refusing to “suffer slavery (which is against the Gospel as well as the fundamental law of England) to be authorised under our authority."[1] The trustees sought to win the colonists over to their belief by telling them that money could be better expended in transporting white men than Negroes; that slaves would be a source of weakness to the colony; and that the “Produces designed to be raised in the Colony would not require such Labour as to make Negroes necessary for carrying them on."[2]

This policy greatly displeased the colonists, who from 1735, the date of the first law, to 1749, did not cease to clamor for the repeal of the restrictions.[3] As their English agent said, they insisted that “In Spight of all Endeavours to disguise this Point, it is as clear as Light itself, that Negroes are as essentially necessary to the Cultivation of *Georgia*, as Axes, Hoes, or any other Utensil of Agriculture."[4] Meantime, evasions and infractions of the laws became frequent and notorious.  Negroes were brought across from Carolina and “hired” for life.[5] “Finally, purchases were openly made in Savannah from African traders:  some seizures were made by those who opposed the principle, but as a majority of the magistrates were favorable to the introduction of slaves into the province, legal decisions were suspended from time to time, and a strong disposition evidenced by the courts to evade the operation of the law."[6] At last, in 1749, the colonists prevailed on the trustees and the government, and the trade was thrown open under careful restrictions, which limited importation, required a registry and quarantine on all slaves brought in, and laid a duty.[7] It is probable, however, that these restrictions were never enforced, and that the trade thus established continued unchecked until the Revolution.

5. *Restrictions in South Carolina.*[8] South Carolina had the largest and most widely developed slave-trade of any of the continental colonies.  This was owing to the character of her settlers, her nearness to the West Indian slave marts, and the early development of certain staple crops, such as rice, which were adapted to slave labor.[9] Moreover, this colony suffered much less interference from the home government than many other colonies; thus it is possible here to trace the untrammeled development of slave-trade restrictions in a typical planting community.

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As early as 1698 the slave-trade to South Carolina had reached such proportions that it was thought that “the great number of negroes which of late have been imported into this Collony may endanger the safety thereof.”  The immigration of white servants was therefore encouraged by a special law.[10] Increase of immigration reduced this disproportion, but Negroes continued to be imported in such numbers as to afford considerable revenue from a moderate duty on them.  About the time when the Assiento was signed, the slave-trade so increased that, scarcely a year after the consummation of that momentous agreement, two heavy duty acts were passed, because “the number of Negroes do extremely increase in this Province, and through the afflicting providence of God, the white persons do not proportionately multiply, by reason whereof, the safety of the said Province is greatly endangered."[11] The trade, however, by reason of the encouragement abroad and of increased business activity in exporting naval stores at home, suffered scarcely any check, although repeated acts, reciting the danger incident to a “great importation of Negroes,” were passed, laying high duties.[12] Finally, in 1717, an additional duty of L40,[13] although due in depreciated currency, succeeded so nearly in stopping the trade that, two years later, all existing duties were repealed and one of L10 substituted.[14] This continued during the time of resistance to the proprietary government, but by 1734 the importation had again reached large proportions.  “We must therefore beg leave,” the colonists write in that year, “to inform your Majesty, that, amidst our other perilous circumstances, we are subject to many intestine dangers from the great number of negroes that are now among us, who amount at least to twenty-two thousand persons, and are three to one of all your Majesty’s white subjects in this province.  Insurrections against us have been often attempted."[15] In 1740 an insurrection under a slave, Cato, at Stono, caused such widespread alarm that a prohibitory duty of L100 was immediately laid.[16] Importation was again checked; but in 1751 the colony sought to devise a plan whereby the slightly restricted immigration of Negroes should provide a fund to encourage the importation of white servants, “to prevent the mischiefs that may be attended by the great importation of negroes into this Province."[17] Many white servants were thus encouraged to settle in the colony; but so much larger was the influx of black slaves that the colony, in 1760, totally prohibited the slave-trade.  This act was promptly disallowed by the Privy Council and the governor reprimanded;[18] but the colony declared that “an importation of negroes, equal in number to what have been imported of late years, may prove of the most dangerous consequence in many respects to this Province, and the best way to obviate such danger will be by imposing such an additional duty upon them as may totally prevent the evils."[19] A prohibitive duty of L100 was accordingly imposed in 1764.[20] This duty probably continued until the Revolution.

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The war made a great change in the situation.  It has been computed by good judges that, between the years 1775 and 1783, the State of South Carolina lost twenty-five thousand Negroes, by actual hostilities, plunder of the British, runaways, *etc*.  After the war the trade quickly revived, and considerable revenue was raised from duty acts until 1787, when by act and ordinance the slave-trade was totally prohibited.[21] This prohibition, by renewals from time to time, lasted until 1803.

6. *Restrictions in North Carolina.* In early times there were few slaves in North Carolina;[22] this fact, together with the troubled and turbulent state of affairs during the early colonial period, did not necessitate the adoption of any settled policy toward slavery or the slave-trade.  Later the slave-trade to the colony increased; but there is no evidence of any effort to restrict or in any way regulate it before 1786, when it was declared that “the importation of slaves into this State is productive of evil consequences and highly impolitic,"[23] and a prohibitive duty was laid on them.

7. *Restrictions in Virginia.*[24] Next to South Carolina, Virginia had probably the largest slave-trade.  Her situation, however, differed considerably from that of her Southern neighbor.  The climate, the staple tobacco crop, and the society of Virginia were favorable to a system of domestic slavery, but one which tended to develop into a patriarchal serfdom rather than into a slave-consuming industrial hierarchy.  The labor required by the tobacco crop was less unhealthy than that connected with the rice crop, and the Virginians were, perhaps, on a somewhat higher moral plane than the Carolinians.  There was consequently no such insatiable demand for slaves in the larger colony.  On the other hand, the power of the Virginia executive was peculiarly strong, and it was not possible here to thwart the slave-trade policy of the home government as easily as elsewhere.

Considering all these circumstances, it is somewhat difficult to determine just what was the attitude of the early Virginians toward the slave-trade.  There is evidence, however, to show that although they desired the slave-trade, the rate at which the Negroes were brought in soon alarmed them.  In 1710 a duty of L5 was laid on Negroes, but Governor Spotswood “soon perceived that the laying so high a Duty on Negros was intended to discourage the importation,” and vetoed the measure.[25] No further restrictive legislation was attempted for some years, but whether on account of the attitude of the governor or the desire of the inhabitants, is not clear.  With 1723 begins a series of acts extending down to the Revolution, which, so far as their contents can be ascertained, seem to have been designed effectually to check the slave-trade.  Some of these acts, like those of 1723 and 1727, were almost immediately disallowed.[26] The Act of 1732 laid a duty of 5%, which was continued until 1769,[27] and all other duties

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were in addition to this; so that by such cumulative duties the rate on slaves reached 25% in 1755,[28] and 35% at the time of Braddock’s expedition.[29] These acts were found “very burthensome,” “introductive of many frauds,” and “very inconvenient,"[30] and were so far repealed that by 1761 the duty was only 15%.  As now the Burgesses became more powerful, two or more bills proposing restrictive duties were passed, but disallowed.[31] By 1772 the anti-slave-trade feeling had become considerably developed, and the Burgesses petitioned the king, declaring that “The importation of slaves into the colonies from the coast of Africa hath long been considered as a trade of great inhumanity, and under its present encouragement, we have too much reason to fear *will endanger the very existence* of your Majesty’s American dominions....  Deeply impressed with these sentiments, we most humbly beseech your Majesty to remove *all those restraints* on your Majesty’s governors of this colony, *which inhibit their assenting to such laws as might check so very pernicious a commerce*."[32]

Nothing further appears to have been done before the war.  When, in 1776, the delegates adopted a Frame of Government, it was charged in this document that the king had perverted his high office into a “detestable and insupportable tyranny, by ... prompting our negroes to rise in arms among us, those very negroes whom, by an inhuman use of his negative, he hath refused us permission to exclude by law."[33] Two years later, in 1778, an “Act to prevent the further importation of Slaves” stopped definitively the legal slave-trade to Virginia.[34]

8. *Restrictions in Maryland.*[35] Not until the impulse of the Assiento had been felt in America, did Maryland make any attempt to restrain a trade from which she had long enjoyed a comfortable revenue.  The Act of 1717, laying a duty of 40\_s.\_,[36] may have been a mild restrictive measure.  The duties were slowly increased to 50\_s.\_ in 1754,[37] and L4. in 1763.[38] In 1771 a prohibitive duty of L9 was laid;[39] and in 1783, after the war, all importation by sea was stopped and illegally imported Negroes were freed.[40]

Compared with the trade to Virginia and the Carolinas, the slave-trade to Maryland was small, and seems at no time to have reached proportions which alarmed the inhabitants.  It was regulated to the economic demand by a slowly increasing tariff, and finally, after 1769, had nearly ceased of its own accord before the restrictive legislation of Revolutionary times.[41] Probably the proximity of Maryland to Virginia made an independent slave-trade less necessary to her.

9. *General Character of these Restrictions.* We find in the planting colonies all degrees of advocacy of the trade, from the passiveness of Maryland to the clamor of Georgia.  Opposition to the trade did not appear in Georgia, was based almost solely on political fear of insurrection in Carolina, and sprang largely from the same motive in Virginia, mingled with some moral repugnance.  As a whole, it may be said that whatever opposition to the slave-trade there was in the planting colonies was based principally on the political fear of insurrection.

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**FOOTNOTES:**

  [1] Hoare, *Memoirs of Granville Sharp* (1820), p. 157.  For
      the act of prohibition, see W.B.  Stevens, *History of Georgia*
      (1847), I. 311.

  [2] [B.  Martyn, *Account of the Progress of Georgia* (1741),
      pp. 9-10.]

  [3] Cf.  Stevens, *History of Georgia*, I. 290 ff.

  [4] Stephens, *Account of the Causes*, *etc*., p. 8.  Cf. also
      *Journal of Trustees*, II. 210; cited by Stevens, *History of
      Georgia*, I. 306.

  [5] McCall, *History of Georgia* (1811), I. 206-7.

  [6] *Ibid.*

  [7] *Pub.  Rec.  Office, Board of Trade*, Vol.  X.; cited by C.C.
      Jones, *History of Georgia* (1883), I. 422-5.

  [8] The following is a summary of the legislation of the
      colony of South Carolina; details will be found in Appendix
      A:—­

1698, Act to encourage the immigration of white servants.
1703, Duty Act:  10\_s.\_ on Africans, 20\_s.\_ on other Negroes.
1714, " " additional duty.
1714, " " L2.
1714-15, Duty Act:  additional duty.
1716, " " L3 on Africans, L30 on colonial Negroes.
1717, " " L40 in addition to existing duties.
1719, " " L10 on Africans, L30 on colonial Negroes.
The Act of 1717, *etc*., was repealed.
1721, " " L10 on Africans, L50 on colonial Negroes.
1722, " " " " " " "
1740, " " L100 on Africans, L150 on colonial Negroes.
1751, " " L10 " " L50 " "
1760, Act prohibiting importation (Disallowed).
1764, Duty Act:  additional duty of L100.
1783, " " L3 on Africans, L20 on colonial Negroes.
1784, " " " " L5 " "
1787, Art and Ordinance prohibiting importation.

  [9] Cf.  Hewatt, *Historical Account of S. Carolina and
      Georgia* (1779), I. 120 ff.; reprinted in *S.C.  Hist.  Coll.*
      (1836), I. 108 ff.

 [10] Cooper, *Statutes at Large of S. Carolina*, II. 153.

 [11] The text of the first act is not extant:  cf.  Cooper,
      *Statutes*, III. 56.  For the second, see Cooper, VII. 365,
      367.

 [12] Cf.  Grimke, *Public Laws of S. Carolina*, p. xvi, No.
      362; Cooper, *Statutes*, II. 649.  Cf. also *Governor Johnson
      to the Board of Trade*, Jan. 12, 1719-20; reprinted in Rivers,
      *Early History of S. Carolina* (1874), App., xii.

 [13] Cooper, *Statutes*, VII. 368.

 [14] *Ibid.*, III. 56.

 [15] From a memorial signed by the governor, President of the
      Council, and Speaker of the House, dated April 9, 1734,
      printed in Hewatt, *Historical Account of S. Carolina and
      Georgia* (1779), II. 39; reprinted in S.C.  Hist.  Coll. (1836),
      I. 305-6.  Cf. *N.C.  Col.  Rec.*, II. 421.

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 [16] Cooper, *Statutes*, III. 556; Grimke, *Public Laws*, p.
      xxxi, No. 694.  Cf.  Ramsay, *History of S. Carolina*, I. 110.

 [17] Cooper, *Statutes*, III. 739.

 [18] The text of this law has not been found.  Cf.  Burge,
      *Commentaries on Colonial and Foreign Laws*, I. 737, note;
      Stevens, *History of Georgia*, I. 286.  See instructions of the
      governor of New Hampshire, June 30, 1761, in Gordon, *History
      of the American Revolution*, I. letter 2.

 [19] Cooper, *Statutes*, IV. 187.

 [20] This duty avoided the letter of the English instructions
      by making the duty payable by the first purchasers, and not by
      the importers.  Cf.  Cooper, *Statutes*, IV. 187.

 [21] Grimke, Public Laws, p. lxviii, Nos. 1485, 1486; Cooper,
      *Statutes*, VII. 430.

 [22] Cf. *N.C.  Col.  Rec.*, IV. 172.

 [23] Martin, *Iredell’s Acts of Assembly*, I. 413, 492.

 [24] The following is a summary of the legislation of the
      colony of Virginia; details will be found in Appendix A:—­

1710, Duty Act:  proposed duty of L5. 1723, " " prohibitive (?). 1727, " " " 1732, " " 5%. 1736, " " " 1740, " " additional duty of 5%. 1754, " " " " 5%. 1755, " " " " 10% (Repealed, 1760). 1757, " " " " 10% (Repealed, 1761). 1759, " " 20% on colonial slaves. 1766, " " additional duty of 10% (Disallowed?). 1769, " " " " " " 1772, " " L5 on colonial slaves.
      Petition of Burgesses *vs.* Slave-trade.
1776, Arraignment of the king in the adopted Frame of Government. 1778, Importation prohibited.

[25] *Letters of Governor Spotswood*, in *Va.  Hist.  Soc.
Coll.*, New Ser., I. 52.

[26] Hening, *Statutes at Large of Virginia*, IV. 118, 182.

[27] *Ibid.*, IV. 317, 394; V. 28, 160, 318; VI. 217, 353;
VII. 281; VIII. 190, 336, 532.

 [28] *Ibid.*, V. 92; VI. 417, 419, 461, 466.

 [29] *Ibid.*, VII. 69, 81.

 [30] *Ibid.*, VII. 363, 383.

 [31] *Ibid.*, VIII. 237, 337.

 [32] *Miscellaneous Papers, 1672-1865*, in *Va.  Hist.  Soc.
      Coll.*, New Ser., VI. 14; Tucker, *Blackstone’s Commentaries*,
      I. Part II.  App., 51.

 [33] Hening, *Statutes*, IX. 112.

 [34] Importation by sea or by land was prohibited, with a
      penalty of L1000 for illegal importation and L500 for buying
      or selling.  The Negro was freed, if illegally brought in.  This
      law was revised somewhat in 1785.  Cf.  Hening, *Statutes*, IX.
      471; XII. 182.

 [35] The following is a summary of the legislation of the
      colony of Maryland; details will be found in Appendix A:—­

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1695, Duty Act:  10\_s.\_ 1704, " " 20\_s.\_ 1715, " " " 1717, " " additional duty of 40\_s.\_ (?). 1754, " " " " 10\_s.\_, total 50\_s.\_ 1756, " " " " 20\_s.\_ " 40\_s.\_ (?). 1763, " " " " L2 " L4. 1771, " " " " L5 " L9. 1783, Importation prohibited.

 [36] *Compleat Coll.  Laws of Maryland* (ed. 1727), p. 191;
      Bacon, *Laws of Maryland at Large*, 1728, ch. 8.

 [37] Bacon, *Laws*, 1754, ch. 9, 14.

 [38] *Ibid.*, 1763, ch. 28.

 [39] *Laws of Maryland since 1763*:  1771, ch. 7.  Cf. *Ibid.*:
      1777, sess.  Feb.-Apr., ch. 18.

[40] *Ibid.*:  1783, sess.  Apr.-June, ch. 23.

[41] “The last importation of slaves into Maryland was, as I
am credibly informed, in the year 1769”:  William Eddis, *Letters from America* (London, 1792), p. 65, note.

The number of slaves in Maryland has been estimated as follows:—­

In 1704, 4,475. *Doc. rel.  Col.  Hist.  New York*, V. 605.
" 1710, 7,935. *Ibid.*
" 1712, 8,330.  Scharf, *History of Maryland*, I. 377.
" 1719, 25,000. *Doc. rel.  Col.  Hist.  New York*, V. 605.
" 1748, 36,000.  McMahon, *History of Maryland*, I. 313.
" 1755, 46,356. *Gentleman’s Magazine*, XXXIV. 261.
" 1756, 46,225.  McMahon, *History of Maryland*, I. 313.
" 1761, 49,675.  Dexter, *Colonial Population*, p. 21, note.
" 1782, 83,362. *Encyclopaedia Britannica* (9th ed.), XV. 603.
" 1787, 80,000.  Dexter, *Colonial Population*, p. 21, note.

\* \* \* \* \*

*Chapter III*

THE FARMING COLONIES.

10.  Character of these Colonies. 11.  The Dutch Slave-Trade. 12.  Restrictions in New York. 13.  Restrictions in Pennsylvania and Delaware. 14.  Restrictions in New Jersey. 15.  General Character of these Restrictions.

10. *Character of these Colonies.* The colonies of this group, occupying the central portion of the English possessions, comprise those communities where, on account of climate, physical characteristics, and circumstances of settlement, slavery as an institution found but a narrow field for development.  The climate was generally rather cool for the newly imported slaves, the soil was best suited to crops to which slave labor was poorly adapted, and the training and habits of the great body of settlers offered little chance for the growth of a slave system.  These conditions varied, of course, in different colonies; but the general statement applies to all.  These communities of small farmers and traders derived whatever opposition they had to the slave-trade from three sorts of motives,—­economic, political, and moral.  First, the importation of slaves did not

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pay, except to supply a moderate demand for household servants.  Secondly, these colonies, as well as those in the South, had a wholesome political fear of a large servile population.  Thirdly, the settlers of many of these colonies were of sterner moral fibre than the Southern cavaliers and adventurers, and, in the absence of great counteracting motives, were more easily led to oppose the institution and the trade.  Finally, it must be noted that these colonies did not so generally regard themselves as temporary commercial investments as did Virginia and Carolina.  Intending to found permanent States, these settlers from the first more carefully studied the ultimate interests of those States.

11. *The Dutch Slave-Trade.* The Dutch seem to have commenced the slave-trade to the American continent, the Middle colonies and some of the Southern receiving supplies from them.  John Rolfe relates that the last of August, 1619, there came to Virginia “a dutch man of warre that sold us twenty Negars."[1] This was probably one of the ships of the numerous private Dutch trading-companies which early entered into and developed the lucrative African slave-trade.  Ships sailed from Holland to Africa, got slaves in exchange for their goods, carried the slaves to the West Indies or Brazil, and returned home laden with sugar.[2] Through the enterprise of one of these trading-companies the settlement of New Amsterdam was begun, in 1614.  In 1621 the private companies trading in the West were all merged into the Dutch West India Company, and given a monopoly of American trade.  This company was very active, sending in four years 15,430 Negroes to Brazil,[3] carrying on war with Spain, supplying even the English plantations,[4] and gradually becoming the great slave carrier of the day.

The commercial supremacy of the Dutch early excited the envy and emulation of the English.  The Navigation Ordinance of 1651 was aimed at them, and two wars were necessary to wrest the slave-trade from them and place it in the hands of the English.  The final terms of peace among other things surrendered New Netherland to England, and opened the way for England to become henceforth the world’s greatest slave-trader.  Although the Dutch had thus commenced the continental slave-trade, they had not actually furnished a very large number of slaves to the English colonies outside the West Indies.  A small trade had, by 1698, brought a few thousand to New York, and still fewer to New Jersey.[5] It was left to the English, with their strong policy in its favor, to develop this trade.

12. *Restrictions in New York.*[6] The early ordinances of the Dutch, laying duties, generally of ten per cent, on slaves, probably proved burdensome to the trade, although this was not intentional.[7] The Biblical prohibition of slavery and the slave-trade, copied from New England codes into the Duke of York’s Laws, had no practical application,[8] and the trade continued to be encouraged in the governors’

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instructions.  In 1709 a duty of L3 was laid on Negroes from elsewhere than Africa.[9] This was aimed at West India slaves, and was prohibitive.  By 1716 the duty on all slaves was L1 121/2\_s.\_, which was probably a mere revenue figure.[10] In 1728 a duty of 40\_s.\_ was laid, to be continued until 1737.[11] It proved restrictive, however, and on the “humble petition of the Merchants and Traders of the City of Bristol” was disallowed in 1735, as “greatly prejudicial to the Trade and Navigation of this Kingdom."[12] Governor Cosby was also reminded that no duties on slaves payable by the importer were to be laid.  Later, in 1753, the 40\_s.\_ duty was restored, but under the increased trade of those days was not felt.[13] No further restrictions seem to have been attempted until 1785, when the sale of slaves in the State was forbidden.[14]

The chief element of restriction in this colony appears to have been the shrewd business sense of the traders, who never flooded the slave market, but kept a supply sufficient for the slowly growing demand.  Between 1701 and 1726 only about 2,375 slaves were imported, and in 1774 the total slave population amounted to 21,149.[15] No restriction was ever put by New York on participation in the trade outside the colony, and in spite of national laws New York merchants continued to be engaged in this traffic even down to the Civil War.[16]

Vermont, who withdrew from New York in 1777, in her first Constitution[17] declared slavery illegal, and in 1786 stopped by law the sale and transportation of slaves within her boundaries.[18]

13. *Restrictions in Pennsylvania and Delaware.*[19] One of the first American protests against the slave-trade came from certain German Friends, in 1688, at a Weekly Meeting held in Germantown, Pennsylvania.  “These are the reasons,” wrote “Garret henderich, derick up de graeff, Francis daniell Pastorius, and Abraham up Den graef,” “why we are against the traffick of men-body, as followeth:  Is there any that would be done or handled at this manner?...  Now, tho they are black, we cannot conceive there is more liberty to have them slaves, as it is to have other white ones.  There is a saying, that we shall doe to all men like as we will be done ourselves; making no difference of what generation, descent or colour they are.  And those who steal or robb men, and those who buy or purchase them, are they not all alike?"[20] This little leaven helped slowly to work a revolution in the attitude of this great sect toward slavery and the slave-trade.  The Yearly Meeting at first postponed the matter, “It having so General a Relation to many other Parts."[21] Eventually, however, in 1696, the Yearly Meeting advised “That Friends be careful not to encourage the bringing in of any more Negroes."[22] This advice was repeated in stronger terms for a quarter-century,[23] and by that time Sandiford, Benezet, Lay, and Woolman had begun their crusade.  In 1754 the Friends took

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a step farther and made the purchase of slaves a matter of discipline.[24] Four years later the Yearly Meeting expressed itself clearly as “against every branch of this practice,” and declared that if “any professing with us should persist to vindicate it, and be concerned in importing, selling or purchasing slaves, the respective Monthly Meetings to which they belong should manifest their disunion with such persons."[25] Further, manumission was recommended, and in 1776 made compulsory.[26] The effect of this attitude of the Friends was early manifested in the legislation of all the colonies where the sect was influential, and particularly in Pennsylvania.

One of the first duty acts (1710) laid a restrictive duty of 40\_s.\_ on slaves, and was eventually disallowed.[27] In 1712 William Southeby petitioned the Assembly totally to abolish slavery.  This the Assembly naturally refused to attempt; but the same year, in response to another petition “signed by many hands,” they passed an “Act to prevent the Importation of Negroes and Indians,"[28]—­the first enactment of its kind in America.  This act was inspired largely by the general fear of insurrection which succeeded the “Negro-plot” of 1712 in New York.  It declared:  “Whereas, divers Plots and Insurrections have frequently happened, not only in the Islands but on the Main Land of *America*, by Negroes, which have been carried on so far that several of the inhabitants have been barbarously Murthered, an Instance whereof we have lately had in our Neighboring Colony of *New York*,"[29] *etc*.  It then proceeded to lay a prohibitive duty of L20 on all slaves imported.  These acts were quickly disposed of in England.  Three duty acts affecting Negroes, including the prohibitory act, were in 1713 disallowed, and it was directed that “the Dep^{ty} Gov^{r} Council and Assembly of Pensilvania, be & they are hereby Strictly Enjoyned & required not to permit the said Laws ... to be from henceforward put in Execution."[30] The Assembly repealed these laws, but in 1715 passed another laying a duty of L5, which was also eventually disallowed.[31] Other acts, the provisions of which are not clear, were passed in 1720 and 1722,[32] and in 1725-1726 the duty on Negroes was raised to the restrictive figure of L10.[33] This duty, for some reason not apparent, was lowered to L2 in 1729,[34] but restored again in 1761.[35] A struggle occurred over this last measure, the Friends petitioning for it, and the Philadelphia merchants against it, declaring that “We, the subscribers, ever desirous to extend the Trade of this Province, have seen, for some time past, the many inconveniencys the Inhabitants have suffer’d for want of Labourers and artificers, ... have for some time encouraged the importation of Negroes;” they prayed therefore at least for a delay in passing the measure.[36] The law, nevertheless, after much debate and altercation with the governor, finally passed.

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These repeated acts nearly stopped the trade, and the manumission or sale of Negroes by the Friends decreased the number of slaves in the province.  The rising spirit of independence enabled the colony, in 1773, to restore the prohibitive duty of L20 and make it perpetual.[37] After the Revolution unpaid duties on slaves were collected and the slaves registered,[38] and in 1780 an “Act for the gradual Abolition of Slavery” was passed.[39] As there were probably at no time before the war more than 11,000 slaves in Pennsylvania,[40] the task thus accomplished was not so formidable as in many other States.  As it was, participation in the slave-trade outside the colony was not prohibited until 1788.[41]

It seems probable that in the original Swedish settlements along the Delaware slavery was prohibited.[42] This measure had, however, little practical effect; for as soon as the Dutch got control the slave-trade was opened, although, as it appears, to no large extent.  After the fall of the Dutch Delaware came into English hands.  Not until 1775 do we find any legislation on the slave-trade.  In that year the colony attempted to prohibit the importation of slaves, but the governor vetoed the bill.[43] Finally, in 1776 by the Constitution, and in 1787 by law, importation and exportation were both prohibited.[44]

14. *Restrictions in New Jersey.*[45] Although the freeholders of West New Jersey declared, in 1676, that “all and every Person and Persons Inhabiting the said Province, shall, as far as in us lies, be free from Oppression and Slavery,"[46] yet Negro slaves are early found in the colony.[47] The first restrictive measure was passed, after considerable friction between the Council and the House, in 1713; it laid a duty of L10, currency.[48] Governor Hunter explained to the Board of Trade that the bill was “calculated to Encourage the Importation of white Servants for the better Peopeling that Country."[49] How long this act continued does not appear; probably, not long.  No further legislation was enacted until 1762 or 1763, when a prohibitive duty was laid on account of “the inconvenience the Province is exposed to in lying open to the free importation of Negros, when the Provinces on each side have laid duties on them."[50] The Board of Trade declared that while they did not object to “the Policy of imposing a reasonable duty,” they could not assent to this, and the act was disallowed.[51] The Act of 1769 evaded the technical objection of the Board of Trade, and laid a duty of L15 on the first purchasers of Negroes, because, as the act declared, “Duties on the Importation of Negroes in several of the neighbouring Colonies hath, on Experience, been found beneficial in the Introduction of sober, industrious Foreigners."[52] In 1774 a bill which, according to the report of the Council to Governor Morris, “plainly intended an entire Prohibition of all Slaves being imported from foreign Parts,” was thrown out by the Council.[53] Importation was finally prohibited in 1786.[54]

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15. *General Character of these Restrictions.* The main difference in motive between the restrictions which the planting and the farming colonies put on the African slave-trade, lay in the fact that the former limited it mainly from fear of insurrection, the latter mainly because it did not pay.  Naturally, the latter motive worked itself out with much less legislation than the former; for this reason, and because they held a smaller number of slaves, most of these colonies have fewer actual statutes than the Southern colonies.  In Pennsylvania alone did this general economic revolt against the trade acquire a distinct moral tinge.  Although even here the institution was naturally doomed, yet the clear moral insight of the Quakers checked the trade much earlier than would otherwise have happened.  We may say, then, that the farming colonies checked the slave-trade primarily from economic motives.

**FOOTNOTES:**

  [1] Smith, *Generall Historie of Virginia* (1626 and 1632), p. 126.

  [2] Cf.  Southey, *History of Brazil*.

  [3] De Laet, in O’Callaghan, *Voyages of the Slavers*, *etc*., p. viii.

  [4] See, *e.g*., Sainsbury, *Cal.  State Papers; Col.  Ser.,
      America and W. Indies, 1574-1660*, p. 279.

  [5] Cf. below, pp. 27, 32, notes; also *Freedoms*, XXX., in
      O’Callaghan, *Laws of New Netherland, 1638-74* (ed. 1868), p.
      10; Brodhead, *History of New York*, I. 312.

  [6] The following is a summary of the legislation of the
      colony of New York; details will be found in Appendix A:—­

        1709, Duty Act:  L3 on Negroes not direct from Africa
               (Continued by the Acts of 1710, 1711).
        1711, Bill to lay further duty, lost in Council.
        1716, Duty Act:  5 oz. plate on Africans in colony ships.
                        10 oz. plate on Africans in other ships.
        1728, " " 40\_s.\_ on Africans, L4 on colonial Negroes.
        1732, " " 40\_s.\_ on Africans, L4 on colonial Negroes.
        1734, " " (?)
        1753, " " 40\_s.\_ on Africans, L4 on colonial Negroes.
                (This act was annually continued.)
       [1777, Vermont Constitution does not recognize slavery.]
        1785, Sale of slaves in State prohibited.
       [1786, " " in Vermont prohibited.]
        1788, " " in State prohibited.

  [7] O’Callaghan, *Laws of New Netherland, 1638-74*, pp. 31,
      348, *etc*.  The colonists themselves were encouraged to trade,
      but the terms were not favorable enough:  *Doc. rel.  Col.  Hist.
      New York*, I. 246; *Laws of New Netherland*, pp. 81-2, note,
      127.  The colonists declared “that they are inclined to a
      foreign Trade, and especially to the Coast of *Africa*, ... in
      order to fetch thence Slaves”:  O’Callaghan, *Voyages of the
      Slavers*, *etc*., p. 172.

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  [8] *Charter to William Penn*, *etc*. (1879), p. 12.  First
      published on Long Island in 1664.  Possibly Negro slaves were
      explicitly excepted.  Cf. *Magazine of American History*, XI.
      411, and *N.Y.  Hist.  Soc.  Coll.*, I. 322.

  [9] *Acts of Assembly, 1691-1718*, pp. 97, 125, 134; *Doc.
      rel.  Col.  Hist.  New York*, V. 178, 185, 293.

 [10] The Assembly attempted to raise the slave duty in 1711,
      but the Council objected (*Doc. rel.  Col.  Hist.  New York*, V.
      292 ff.), although, as it seems, not on account of the slave
      duty in particular.  Another act was passed between 1711 and
      1716, but its contents are not known (cf. title of the Act of
      1716).  For the Act of 1716, see *Acts of Assembly, 1691-1718*,
      p. 224.

 [11] *Doc. rel.  Col.  Hist.  New York*, VI. 37, 38.

 [12] *Doc. rel.  Col.  Hist.  New York*, VI. 32-4.

 [13] *Ibid.*, VII. 907.  This act was annually renewed.  The
      slave duty remained a chief source of revenue down to 1774.
      Cf. *Report of Governor Tryon*, in *Doc. rel.  Col.  Hist.  New
      York*, VIII. 452.

[14] *Laws of New York, 1785-88* (ed. 1886), ch. 68, p. 121.
Substantially the same act reappears in the revision of the
laws of 1788:  *Ibid.*, ch. 40, p. 676.

[15] The slave population of New York has been estimated as
follows:—­

In 1698, 2,170. *Doc. rel.  Col.  Hist.  New York*, IV. 420.
" 1703, 2,258. *N.Y.  Col.  MSS.*, XLVIII.; cited in Hough, *N.Y.  Census, 1855*, Introd.
" 1712, 2,425. *Ibid.*, LVII., LIX. (a partial census).
" 1723, 6,171. *Doc. rel.  Col.  Hist.  New York*, V. 702.
" 1731, 7,743. *Ibid.*, V. 929.
" 1737, 8,941. *Ibid.*, VI. 133.
" 1746, 9,107. *Ibid.*, VI. 392.
" 1749, 10,692. *Ibid.*, VI. 550.
" 1756, 13,548. *London Doc.*, XLIV. 123; cited in Hough,
as above.
" 1771, 19,863. *Ibid.*, XLIV. 144; cited in Hough, as above.
" 1774, 21,149. *Ibid.*, " " " " "
" 1786, 18,889. *Deeds in office Sec. of State*, XXII. 35.

Total number of Africans imported from 1701 to 1726, 2,375,
of whom 802 were from Africa:  O’Callaghan, *Documentary
History of New York*, I. 482.

[16] Cf. below, Chapter XI.

 [17] *Vermont State Papers, 1779-86*, p. 244.  The return of
      sixteen slaves in Vermont, by the first census, was an error:
      *New England Record*, XXIX. 249.

 [18] *Vermont State Papers*, p. 505.

 [19] The following is a summary of the legislation of the
      colony of Pennsylvania and Delaware; details will be found in
      Appendix A:—­

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1705, Duty Act:  (?). 1710, " " 40\_s.\_ (Disallowed). 1712, " " L20 " 1712, " " supplementary to the Act of 1710. 1715, " " L5 (Disallowed). 1718, " " 1720, " " (?). 1722, " " (?). 1725-6, " " L10. 1726, " " 1729, " " L2. 1761, " " L10. 1761, " " (?). 1768, " " re-enactment of the Act of 1761. 1773, " " perpetual additional duty of L10; total, L20. 1775, Bill to prohibit importation vetoed by the governor (Delaware). 1775, Bill to prohibit importation vetoed by the governor. 1778, Back duties on slaves ordered collected. 1780, Act for the gradual abolition of slavery. 1787, Act to prevent the exportation of slaves (Delaware). 1788, Act to prevent the slave-trade.

 [20] From fac-simile copy, published at Germantown in 1880.
      Cf.  Whittier’s poem, “Pennsylvania Hall” (*Poetical Works*,
      Riverside ed., III. 62); and Proud, *History of Pennsylvania*
      (1797), I. 219.

 [21] From fac-simile copy, published at Germantown in 1880.

 [22] Bettle, *Notices of Negro Slavery*, in *Penn.  Hist.  Soc.
      Mem.* (1864), I. 383.

 [23] Cf.  Bettle, *Notices of Negro Slavery, passim*.

 [24] Janney, *History of the Friends*, III. 315-7.

 [25] *Ibid.*, III. 317.

 [26] Bettle, in *Penn.  Hist.  Soc.  Mem.*, I. 395.

 [27] *Penn.  Col.  Rec.* (1852), II. 530; Bettle, in *Penn.
      Hist.  Soc.  Mem.*, I. 415.

 [28] *Laws of Pennsylvania, collected*, *etc*., 1714, p. 165;
      Bettle, in *Penn.  Hist.  Soc.  Mem.*, I. 387.

 [29] See preamble of the act.

 [30] The Pennsylvanians did not allow their laws to reach
      England until long after they were passed:  *Penn.  Archives*,
      I. 161-2; *Col.  Rec.*, II. 572-3.  These acts were disallowed
      Feb. 20, 1713.  Another duty act was passed in 1712,
      supplementary to the Act of 1710 (*Col.  Rec.*, II. 553).  The
      contents are unknown.

 [31] *Acts and Laws of Pennsylvania*, 1715, p. 270; Chalmers,
      *Opinions*, II. 118.  Before the disallowance was known, the
      act had been continued by the Act of 1718:  Carey and Bioren,
      *Laws of Pennsylvania, 1700-1802*, I. 118; *Penn.  Col.  Rec.*,
      III. 38.

 [32] Carey and Bioren, *Laws*, I. 165; *Penn.  Col.  Rec.*, III.
      171; Bettle, in *Penn.  Hist.  Soc.  Mem.*, I. 389, note.

 [33] Carey and Bioren, *Laws*, I. 214; Bettle, in *Penn.  Hist.
      Soc.  Mem.*, I. 388.  Possibly there were two acts this year.

 [34] *Laws of Pennsylvania* (ed. 1742), p. 354, ch. 287.
      Possibly some change in the currency made this change appear
      greater than it was.

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 [35] Carey and Bioren, *Laws*, I. 371; *Acts of Assembly* (ed.
      1782), p. 149; Dallas, *Laws*, I. 406, ch. 379.  This act was
      renewed in 1768:  Carey and Bioren, *Laws*, I. 451; *Penn.  Col.
      Rec.*, IX. 472, 637, 641.

 [36] *Penn.  Col.  Rec.*, VIII. 576.

 [37] A large petition called for this bill.  Much altercation
      ensued with the governor:  Dallas, *Laws*, I. 671, ch. 692;
      *Penn.  Col.  Rec.*, X. 77; Bettle, in *Penn.  Hist.  Soc.  Mem.*,
      I. 388-9.

[38] Dallas, *Laws*, I. 782, ch. 810.

[39] *Ibid.*, I. 838, ch. 881.

[40] There exist but few estimates of the number of slaves in
this colony:—­

In 1721, 2,500-5,000. *Doc. rel.  Col.  Hist.  New York*, V. 604.
" 1754, 11,000.  Bancroft, *Hist. of United States* (1883),
II. 391.
" 1760, very few.”  Burnaby, *Travels through N. Amer.* (2d ed.),
p. 81.
" 1775, 2,000. *Penn.  Archives*, IV 597.

[41] Dallas, *Laws*, II. 586.

[42] Cf. *Argonautica Gustaviana*, pp. 21-3; *Del.  Hist.  Soc.
Papers*, III. 10; *Hazard’s Register*, IV. 221, Sec.Sec. 23, 24; *Hazard’s Annals*, p. 372; Armstrong, *Record of Upland
Court*, pp. 29-30, and notes.

[43] Force, *American Archives*, 4th Ser., II. 128-9.

 [44] *Ibid.*, 5th Ser., I. 1178; *Laws of Delaware, 1797*
      (Newcastle ed.), p. 884, ch. 145 b.

 [45] The following is a summary of the legislation of the
      colony of New Jersey; details will be found in Appendix A:—­

1713, Duty Act:  L10. 1763 (?), Duty Act. 1769, " " L15. 1774, " " L5 on Africans, L10 on colonial Negroes. 1786, Importation prohibited.

 [46] Leaming and Spicer, *Grants, Concessions*, *etc*., p. 398.
      Probably this did not refer to Negroes at all.

 [47] Cf.  Vincent, *History of Delaware*, I. 159, 381.

 [48] *Laws and Acts of New Jersey, 1703-17* (ed. 1717), p. 43.

 [49] *N.J.  Archives*, IV. 196.  There was much difficulty in
      passing the bill:  *Ibid.*, XIII. 516-41.

 [50] *Ibid.*, IX. 345-6.  The exact provisions of the act I
      have not found.

[51] *Ibid.*, IX. 383, 447, 458.  Chiefly because the duty was
laid on the importer.

[52] Allinson, *Acts of Assembly*, pp. 315-6.

[53] *N.J.  Archives*, VI. 222.

[54] *Acts of the 10th General Assembly*, May 2, 1786.  There
are two estimates of the number of slaves in this colony:—­

In 1738, 3,981. *American Annals*, II. 127.
" 1754, 4,606. " " II. 143.

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*Chapter IV*

THE TRADING COLONIES.

16.  Character of these Colonies. 17.  New England and the Slave-Trade. 18.  Restrictions in New Hampshire. 19.  Restrictions in Massachusetts. 20.  Restrictions in Rhode Island. 21.  Restrictions in Connecticut. 22.  General Character of these Restrictions.

16. *Character of these Colonies.* The rigorous climate of New England, the character of her settlers, and their pronounced political views gave slavery an even slighter basis here than in the Middle colonies.  The significance of New England in the African slave-trade does not therefore lie in the fact that she early discountenanced the system of slavery and stopped importation; but rather in the fact that her citizens, being the traders of the New World, early took part in the carrying slave-trade and furnished slaves to the other colonies.  An inquiry, therefore, into the efforts of the New England colonies to suppress the slave-trade would fall naturally into two parts:  first, and chiefly, an investigation of the efforts to stop the participation of citizens in the carrying slave-trade; secondly, an examination of the efforts made to banish the slave-trade from New England soil.

17. *New England and the Slave-Trade.* Vessels from Massachusetts,[1] Rhode Island,[2] Connecticut,[3] and, to a less extent, from New Hampshire,[4] were early and largely engaged in the carrying slave-trade.  “We know,” said Thomas Pemberton in 1795, “that a large trade to Guinea was carried on for many years by the citizens of Massachusetts Colony, who were the proprietors of the vessels and their cargoes, out and home.  Some of the slaves purchased in Guinea, and I suppose the greatest part of them, were sold in the West Indies."[5] Dr. John Eliot asserted that “it made a considerable branch of our commerce....  It declined very little till the Revolution."[6] Yet the trade of this colony was said not to equal that of Rhode Island.  Newport was the mart for slaves offered for sale in the North, and a point of reshipment for all slaves.  It was principally this trade that raised Newport to her commercial importance in the eighteenth century.[7] Connecticut, too, was an important slave-trader, sending large numbers of horses and other commodities to the West Indies in exchange for slaves, and selling the slaves in other colonies.

This trade formed a perfect circle.  Owners of slavers carried slaves to South Carolina, and brought home naval stores for their ship-building; or to the West Indies, and brought home molasses; or to other colonies, and brought home hogsheads.  The molasses was made into the highly prized New England rum, and shipped in these hogsheads to Africa for more slaves.[8] Thus, the rum-distilling industry indicates to some extent the activity of New England in the slave-trade.  In May, 1752, one Captain Freeman found so many slavers fitting out that, in spite of the large importations of molasses, he could get no rum for his vessel.[9] In Newport alone twenty-two stills were at one time running continuously;[10] and Massachusetts annually distilled 15,000 hogsheads of molasses into this “chief manufacture."[11]

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Turning now to restrictive measures, we must first note the measures of the slave-consuming colonies which tended to limit the trade.  These measures, however, came comparatively late, were enforced with varying degrees of efficiency, and did not seriously affect the slave-trade before the Revolution.  The moral sentiment of New England put some check upon the trade.  Although in earlier times the most respectable people took ventures in slave-trading voyages, yet there gradually arose a moral sentiment which tended to make the business somewhat disreputable.[12] In the line, however, of definite legal enactments to stop New England citizens from carrying slaves from Africa to any place in the world, there were, before the Revolution, none.  Indeed, not until the years 1787-1788 was slave-trading in itself an indictable offence in any New England State.

The particular situation in each colony, and the efforts to restrict the small importing slave-trade of New England, can best be studied in a separate view of each community.

18. *Restrictions in New Hampshire.* The statistics of slavery in New Hampshire show how weak an institution it always was in that colony.[13] Consequently, when the usual instructions were sent to Governor Wentworth as to the encouragement he must give to the slave-trade, the House replied:  “We have considered his Maj^{ties} Instruction relating to an Impost on Negroes & Felons, to which this House answers, that there never was any duties laid on either, by this Goverm^{t}, and so few bro’t in that it would not be worth the Publick notice, so as to make an act concerning them."[14] This remained true for the whole history of the colony.  Importation was never stopped by actual enactment, but was eventually declared contrary to the Constitution of 1784.[15] The participation of citizens in the trade appears never to have been forbidden.

19. *Restrictions in Massachusetts.* The early Biblical codes of Massachusetts confined slavery to “lawfull Captives taken in iust warres, & such strangers as willingly selle themselves or are sold to us."[16] The stern Puritanism of early days endeavored to carry this out literally, and consequently when a certain Captain Smith, about 1640, attacked an African village and brought some of the unoffending natives home, he was promptly arrested.  Eventually, the General Court ordered the Negroes sent home at the colony’s expense, “conceiving themselues bound by y^e first oportunity to bear witnes against y^e haynos & crying sinn of manstealing, as also to P’scribe such timely redresse for what is past, & such a law for y^e future as may sufficiently deterr all oth^{r}s belonging to us to have to do in such vile & most odious courses, iustly abhored of all good & iust men."[17]

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The temptation of trade slowly forced the colony from this high moral ground.  New England ships were early found in the West Indian slave-trade, and the more the carrying trade developed, the more did the profits of this branch of it attract Puritan captains.  By the beginning of the eighteenth century the slave-trade was openly recognized as legitimate commerce; cargoes came regularly to Boston, and “The merchants of Boston quoted negroes, like any other merchandise demanded by their correspondents."[18] At the same time, the Puritan conscience began to rebel against the growth of actual slavery on New England soil.  It was a much less violent wrenching of moral ideas of right and wrong to allow Massachusetts men to carry slaves to South Carolina than to allow cargoes to come into Boston, and become slaves in Massachusetts.  Early in the eighteenth century, therefore, opposition arose to the further importation of Negroes, and in 1705 an act “for the Better Preventing of a Spurious and Mixt Issue,” laid a restrictive duty of L4 on all slaves imported.[19] One provision of this act plainly illustrates the attitude of Massachusetts:  like the acts of many of the New England colonies, it allowed a rebate of the whole duty on re-exportation.  The harbors of New England were thus offered as a free exchange-mart for slavers.  All the duty acts of the Southern and Middle colonies allowed a rebate of one-half or three-fourths of the duty on the re-exportation of the slave, thus laying a small tax on even temporary importation.

The Act of 1705 was evaded, but it was not amended until 1728, when the penalty for evasion was raised to L100.[20] The act remained in force, except possibly for one period of four years, until 1749.  Meantime the movement against importation grew.  A bill “for preventing the Importation of Slaves into this Province” was introduced in the Legislature in 1767, but after strong opposition and disagreement between House and Council it was dropped.[21] In 1771 the struggle was renewed.  A similar bill passed, but was vetoed by Governor Hutchinson.[22] The imminent war and the discussions incident to it had now more and more aroused public opinion, and there were repeated attempts to gain executive consent to a prohibitory law.  In 1774 such a bill was twice passed, but never received assent.[23]

The new Revolutionary government first met the subject in the case of two Negroes captured on the high seas, who were advertised for sale at Salem.  A resolution was introduced into the Legislature, directing the release of the Negroes, and declaring “That the selling and enslaving the human species is a direct violation of the natural rights alike vested in all men by their Creator, and utterly inconsistent with the avowed principles on which this, and the other United States, have carried their struggle for liberty even to the last appeal.”  To this the Council would not consent; and the resolution, as finally passed, merely forbade the sale or ill-treatment of the Negroes.[24] Committees on the slavery question were appointed in 1776 and 1777,[25] and although a letter to Congress on the matter, and a bill for the abolition of slavery were reported, no decisive action was taken.

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All such efforts were finally discontinued, as the system was already practically extinct in Massachusetts and the custom of importation had nearly ceased.  Slavery was eventually declared by judicial decision to have been abolished.[26] The first step toward stopping the participation of Massachusetts citizens in the slave-trade outside the State was taken in 1785, when a committee of inquiry was appointed by the Legislature.[27] No act was, however, passed until 1788, when participation in the trade was prohibited, on pain of L50 forfeit for every slave and L200 for every ship engaged.[28]

20. *Restrictions in Rhode Island.* In 1652 Rhode Island passed a law designed to prohibit life slavery in the colony.  It declared that “Whereas, there is a common course practised amongst English men to buy negers, to that end they may have them for service or slaves forever; for the preventinge of such practices among us, let it be ordered, that no blacke mankind or white being forced by covenant bond, or otherwise, to serve any man or his assighnes longer than ten yeares, or untill they come to bee twentie four yeares of age, if they bee taken in under fourteen, from the time of their cominge within the liberties of this Collonie.  And at the end or terme of ten yeares to sett them free, as the manner is with the English servants.  And that man that will not let them goe free, or shall sell them away elsewhere, to that end that they may bee enslaved to others for a long time, hee or they shall forfeit to the Collonie forty pounds."[29]

This law was for a time enforced,[30] but by the beginning of the eighteenth century it had either been repealed or become a dead letter; for the Act of 1708 recognized perpetual slavery, and laid an impost of L3 on Negroes imported.[31] This duty was really a tax on the transport trade, and produced a steady income for twenty years.[32] From the year 1700 on, the citizens of this State engaged more and more in the carrying trade, until Rhode Island became the greatest slave-trader in America.  Although she did not import many slaves for her own use, she became the clearing-house for the trade of other colonies.  Governor Cranston, as early as 1708, reported that between 1698 and 1708 one hundred and three vessels were built in the State, all of which were trading to the West Indies and the Southern colonies.[33] They took out lumber and brought back molasses, in most cases making a slave voyage in between.  From this, the trade grew.  Samuel Hopkins, about 1770, was shocked at the state of the trade:  more than thirty distilleries were running in the colony, and one hundred and fifty vessels were in the slave-trade.[34] “Rhode Island,” said he, “has been more deeply interested in the slave-trade, and has enslaved more Africans than any other colony in New England.”  Later, in 1787, he wrote:  “The inhabitants of Rhode Island, especially those of Newport, have had by far the greater share in this traffic, of all these United States.  This trade in human species has been the first wheel of commerce in Newport, on which every other movement in business has chiefly depended.  That town has been built up, and flourished in times past, at the expense of the blood, the liberty, and happiness of the poor Africans; and the inhabitants have lived on this, and by it have gotten most of their wealth and riches."[35]

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The Act of 1708 was poorly enforced.  The “good intentions” of its framers “were wholly frustrated” by the clandestine “hiding and conveying said negroes out of the town [Newport] into the country, where they lie concealed."[36] The act was accordingly strengthened by the Acts of 1712 and 1715, and made to apply to importations by land as well as by sea.[37] The Act of 1715, however, favored the trade by admitting African Negroes free of duty.  The chaotic state of Rhode Island did not allow England often to review her legislation; but as soon as the Act of 1712 came to notice it was disallowed, and accordingly repealed in 1732.[38] Whether the Act of 1715 remained, or whether any other duty act was passed, is not clear.

While the foreign trade was flourishing, the influence of the Friends and of other causes eventually led to a movement against slavery as a local institution.  Abolition societies multiplied, and in 1770 an abolition bill was ordered by the Assembly, but it was never passed.[39] Four years later the city of Providence resolved that “as personal liberty is an essential part of the natural rights of mankind,” the importation of slaves and the system of slavery should cease in the colony.[40] This movement finally resulted, in 1774, in an act “prohibiting the importation of Negroes into this Colony,”—­a law which curiously illustrated the attitude of Rhode Island toward the slave-trade.  The preamble of the act declared:  “Whereas, the inhabitants of America are generally engaged in the preservation of their own rights and liberties, among which, that of personal freedom must be considered as the greatest; as those who are desirous of enjoying all the advantages of liberty themselves, should be willing to extend personal liberty to others;—­Therefore,” *etc*.  The statute then proceeded to enact “that for the future, no negro or mulatto slave shall be brought into this colony; and in case any slave shall hereafter be brought in, he or she shall be, and are hereby, rendered immediately free....”  The logical ending of such an act would have been a clause prohibiting the participation of Rhode Island citizens in the slave-trade.  Not only was such a clause omitted, but the following was inserted instead:  “Provided, also, that nothing in this act shall extend, or be deemed to extend, to any negro or mulatto slave brought from the coast of Africa, into the West Indies, on board any vessel belonging to this colony, and which negro or mulatto slave could not be disposed of in the West Indies, but shall be brought into this colony.  Provided, that the owner of such negro or mulatto slave give bond ... that such negro or mulatto slave shall be exported out of the colony, within one year from the date of such bond; if such negro or mulatto be alive, and in a condition to be removed."[41]

In 1779 an act to prevent the sale of slaves out of the State was passed,[42] and in 1784, an act gradually to abolish slavery.[43] Not until 1787 did an act pass to forbid participation in the slave-trade.  This law laid a penalty of L100 for every slave transported and L1000 for every vessel so engaged.[44]

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21. *Restrictions in Connecticut.* Connecticut, in common with the other colonies of this section, had a trade for many years with the West Indian slave markets; and though this trade was much smaller than that of the neighboring colonies, yet many of her citizens were engaged in it.  A map of Middletown at the time of the Revolution gives, among one hundred families, three slave captains and “three notables” designated as “slave-dealers."[45]

The actual importation was small,[46] and almost entirely unrestricted before the Revolution, save by a few light, general duty acts.  In 1774 the further importation of slaves was prohibited, because “the increase of slaves in this Colony is injurious to the poor and inconvenient.”  The law prohibited importation under any pretext by a penalty of L100 per slave.[47] This was re-enacted in 1784, and provisions were made for the abolition of slavery.[48] In 1788 participation in the trade was forbidden, and the penalty placed at L50 for each slave and L500 for each ship engaged.[49]

22. *General Character of these Restrictions.* Enough has already been said to show, in the main, the character of the opposition to the slave-trade in New England.  The system of slavery had, on this soil and amid these surroundings, no economic justification, and the small number of Negroes here furnished no political arguments against them.  The opposition to the importation was therefore from the first based solely on moral grounds, with some social arguments.  As to the carrying trade, however, the case was different.  Here, too, a feeble moral opposition was early aroused, but it was swept away by the immense economic advantages of the slave traffic to a thrifty seafaring community of traders.  This trade no moral suasion, not even the strong “Liberty” cry of the Revolution, was able wholly to suppress, until the closing of the West Indian and Southern markets cut off the demand for slaves.

**FOOTNOTES:**

  [1] Cf.  Weeden, *Economic and Social History of New England*,
      II. 449-72; G.H.  Moore, *Slavery in Massachusetts*; Charles
      Deane, *Connection of Massachusetts with Slavery*.

  [2] Cf. *American Historical Record*, I. 311, 338.

  [3] Cf.  W.C.  Fowler, *Local Law in Massachusetts and
      Connecticut*, *etc*., pp. 122-6.

  [4] *Ibid.*, p. 124.

  [5] Deane, *Letters and Documents relating to Slavery in
      Massachusetts*, in *Mass.  Hist.  Soc.  Coll.*, 5th Ser., III.
      392.

  [6] *Ibid.*, III. 382.

  [7] Weeden, *Economic and Social History of New England*, II.
      454.

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  [8] A typical voyage is that of the brigantine “Sanderson” of
      Newport.  She was fitted out in March, 1752, and carried,
      beside the captain, two mates and six men, and a cargo of
      8,220 gallons of rum, together with “African” iron, flour,
      pots, tar, sugar, and provisions, shackles, shirts, and water.
      Proceeding to Africa, the captain after some difficulty sold
      his cargo for slaves, and in April, 1753, he is expected in
      Barbadoes, as the consignees write.  They also state that
      slaves are selling at L33 to L56 per head in lots.  After a
      stormy and dangerous voyage, Captain Lindsay arrived, June 17,
      1753, with fifty-six slaves, “all in helth & fatt.”  He also
      had 40 oz. of gold dust, and 8 or 9 cwt. of pepper.  The net
      proceeds of the sale of all this was L1,324 3\_d.\_ The captain
      then took on board 55 hhd. of molasses and 3 hhd. 27 bbl. of
      sugar, amounting to L911 77\_s.\_ 21/2\_d.\_, received bills on
      Liverpool for the balance, and returned in safety to Rhode
      Island.  He had done so well that he was immediately given a
      new ship and sent to Africa again. *American Historical
      Record*, I. 315-9, 338-42.

  [9] *Ibid.*, I. 316.

 [10] *American Historical Record*, I. 317.

[11] *Ibid.*, I. 344; cf.  Weeden, *Economic and Social History
of New England*, II. 459.

[12] Cf. *New England Register*, XXXI. 75-6, letter of John
Saffin *et al.* to Welstead.  Cf. also Sewall, *Protest*, *etc*.

[13] The number of slaves in New Hampshire has been estimated
as follows:

In 1730, 200. *N.H. Hist. Soc. Coll.*, I. 229.
" 1767, 633. *Granite Monthly*, IV. 108.
" 1773, 681. *Ibid.*
" 1773, 674. *N.H. Province Papers*, X. 636.
" 1775, 479. *Granite Monthly*, IV. 108.
" 1790, 158. *Ibid.*

[14] *N.H.  Province Papers*, IV. 617.

[15] *Granite Monthly*, VI. 377; Poore, *Federal and State
Constitutions*, pp. 1280-1.

[16] Cf. *The Body of Liberties*, Sec. 91, in Whitmore, *Bibliographical Sketch of the Laws of the Massachusetts
Colony*, published at Boston in 1890.

 [17] *Mass.  Col.  Rec.*, II. 168, 176; III. 46, 49, 84.

 [18] Weeden, *Economic and Social History of New England*, II.
      456.

 [19] *Mass.  Province Laws, 1705-6*, ch. 10.

 [20] *Ibid.*, *1728-9*, ch. 16; *1738-9*, ch. 27.

 [21] For petitions of towns, cf.  Felt, *Annals of Salem*
      (1849), II. 416; *Boston Town Records, 1758-69*, p. 183.  Cf.
      also Otis’s anti-slavery speech in 1761; John Adams, *Works*,
      X. 315.  For proceedings, see *House Journal*, 1767, pp. 353,

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      358, 387, 390, 393, 408, 409-10, 411, 420.  Cf.  Samuel Dexter’s
      answer to Dr. Belknap’s inquiry, Feb. 23, 1795, in Deane
      (*Mass.  Hist.  Soc.  Coll.*, 5th Ser., III. 385).  A committee on
      slave importation was appointed in 1764.  Cf. *House Journal*,
      1763-64, p. 170.

 [22] *House Journal*, 1771, pp. 211, 215, 219, 228, 234, 236,
      240, 242-3; Moore, *Slavery in Massachusetts*, pp. 131-2.

 [23] Felt, *Annals of Salem* (1849), II. 416-7; Swan,
      *Dissuasion to Great Britain*, *etc*. (1773), p. x; Washburn,
      *Historical Sketches of Leicester, Mass.*, pp. 442-3; Freeman,
      *History of Cape Cod*, II. 114; Deane, in *Mass.  Hist.  Soc.
      Coll.*, 5th Ser., III. 432; Moore, *Slavery in Massachusetts*,
      pp. 135-40; Williams, *History of the Negro Race in America*,
      I. 234-6; *House Journal*, March, 1774, pp. 224, 226, 237,
      *etc*.; June, 1774, pp. 27, 41, *etc*.  For a copy of the bill, see
      Moore.

 [24] *Mass.  Hist.  Soc.  Proceedings, 1855-58*, p. 196; Force,
      *American Archives*, 5th Ser., II. 769; *House Journal*, 1776,
      pp. 105-9; *General Court Records*, March 13, 1776, *etc*., pp.
      581-9; Moore, *Slavery in Massachusetts*, pp. 149-54.  Cf.
      Moore, pp. 163-76.

 [25] Moore, *Slavery in Massachusetts*, pp. 148-9, 181-5.

 [26] Washburn, *Extinction of Slavery in Massachusetts*;
      Haynes, *Struggle for the Constitution in Massachusetts*; La
      Rochefoucauld, *Travels through the United States*, II. 166.

[27] Moore, *Slavery in Massachusetts*, p. 225.

[28] *Perpetual Laws of Massachusetts, 1780-89*, p. 235.  The
number of slaves in Massachusetts has been estimated as
follows:—­

In 1676, 200.  Randolph’s *Report*, in *Hutchinson’s Coll.
of Papers*, p. 485.
" 1680, 120.  Deane, *Connection of Mass. with Slavery*,
p. 28 ff.
" 1708, 550. *Ibid.*; Moore, *Slavery in Mass.*, p. 50.
" 1720, 2,000. *Ibid.*
" 1735, 2,600.  Deane, *Connection of Mass. with Slavery*,
p. 28 ff.
" 1749, 3,000. *Ibid.*
" 1754, 4,489. *Ibid.*
" 1763, 5,000. *Ibid.*
" 1764-5, 5,779. *Ibid.*
" 1776, 5,249. *Ibid.*
" 1784, 4,377.  Moore, *Slavery in Mass.*, p. 51.
" 1786, 4,371. *Ibid.*
" 1790, 6,001. *Ibid.*

[29] *R.I.  Col.  Rec.*, I. 240.

 [30] Cf. letter written in 1681:  *New England Register*, XXXI.
      75-6.  Cf. also Arnold, *History of Rhode Island*, I. 240.

 [31] The text of this act is lost (*Col.  Rec.*, IV. 34;
      Arnold, *History of Rhode Island*, II. 31).  The Acts of Rhode
      Island were not well preserved, the first being published in
      Boston in 1719.  Perhaps other whole acts are lost.

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 [32] *E.g*., it was expended to pave the streets of Newport, to
      build bridges, *etc*.:  *R.I.  Col.  Rec.*, IV. 191-3, 225.

 [33] *Ibid.*, IV. 55-60.

 [34] Patten, *Reminiscences of Samuel Hopkins* (1843), p. 80.

 [35] Hopkins, *Works* (1854), II. 615.

 [36] Preamble of the Act of 1712.

 [37] *R.I.  Col.  Rec.*, IV. 131-5, 138, 143, 191-3.

 [38] *R.I.  Col.  Rec.*, IV. 471.

 [39] Arnold, *History of Rhode Island*, II. 304, 321, 337.  For
      a probable copy of the bill, see *Narragansett Historical
      Register*, II. 299.

 [40] A man dying intestate left slaves, who became thus the
      property of the city; they were freed, and the town made the
      above resolve, May 17, 1774, in town meeting:  Staples, *Annals
      of Providence* (1843), p. 236.

 [41] *R.I.  Col.  Rec.*, VII. 251-2.

 [42] *Bartlett’s Index*, p. 329; Arnold, *History of Rhode
      Island*, II. 444; *R.I.  Col.  Rec.*, VIII. 618.

 [43] *R.I.  Col.  Rec.*, X. 7-8; Arnold, *History of Rhode
      Island*, II. 506.

 [44] *Bartlett’s Index*, p. 333; *Narragansett Historical
      Register*, II. 298-9.  The number of slaves in Rhode Island has
      been estimated as follows:—­

      In 1708, 426. *R.I.  Col.  Rec.*, IV. 59.
       " 1730, 1,648. *R.I.  Hist.  Tracts*, No. 19, pt. 2, p. 99.
       " 1749, 3,077.  Williams, *History of the Negro Race in America*,
                         I. 281.
       " 1756, 4,697. *Ibid.*
       " 1774, 3,761. *R.I.  Col.  Rec.*, VII. 253.

[45] Fowler, *Local Law*, *etc*., p. 124.

[46] The number of slaves in Connecticut has been estimated as
follows:—­

In 1680, 30. *Conn.  Col.  Rec.*, III. 298.
" 1730, 700.  Williams, *History of the Negro Race in America*,
I. 259.
" 1756, 3,636.  Fowler, *Local Law*, *etc*., p. 140.
" 1762, 4,590.  Williams, *History of the Negro Race in America*,
I. 260.
" 1774, 6,562.  Fowler, *Local Law*, *etc*., p. 140.
" 1782, 6,281.  Fowler, *Local Law*, *etc*., p. 140.
" 1800, 5,281. *Ibid.*, p. 141.

[47] *Conn.  Col.  Rec.*, XIV 329.  Fowler (pp. 125-6) says that
the law was passed in 1769, as does Sanford (p. 252).  I find
no proof of this.  There was in Connecticut the same Biblical
legislation on the trade as in Massachusetts.  Cf. *Laws of
Connecticut* (repr. 1865), p. 9; also *Col.  Rec.*, I. 77.  For
general duty acts, see *Col.  Rec.*, V 405; VIII. 22; IX. 283;
XIII. 72, 125.

 [48] *Acts and Laws of Connecticut* (ed. 1784), pp. 233-4.

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 [49] *Ibid.*, pp. 368, 369, 388.

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*Chapter V*

THE PERIOD OF THE REVOLUTION. 1774-1787.

23.  The Situation in 1774. 24.  The Condition of the Slave-Trade. 25.  The Slave-Trade and the “Association.” 26.  The Action of the Colonies. 27.  The Action of the Continental Congress. 28.  Reception of the Slave-Trade Resolution. 29.  Results of the Resolution. 30.  The Slave-Trade and Public Opinion after the War. 31.  The Action of the Confederation.

23. *The Situation in 1774.* In the individual efforts of the various colonies to suppress the African slave-trade there may be traced certain general movements.  First, from 1638 to 1664, there was a tendency to take a high moral stand against the traffic.  This is illustrated in the laws of New England, in the plans for the settlement of Delaware and, later, that of Georgia, and in the protest of the German Friends.  The second period, from about 1664 to 1760, has no general unity, but is marked by statutes laying duties varying in design from encouragement to absolute prohibition, by some cases of moral opposition, and by the slow but steady growth of a spirit unfavorable to the long continuance of the trade.  The last colonial period, from about 1760 to 1787, is one of pronounced effort to regulate, limit, or totally prohibit the traffic.  Beside these general movements, there are many waves of legislation, easily distinguishable, which rolled over several or all of the colonies at various times, such as the series of high duties following the Assiento, and the acts inspired by various Negro “plots.”

Notwithstanding this, the laws of the colonies before 1774 had no national unity, the peculiar circumstances of each colony determining its legislation.  With the outbreak of the Revolution came unison in action with regard to the slave-trade, as with regard to other matters, which may justly be called national.  It was, of course, a critical period,—­a period when, in the rapid upheaval of a few years, the complicated and diverse forces of decades meet, combine, act, and react, until the resultant seems almost the work of chance.  In the settlement of the fate of slavery and the slave-trade, however, the real crisis came in the calm that succeeded the storm, in that day when, in the opinion of most men, the question seemed already settled.  And indeed it needed an exceptionally clear and discerning mind, in 1787, to deny that slavery and the slave-trade in the United States of America were doomed to early annihilation.  It seemed certainly a legitimate deduction from the history of the preceding century to conclude that, as the system had risen, flourished, and fallen in Massachusetts, New York, and Pennsylvania, and as South Carolina, Virginia, and Maryland were apparently following in the same legislative path, the next generation would in all probability witness the last throes of the system on our soil.

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To be sure, the problem had its uncertain quantities.  The motives of the law-makers in South Carolina and Pennsylvania were dangerously different; the century of industrial expansion was slowly dawning and awakening that vast economic revolution in which American slavery was to play so prominent and fatal a role; and, finally, there were already in the South faint signs of a changing moral attitude toward slavery, which would no longer regard the system as a temporary makeshift, but rather as a permanent though perhaps unfortunate necessity.  With regard to the slave-trade, however, there appeared to be substantial unity of opinion; and there were, in 1787, few things to indicate that a cargo of five hundred African slaves would openly be landed in Georgia in 1860.

24. *The Condition of the Slave-Trade.* In 1760 England, the chief slave-trading nation, was sending on an average to Africa 163 ships annually, with a tonnage of 18,000 tons, carrying exports to the value of L163,818.  Only about twenty of these ships regularly returned to England.  Most of them carried slaves to the West Indies, and returned laden with sugar and other products.  Thus may be formed some idea of the size and importance of the slave-trade at that time, although for a complete view we must add to this the trade under the French, Portuguese, Dutch, and Americans.  The trade fell off somewhat toward 1770, but was flourishing again when the Revolution brought a sharp and serious check upon it, bringing down the number of English slavers, clearing, from 167 in 1774 to 28 in 1779, and the tonnage from 17,218 to 3,475 tons.  After the war the trade gradually recovered, and by 1786 had reached nearly its former extent.  In 1783 the British West Indies received 16,208 Negroes from Africa, and by 1787 the importation had increased to 21,023.  In this latter year it was estimated that the British were taking annually from Africa 38,000 slaves; the French, 20,000; the Portuguese, 10,000; the Dutch and Danes, 6,000; a total of 74,000.  Manchester alone sent L180,000 annually in goods to Africa in exchange for Negroes.[1]

25. *The Slave-Trade and the “Association."* At the outbreak of the Revolution six main reasons, some of which were old and of slow growth, others peculiar to the abnormal situation of that time, led to concerted action against the slave-trade.  The first reason was the economic failure of slavery in the Middle and Eastern colonies; this gave rise to the presumption that like failure awaited the institution in the South.  Secondly, the new philosophy of “Freedom” and the “Rights of man,” which formed the corner-stone of the Revolution, made the dullest realize that, at the very least, the slave-trade and a struggle for “liberty” were not consistent.  Thirdly, the old fear of slave insurrections, which had long played so prominent a part in legislation, now gained new power from the imminence of war and from the well-founded fear that the British might

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incite servile uprisings.  Fourthly, nearly all the American slave markets were, in 1774-1775, overstocked with slaves, and consequently many of the strongest partisans of the system were “bulls” on the market, and desired to raise the value of their slaves by at least a temporary stoppage of the trade.  Fifthly, since the vested interests of the slave-trading merchants were liable to be swept away by the opening of hostilities, and since the price of slaves was low,[2] there was from this quarter little active opposition to a cessation of the trade for a season.  Finally, it was long a favorite belief of the supporters of the Revolution that, as English exploitation of colonial resources had caused the quarrel, the best weapon to bring England to terms was the economic expedient of stopping all commercial intercourse with her.  Since, then, the slave-trade had ever formed an important part of her colonial traffic, it was one of the first branches of commerce which occurred to the colonists as especially suited to their ends.[3]

Such were the complicated moral, political, and economic motives which underlay the first national action against the slave-trade.  This action was taken by the “Association,” a union of the colonies entered into to enforce the policy of stopping commercial intercourse with England.  The movement was not a great moral protest against an iniquitous traffic; although it had undoubtedly a strong moral backing, it was primarily a temporary war measure.

26. *The Action of the Colonies.* The earlier and largely abortive attempts to form non-intercourse associations generally did not mention slaves specifically, although the Virginia House of Burgesses, May 11, 1769, recommended to merchants and traders, among other things, to agree, “That they will not import any slaves, or purchase any imported after the first day of November next, until the said acts are repealed."[4] Later, in 1774, when a Faneuil Hall meeting started the first successful national attempt at non-intercourse, the slave-trade, being at the time especially flourishing, received more attention.  Even then slaves were specifically mentioned in the resolutions of but three States.  Rhode Island recommended a stoppage of “all trade with Great Britain, Ireland, Africa and the West Indies."[5] North Carolina, in August, 1774, resolved in convention “That we will not import any slave or slaves, or purchase any slave or slaves, imported or brought into this Province by others, from any part of the world, after the first day of *November* next."[6] Virginia gave the slave-trade especial prominence, and was in reality the leading spirit to force her views on the Continental Congress.  The county conventions of that colony first took up the subject.  Fairfax County thought “that during our present difficulties and distress, no slaves ought to be imported,” and said:  “We take this opportunity of declaring our most earnest wishes to see an entire stop forever put to

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such a wicked, cruel, and unnatural trade."[7] Prince George and Nansemond Counties resolved “That the *African* trade is injurious to this Colony, obstructs the population of it by freemen, prevents manufacturers and other useful emigrants from *Europe* from settling amongst us, and occasions an annual increase of the balance of trade against this Colony."[8] The Virginia colonial convention, August, 1774, also declared:  “We will neither ourselves import, nor purchase any slave or slaves imported by any other person, after the first day of *November* next, either from *Africa*, the *West Indies*, or any other place."[9]

In South Carolina, at the convention July 6, 1774, decided opposition to the non-importation scheme was manifested, though how much this was due to the slave-trade interest is not certain.  Many of the delegates wished at least to limit the powers of their representatives, and the Charleston Chamber of Commerce flatly opposed the plan of an “Association.”  Finally, however, delegates with full powers were sent to Congress.  The arguments leading to this step were not in all cases on the score of patriotism; a Charleston manifesto argued:  “The planters are greatly in arrears to the merchants; a stoppage of importation would give them all an opportunity to extricate themselves from debt.  The merchants would have time to settle their accounts, and be ready with the return of liberty to renew trade."[10]

27. *The Action of the Continental Congress.* The first Continental Congress met September 5, 1774, and on September 22 recommended merchants to send no more orders for foreign goods.[11] On September 27 “Mr. Lee made a motion for a non-importation,” and it was unanimously resolved to import no goods from Great Britain after December 1, 1774.[12] Afterward, Ireland and the West Indies were also included, and a committee consisting of Low of New York, Mifflin of Pennsylvania, Lee of Virginia, and Johnson of Connecticut were appointed “to bring in a Plan for carrying into Effect the Non-importation, Non-consumption, and Non-exportation resolved on."[13] The next move was to instruct this committee to include in the proscribed articles, among other things, “Molasses, Coffee or Piemento from the *British* Plantations or from *Dominica*,”—­a motion which cut deep into the slave-trade circle of commerce, and aroused some opposition.  “Will, can, the people bear a total interruption of the West India trade?” asked Low of New York; “Can they live without rum, sugar, and molasses?  Will not this impatience and vexation defeat the measure?"[14]

The committee finally reported, October 12, 1774, and after three days’ discussion and amendment the proposal passed.  This document, after a recital of grievances, declared that, in the opinion of the colonists, a non-importation agreement would best secure redress; goods from Great Britain, Ireland, the East and West Indies, and Dominica were excluded; and it was resolved that “We will neither import, nor purchase any Slave imported after the First Day of *December* next; after which Time, we will wholly discontinue the Slave Trade, and will neither be concerned in it ourselves, nor will we hire our Vessels, nor sell our Commodities or Manufactures to those who are concerned in it."[15]

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Strong and straightforward as this resolution was, time unfortunately proved that it meant very little.  Two years later, in this same Congress, a decided opposition was manifested to branding the slave-trade as inhuman, and it was thirteen years before South Carolina stopped the slave-trade or Massachusetts prohibited her citizens from engaging in it.  The passing of so strong a resolution must be explained by the motives before given, by the character of the drafting committee, by the desire of America in this crisis to appear well before the world, and by the natural moral enthusiasm aroused by the imminence of a great national struggle.

28. *Reception of the Slave-Trade Resolution.* The unanimity with which the colonists received this “Association” is not perhaps as remarkable as the almost entire absence of comment on the radical slave-trade clause.  A Connecticut town-meeting in December, 1774, noticed “with singular pleasure ... the second Article of the Association, in which it is agreed to import no more Negro Slaves."[16] This comment appears to have been almost the only one.  There were in various places some evidences of disapproval; but only in the State of Georgia was this widespread and determined, and based mainly on the slave-trade clause.[17] This opposition delayed the ratification meeting until January 18, 1775, and then delegates from but five of the twelve parishes appeared, and many of these had strong instructions against the approval of the plan.  Before this meeting could act, the governor adjourned it, on the ground that it did not represent the province.  Some of the delegates signed an agreement, one article of which promised to stop the importation of slaves March 15, 1775, *i.e*., four months later than the national “Association” had directed.  This was not, of course, binding on the province; and although a town like Darien might declare “our disapprobation and abhorrence of the unnatural practice of Slavery in *America*"[18] yet the powerful influence of Savannah was “not likely soon to give matters a favourable turn.  The importers were mostly against any interruption, and the consumers very much divided."[19] Thus the efforts of this Assembly failed, their resolutions being almost unknown, and, as a gentleman writes, “I hope for the honour of the Province ever will remain so."[20] The delegates to the Continental Congress selected by this rump assembly refused to take their seats.  Meantime South Carolina stopped trade with Georgia, because it “hath not acceded to the Continental Association,"[21] and the single Georgia parish of St. Johns appealed to the second Continental Congress to except it from the general boycott of the colony.  This county had already resolved not to “purchase any Slave imported at *Savannah* (large Numbers of which we understand are there expected) till the Sense of Congress shall be made known to us."[22]

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May 17, 1775, Congress resolved unanimously “That all exportations to *Quebec*, *Nova-Scotia*, the Island of *St. John’s*, *Newfoundland*, *Georgia*, except the Parish of *St. John’s*, and to *East* and *West Florida*, immediately cease."[23] These measures brought the refractory colony to terms, and the Provincial Congress, July 4, 1775, finally adopted the “Association,” and resolved, among other things, “That we will neither import or purchase any Slave imported from Africa, or elsewhere, after this day."[24]

The non-importation agreement was in the beginning, at least, well enforced by the voluntary action of the loosely federated nation.  The slave-trade clause seems in most States to have been observed with the others.  In South Carolina “a cargo of near three hundred slaves was sent out of the Colony by the consignee, as being interdicted by the second article of the Association."[25] In Virginia the vigilance committee of Norfolk “hold up for your just indignation Mr. *John Brown*, Merchant, of this place,” who has several times imported slaves from Jamaica; and he is thus publicly censured “to the end that all such foes to the rights of *British America* may be publickly known ... as the enemies of *American* Liberty, and that every person may henceforth break off all dealings with him."[26]

29. *Results of the Resolution.* The strain of war at last proved too much for this voluntary blockade, and after some hesitancy Congress, April 3, 1776, resolved to allow the importation of articles not the growth or manufacture of Great Britain, except tea.  They also voted “That no slaves be imported into any of the thirteen United Colonies."[27] This marks a noticeable change of attitude from the strong words of two years previous:  the former was a definitive promise; this is a temporary resolve, which probably represented public opinion much better than the former.  On the whole, the conclusion is inevitably forced on the student of this first national movement against the slave-trade, that its influence on the trade was but temporary and insignificant, and that at the end of the experiment the outlook for the final suppression of the trade was little brighter than before.  The whole movement served as a sort of social test of the power and importance of the slave-trade, which proved to be far more powerful than the platitudes of many of the Revolutionists had assumed.

The effect of the movement on the slave-trade in general was to begin, possibly a little earlier than otherwise would have been the case, that temporary breaking up of the trade which the war naturally caused.  “There was a time, during the late war,” says Clarkson, “when the slave trade may be considered as having been nearly abolished."[28] The prices of slaves rose correspondingly high, so that smugglers made fortunes.[29] It is stated that in the years 1772-1778 slave merchants of Liverpool failed for the sum of L710,000.[30] All this, of course, might have resulted from the war, without the “Association;” but in the long run the “Association” aided in frustrating the very designs which the framers of the first resolve had in mind; for the temporary stoppage in the end created an extraordinary demand for slaves, and led to a slave-trade after the war nearly as large as that before.

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30. *The Slave-Trade and Public Opinion after the War.* The Declaration of Independence showed a significant drift of public opinion from the firm stand taken in the “Association” resolutions.  The clique of political philosophers to which Jefferson belonged never imagined the continued existence of the country with slavery.  It is well known that the first draft of the Declaration contained a severe arraignment of Great Britain as the real promoter of slavery and the slave-trade in America.  In it the king was charged with waging “cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither.  This piratical warfare, the opprobrium of *infidel* powers, is the warfare of the *Christian* king of Great Britain.  Determined to keep open a market where *men* should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce.  And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them:  thus paying off former crimes committed against the *liberties* of one people with crimes which he urges them to commit against the *lives* of another."[31]

To this radical and not strictly truthful statement, even the large influence of the Virginia leaders could not gain the assent of the delegates in Congress.  The afflatus of 1774 was rapidly subsiding, and changing economic conditions had already led many to look forward to a day when the slave-trade could successfully be reopened.  More important than this, the nation as a whole was even less inclined now than in 1774 to denounce the slave-trade uncompromisingly.  Jefferson himself says that this clause “was struck out in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it.  Our northern brethren also, I believe,” said he, “felt a little tender under those censures; for though their people had very few slaves themselves, yet they had been pretty considerable carriers of them to others."[32]

As the war slowly dragged itself to a close, it became increasingly evident that a firm moral stand against slavery and the slave-trade was not a probability.  The reaction which naturally follows a period of prolonged and exhausting strife for high political principles now set in.  The economic forces of the country, which had suffered most, sought to recover and rearrange themselves; and all the selfish motives that impelled a bankrupt nation to seek to gain its daily bread did not long hesitate to demand a reopening of the profitable African slave-trade.  This demand was especially urgent from the fact that the slaves, by pillage, flight, and actual fighting, had become so reduced in numbers during the war that an urgent demand for more laborers was felt in the South.

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Nevertheless, the revival of the trade was naturally a matter of some difficulty, as the West India circuit had been cut off, leaving no resort except to contraband traffic and the direct African trade.  The English slave-trade after the peace “returned to its former state,” and was by 1784 sending 20,000 slaves annually to the West Indies.[33] Just how large the trade to the continent was at this time there are few means of ascertaining; it is certain that there was a general reopening of the trade in the Carolinas and Georgia, and that the New England traders participated in it.  This traffic undoubtedly reached considerable proportions; and through the direct African trade and the illicit West India trade many thousands of Negroes came into the United States during the years 1783-1787.[34]

Meantime there was slowly arising a significant divergence of opinion on the subject.  Probably the whole country still regarded both slavery and the slave-trade as temporary; but the Middle States expected to see the abolition of both within a generation, while the South scarcely thought it probable to prohibit even the slave-trade in that short time.  Such a difference might, in all probability, have been satisfactorily adjusted, if both parties had recognized the real gravity of the matter.  As it was, both regarded it as a problem of secondary importance, to be solved after many other more pressing ones had been disposed of.  The anti-slavery men had seen slavery die in their own communities, and expected it to die the same way in others, with as little active effort on their own part.  The Southern planters, born and reared in a slave system, thought that some day the system might change, and possibly disappear; but active effort to this end on their part was ever farthest from their thoughts.  Here, then, began that fatal policy toward slavery and the slave-trade that characterized the nation for three-quarters of a century, the policy of *laissez-faire, laissez-passer*.

31. *The Action of the Confederation.* The slave-trade was hardly touched upon in the Congress of the Confederation, except in the ordinance respecting the capture of slaves, and on the occasion of the Quaker petition against the trade, although, during the debate on the Articles of Confederation, the counting of slaves as well as of freemen in the apportionment of taxes was urged as a measure that would check further importation of Negroes.  “It is our duty,” said Wilson of Pennsylvania, “to lay every discouragement on the importation of slaves; but this amendment [i.e., to count two slaves as one freeman] would give the *jus trium liberorum* to him who would import slaves."[35] The matter was finally compromised by apportioning requisitions according to the value of land and buildings.

After the Articles went into operation, an ordinance in regard to the recapture of fugitive slaves provided that, if the capture was made on the sea below high-water mark, and the Negro was not claimed, he should be freed.  Matthews of South Carolina demanded the yeas and nays on this proposition, with the result that only the vote of his State was recorded against it.[36]

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On Tuesday, October 3, 1783, a deputation from the Yearly Meeting of the Pennsylvania, New Jersey, and Delaware Friends asked leave to present a petition.  Leave was granted the following day,[37] but no further minute appears.  According to the report of the Friends, the petition was against the slave-trade; and “though the Christian rectitude of the concern was by the Delegates generally acknowledged, yet not being vested with the powers of legislation, they declined promoting any public remedy against the gross national iniquity of trafficking in the persons of fellow-men."[38]

The only legislative activity in regard to the trade during the Confederation was taken by the individual States.[39] Before 1778 Connecticut, Vermont, Pennsylvania, Delaware, and Virginia had by law stopped the further importation of slaves, and importation had practically ceased in all the New England and Middle States, including Maryland.  In consequence of the revival of the slave-trade after the War, there was then a lull in State activity until 1786, when North Carolina laid a prohibitive duty, and South Carolina, a year later, began her series of temporary prohibitions.  In 1787-1788 the New England States forbade the participation of their citizens in the traffic.  It was this wave of legislation against the traffic which did so much to blind the nation as to the strong hold which slavery still had on the country.

**FOOTNOTES:**

  [1] These figures are from the *Report of the Lords of the
      Committee of Council*, *etc*. (London, 1789).

  [2] Sheffield, *Observations on American Commerce*, p. 28;
      P.L.  Ford, *The Association of the First Congress*, in
      *Political Science Quarterly*, VI. 615-7.

  [3] Cf., *e.g*., Arthur Lee’s letter to R.H.  Lee, March 18,
      1774, in which non-intercourse is declared “the only advisable
      and sure mode of defence”:  Force, *American Archives*, 4th
      Ser., I. 229.  Cf. also *Ibid.*, p. 240; Ford, in *Political
      Science Quarterly*, VI. 614-5.

  [4] Goodloe, *Birth of the Republic*, p. 260.

  [5] Staples, *Annals of Providence* (1843), p. 235.

  [6] Force, *American Archives*, 4th Ser., I. 735.  This was
      probably copied from the Virginia resolve.

  [7] Force, *American Archives*, 4th Ser., I. 600.

  [8] *Ibid.*, I. 494, 530.  Cf. pp. 523, 616, 641, *etc*.

  [9] *Ibid.*, I. 687.

 [10] *Ibid.*, I. 511, 526.  Cf. also p. 316.

 [11] *Journals of Cong.*, I. 20.  Cf.  Ford, in *Political
      Science Quarterly*, VI. 615-7.

 [12] John Adams, *Works*, II. 382.

 [13] *Journals of Cong.*, I. 21.

 [14] *Ibid.*, I. 24; Drayton; *Memoirs of the American
      Revolution*, I. 147; John Adams, *Works*, II. 394.

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 [15] *Journals of Cong.*, I. 27, 32-8.

 [16] Danbury, Dec. 12, 1774:  Force, *American Archives*, 4th
      Ser., I. 1038.  This case and that of Georgia are the only ones
      I have found in which the slave-trade clause was specifically
      mentioned.

 [17] Force, *American Archives*, 4th Ser., I. 1033, 1136,
      1160, 1163; II. 279-281, 1544; *Journals of Cong.*, May 13,
      15, 17, 1775.

 [18] Force, *American Archives*, 4th Ser., I. 1136.

 [19] *Ibid.*, II. 279-81.

 [20] *Ibid.*, I. 1160.

 [21] Force, *American Archives*, 4th Ser., I. 1163.

 [22] *Journals of Cong.*, May 13, 15, 1775.

 [23] *Ibid.*, May 17, 1775.

 [24] Force, *American Archives*, 4th Ser., II. 1545.

 [25] Drayton, *Memoirs of the American Revolution*, I. 182.
      Cf. pp. 181-7; Ramsay, *History of S. Carolina*, I. 231.

 [26] Force, *American Archives*, 4th Ser., II. 33-4.

 [27] *Journals of Cong.*, II. 122.

 [28] Clarkson, *Impolicy of the Slave-Trade*, pp. 125-8.

 [29] *Ibid.*, pp. 25-6.

 [30] *Ibid.*

 [31] Jefferson, *Works* (Washington, 1853-4), I. 23-4.  On the
      Declaration as an anti-slavery document, cf.  Elliot, *Debates*
      (1861), I. 89.

 [32] Jefferson, *Works* (Washington, 1853-4), I. 19.

 [33] Clarkson, *Impolicy of the Slave-Trade*, pp. 25-6;
      *Report*, *etc*., as above.

 [34] Witness the many high duty acts on slaves, and the
      revenue derived therefrom.  Massachusetts had sixty
      distilleries running in 1783.  Cf.  Sheffield, *Observations on
      American Commerce*, p. 267.

 [35] Elliot, *Debates*, I. 72-3.  Cf.  Art. 8 of the Articles of
      Confederation.

 [36] *Journals of Cong.*, 1781, June 25; July 18; Sept. 21,
      27; Nov. 8, 13, 30; Dec. 4.

 [37] *Ibid.*, 1782-3, pp. 418-9, 425.

 [38] *Annals of Cong.*, 1 Cong. 2 sess. p. 1183.

 [39] Cf. above, chapters ii., iii., iv.

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*Chapter VI*

THE FEDERAL CONVENTION. 1787.

32.  The First Proposition. 33.  The General Debate. 34.  The Special Committee and the “Bargain.” 35.  The Appeal to the Convention. 36.  Settlement by the Convention. 37.  Reception of the Clause by the Nation. 38.  Attitude of the State Conventions. 39.  Acceptance of the Policy.

32. *The First Proposition.* Slavery occupied no prominent place in the Convention called to remedy the glaring defects of the Confederation, for the obvious reason that few of the delegates thought it expedient to touch a delicate subject which, if let

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alone, bade fair to settle itself in a manner satisfactory to all.  Consequently, neither slavery nor the slave-trade is specifically mentioned in the delegates’ credentials of any of the States, nor in Randolph’s, Pinckney’s, or Hamilton’s plans, nor in Paterson’s propositions.  Indeed, the debate from May 14 to June 19, when the Committee of the Whole reported, touched the subject only in the matter of the ratio of representation of slaves.  With this same exception, the report of the Committee of the Whole contained no reference to slavery or the slave-trade, and the twenty-three resolutions of the Convention referred to the Committee of Detail, July 23 and 26, maintain the same silence.

The latter committee, consisting of Rutledge, Randolph, Gorham, Ellsworth, and Wilson, reported a draft of the Constitution August 6, 1787.  The committee had, in its deliberations, probably made use of a draft of a national Constitution made by Edmund Randolph.[1] One clause of this provided that “no State shall lay a duty on imports;” and, also, “1.  No duty on exports. 2.  No prohibition on such inhabitants as the United States think proper to admit. 3.  No duties by way of such prohibition.”  It does not appear that any reference to Negroes was here intended.  In the extant copy, however, notes in Edward Rutledge’s handwriting change the second clause to “No prohibition on such inhabitants or people as the several States think proper to admit."[2] In the report, August 6, these clauses take the following form:—­

“Article VII.  Section 4.  No tax or duty shall be laid by the legislature on articles exported from any state; nor on the migration or importation of such persons as the several states shall think proper to admit; nor shall such migration or importation be prohibited."[3]

33. *The General Debate.* This, of course, referred both to immigrants ("migration”) and to slaves ("importation").[4] Debate on this section began Tuesday, August 22, and lasted two days.  Luther Martin of Maryland precipitated the discussion by a proposition to alter the section so as to allow a prohibition or tax on the importation of slaves.  The debate immediately became general, being carried on principally by Rutledge, the Pinckneys, and Williamson from the Carolinas; Baldwin of Georgia; Mason, Madison, and Randolph of Virginia; Wilson and Gouverneur Morris of Pennsylvania; Dickinson of Delaware; and Ellsworth, Sherman, Gerry, King, and Langdon of New England.[5]

In this debate the moral arguments were prominent.  Colonel George Mason of Virginia denounced the traffic in slaves as “infernal;” Luther Martin of Maryland regarded it as “inconsistent with the principles of the revolution, and dishonorable to the American character.”  “Every principle of honor and safety,” declared John Dickinson of Delaware, “demands the exclusion of slaves.”  Indeed, Mason solemnly averred that the crime of slavery might yet bring the judgment of God on the nation.  On the other side, Rutledge of South Carolina bluntly declared that religion and humanity had nothing to do with the question, that it was a matter of “interest” alone.  Gerry of Massachusetts wished merely to refrain from giving direct sanction to the trade, while others contented themselves with pointing out the inconsistency of condemning the slave-trade and defending slavery.

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The difficulty of the whole argument, from the moral standpoint, lay in the fact that it was completely checkmated by the obstinate attitude of South Carolina and Georgia.  Their delegates—­Baldwin, the Pinckneys, Rutledge, and others—­asserted flatly, not less than a half-dozen times during the debate, that these States “can never receive the plan if it prohibits the slave-trade;” that “if the Convention thought” that these States would consent to a stoppage of the slave-trade, “the expectation is vain."[6] By this stand all argument from the moral standpoint was virtually silenced, for the Convention evidently agreed with Roger Sherman of Connecticut that “it was better to let the Southern States import slaves than to part with those States.”

In such a dilemma the Convention listened not unwillingly to the *non possumus* arguments of the States’ Rights advocates.  The “morality and wisdom” of slavery, declared Ellsworth of Connecticut, “are considerations belonging to the States themselves;” let every State “import what it pleases;” the Confederation has not “meddled” with the question, why should the Union?  It is a dangerous symptom of centralization, cried Baldwin of Georgia; the “central States” wish to be the “vortex for everything,” even matters of “a local nature.”  The national government, said Gerry of Massachusetts, had nothing to do with slavery in the States; it had only to refrain from giving direct sanction to the system.  Others opposed this whole argument, declaring, with Langdon of New Hampshire, that Congress ought to have this power, since, as Dickinson tartly remarked, “The true question was, whether the national happiness would be promoted or impeded by the importation; and this question ought to be left to the national government, not to the states particularly interested.”

Beside these arguments as to the right of the trade and the proper seat of authority over it, many arguments of general expediency were introduced.  From an economic standpoint, for instance, General C.C.  Pinckney of South Carolina “contended, that the importation of slaves would be for the interest of the whole Union.  The more slaves, the more produce.”  Rutledge of the same State declared:  “If the Northern States consult their interest, they will not oppose the increase of slaves, which will increase the commodities of which they will become the carriers.”  This sentiment found a more or less conscious echo in the words of Ellsworth of Connecticut, “What enriches a part enriches the whole.”  It was, moreover, broadly hinted that the zeal of Maryland and Virginia against the trade had an economic rather than a humanitarian motive, since they had slaves enough and to spare, and wished to sell them at a high price to South Carolina and Georgia, who needed more.  In such case restrictions would unjustly discriminate against the latter States.  The argument from history was barely touched upon.  Only once was there an allusion to “the example of all

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the world” “in all ages” to justify slavery,[7] and once came the counter declaration that “Greece and Rome were made unhappy by their slaves."[8] On the other hand, the military weakness of slavery in the late war led to many arguments on that score.  Luther Martin and George Mason dwelt on the danger of a servile class in war and insurrection; while Rutledge hotly replied that he “would readily exempt the other states from the obligation to protect the Southern against them;” and Ellsworth thought that the very danger would “become a motive to kind treatment.”  The desirability of keeping slavery out of the West was once mentioned as an argument against the trade:  to this all seemed tacitly to agree.[9]

Throughout the debate it is manifest that the Convention had no desire really to enter upon a general slavery argument.  The broader and more theoretic aspects of the question were but lightly touched upon here and there.  Undoubtedly, most of the members would have much preferred not to raise the question at all; but, as it was raised, the differences of opinion were too manifest to be ignored, and the Convention, after its first perplexity, gradually and perhaps too willingly set itself to work to find some “middle ground” on which all parties could stand.  The way to this compromise was pointed out by the South.  The most radical pro-slavery arguments always ended with the opinion that “if the Southern States were let alone, they will probably of themselves stop importations."[10] To be sure, General Pinckney admitted that, “candidly, he did not think South Carolina would stop her importations of slaves in any short time;” nevertheless, the Convention “observed,” with Roger Sherman, “that the abolition of slavery seemed to be going on in the United States, and that the good sense of the several states would probably by degrees complete it.”  Economic forces were evoked to eke out moral motives:  when the South had its full quota of slaves, like Virginia it too would abolish the trade; free labor was bound finally to drive out slave labor.  Thus the chorus of “*laissez-faire*” increased; and compromise seemed at least in sight, when Connecticut cried, “Let the trade alone!” and Georgia denounced it as an “evil.”  Some few discordant notes were heard, as, for instance, when Wilson of Pennsylvania made the uncomforting remark, “If South Carolina and Georgia were themselves disposed to get rid of the importation of slaves in a short time, as had been suggested, they would never refuse to unite because the importation might be prohibited.”

With the spirit of compromise in the air, it was not long before the general terms were clear.  The slavery side was strongly intrenched, and had a clear and definite demand.  The forces of freedom were, on the contrary, divided by important conflicts of interest, and animated by no very strong and decided anti-slavery spirit with settled aims.  Under such circumstances, it was easy for the Convention to miss the opportunity for a really great compromise, and to descend to a scheme that savored unpleasantly of “log-rolling.”  The student of the situation will always have good cause to believe that a more sturdy and definite anti-slavery stand at this point might have changed history for the better.

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34. *The Special Committee and the “Bargain."* Since the debate had, in the first place, arisen from a proposition to tax the importation of slaves, the yielding of this point by the South was the first move toward compromise.  To all but the doctrinaires, who shrank from taxing men as property, the argument that the failure to tax slaves was equivalent to a bounty, was conclusive.  With this point settled, Randolph voiced the general sentiment, when he declared that he “was for committing, in order that some middle ground might, if possible, be found.”  Finally, Gouverneur Morris discovered the “middle ground,” in his suggestion that the whole subject be committed, “including the clauses relating to taxes on exports and to a navigation act.  These things,” said he, “may form a bargain among the Northern and Southern States.”  This was quickly assented to; and sections four and five, on slave-trade and capitation tax, were committed by a vote of 7 to 3,[11] and section six, on navigation acts, by a vote of 9 to 2.[12] All three clauses were referred to the following committee:  Langdon of New Hampshire, King of Massachusetts, Johnson of Connecticut, Livingston of New Jersey, Clymer of Pennsylvania, Dickinson of Delaware, Martin of Maryland, Madison of Virginia, Williamson of North Carolina, General Pinckney of South Carolina, and Baldwin of Georgia.

The fullest account of the proceedings of this committee is given in Luther Martin’s letter to his constituents, and is confirmed in its main particulars by similar reports of other delegates.  Martin writes:  “A committee of *one* member from each state was chosen by ballot, to take this part of the system under their consideration, and to endeavor to agree upon some report which should reconcile those states [i.e., South Carolina and Georgia].  To this committee also was referred the following proposition, which had been reported by the committee of detail, *viz*.:  ’No navigation act shall be passed without the assent of two thirds of the members present in each house’—­a proposition which the staple and commercial states were solicitous to retain, lest their commerce should be placed too much under the power of the Eastern States, but which these last States were as anxious to reject.  This committee—­of which also I had the honor to be a member—­met, and took under their consideration the subjects committed to them.  I found the *Eastern* States, notwithstanding their *aversion to slavery*, were very willing to indulge the Southern States at least with a temporary liberty to prosecute the slave trade, provided the Southern States would, in their turn, gratify *them*, by laying no restriction on navigation acts; and after a very little time, the committee, by a great majority, agreed on a report, by which the general government was to be prohibited from preventing the importation of slaves for a limited time, and the restrictive clause relative to navigation acts was to be omitted."[13]

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That the “bargain” was soon made is proven by the fact that the committee reported the very next day, Friday, August 24, and that on Saturday the report was taken up.  It was as follows:  “Strike out so much of the fourth section as was referred to the committee, and insert ’The migration or importation of such persons as the several states, now existing, shall think proper to admit, shall not be prohibited by the legislature prior to the year 1800; but a tax or duty may be imposed on such migration or importation, at a rate not exceeding the average of the duties laid on imports.’  The fifth section to remain as in the report.  The sixth section to be stricken out."[14]

35. *The Appeal to the Convention.* The ensuing debate,[15] which lasted only a part of the day, was evidently a sort of appeal to the House on the decisions of the committee.  It throws light on the points of disagreement.  General Pinckney first proposed to extend the slave-trading limit to 1808, and Gorham of Massachusetts seconded the motion.  This brought a spirited protest from Madison:  “Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves.  So long a term will be more dishonorable to the American character than to say nothing about it in the Constitution."[16] There was, however, evidently another “bargain” here; for, without farther debate, the South and the East voted the extension, 7 to 4, only New Jersey, Pennsylvania, Delaware, and Virginia objecting.  The ambiguous phraseology of the whole slave-trade section as reported did not pass without comment; Gouverneur Morris would have it read:  “The importation of slaves into North Carolina, South Carolina, and Georgia, shall not be prohibited,” *etc*.[17] This emendation was, however, too painfully truthful for the doctrinaires, and was, amid a score of objections, withdrawn.  The taxation clause also was manifestly too vague for practical use, and Baldwin of Georgia wished to amend it by inserting “common impost on articles not enumerated,” in lieu of the “average” duty.[18] This minor point gave rise to considerable argument:  Sherman and Madison deprecated any such recognition of property in man as taxing would imply; Mason and Gorham argued that the tax restrained the trade; while King, Langdon, and General Pinckney contented themselves with the remark that this clause was “the price of the first part.”  Finally, it was unanimously agreed to make the duty “not exceeding ten dollars for each person."[19]

Southern interests now being safe, some Southern members attempted, a few days later, to annul the “bargain” by restoring the requirement of a two-thirds vote in navigation acts.  Charles Pinckney made the motion, in an elaborate speech designed to show the conflicting commercial interests of the States; he declared that “The power of regulating commerce was a pure concession on the part of the Southern States."[20] Martin and Williamson of North Carolina, Butler of

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South Carolina, and Mason of Virginia defended the proposition, insisting that it would be a dangerous concession on the part of the South to leave navigation acts to a mere majority vote.  Sherman of Connecticut, Morris of Pennsylvania, and Spaight of North Carolina declared that the very diversity of interest was a security.  Finally, by a vote of 7 to 4, Maryland, Virginia, North Carolina, and Georgia being in the minority, the Convention refused to consider the motion, and the recommendation of the committee passed.[21]

When, on September 10, the Convention was discussing the amendment clause of the Constitution, the ever-alert Rutledge, perceiving that the results of the laboriously settled “bargain” might be endangered, declared that he “never could agree to give a power by which the articles relating to slaves might be altered by the states not interested in that property."[22] As a result, the clause finally adopted, September 15, had the proviso:  “Provided, that no amendment which may be made prior to the year 1808 shall in any manner affect the 1st and 4th clauses in the 9th section of the 1st article."[23]

36. *Settlement by the Convention.* Thus, the slave-trade article of the Constitution stood finally as follows:—­

“Article I. Section 9.  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 one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.”

This settlement of the slavery question brought out distinct differences of moral attitude toward the institution, and yet differences far from hopeless.  To be sure, the South apologized for slavery, the Middle States denounced it, and the East could only tolerate it from afar; and yet all three sections united in considering it a temporary institution, the corner-stone of which was the slave-trade.  No one of them had ever seen a system of slavery without an active slave-trade; and there were probably few members of the Convention who did not believe that the foundations of slavery had been sapped merely by putting the abolition of the slave-trade in the hands of Congress twenty years hence.  Here lay the danger; for when the North called slavery “temporary,” she thought of twenty or thirty years, while the “temporary” period of the South was scarcely less than a century.  Meantime, for at least a score of years, a policy of strict *laissez-faire*, so far as the general government was concerned, was to intervene.  Instead of calling the whole moral energy of the people into action, so as gradually to crush this portentous evil, the Federal Convention lulled the nation to sleep by a “bargain,” and left to the vacillating and unripe judgment of the States one of the most threatening of the social and political ills which they were so courageously seeking to remedy.

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37. *Reception of the Clause by the Nation.* When the proposed Constitution was before the country, the slave-trade article came in for no small amount of condemnation and apology.  In the pamphlets of the day it was much discussed.  One of the points in Mason’s “Letter of Objections” was that “the general legislature is restrained from prohibiting the further importation of slaves for twenty odd years, though such importations render the United States weaker, more vulnerable, and less capable of defence."[24] To this Iredell replied, through the columns of the *State Gazette* of North Carolina:  “If all the States had been willing to adopt this regulation [i.e., to prohibit the slave-trade], I should as an individual most heartily have approved of it, because even if the importation of slaves in fact rendered us stronger, less vulnerable and more capable of defence, I should rejoice in the prohibition of it, as putting an end to a trade which has already continued too long for the honor and humanity of those concerned in it.  But as it was well known that South Carolina and Georgia thought a further continuance of such importations useful to them, and would not perhaps otherwise have agreed to the new constitution, those States which had been importing till they were satisfied, could not with decency have insisted upon their relinquishing advantages themselves had already enjoyed.  Our situation makes it necessary to bear the evil as it is.  It will be left to the future legislatures to allow such importations or not.  If any, in violation of their clear conviction of the injustice of this trade, persist in pursuing it, this is a matter between God and their own consciences.  The interests of humanity will, however, have gained something by the prohibition of this inhuman trade, though at a distance of twenty odd years."[25]

“Centinel,” representing the Quaker sentiment of Pennsylvania, attacked the clause in his third letter, published in the *Independent Gazetteer, or The Chronicle of Freedom*, November 8, 1787:  “We are told that the objects of this article are slaves, and that it is inserted to secure to the southern states the right of introducing negroes for twenty-one years to come, against the declared sense of the other states to put an end to an odious traffic in the human species, which is especially scandalous and inconsistent in a people, who have asserted their own liberty by the sword, and which dangerously enfeebles the districts wherein the laborers are bondsmen.  The words, dark and ambiguous, such as no plain man of common sense would have used, are evidently chosen to conceal from Europe, that in this enlightened country, the practice of slavery has its advocates among men in the highest stations.  When it is recollected that no poll tax can be imposed on *five* negroes, above what *three* whites shall be charged; when it is considered, that the imposts on the consumption of Carolina field negroes must be trifling, and the excise nothing, it is plain that the proportion of contributions, which can be expected from the southern states under the new constitution, will be unequal, and yet they are to be allowed to enfeeble themselves by the further importation of negroes till the year 1808.  Has not the concurrence of the five southern states (in the convention) to the new system, been purchased too dearly by the rest?"[26]

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Noah Webster’s “Examination” (1787) addressed itself to such Quaker scruples:  “But, say the enemies of slavery, negroes may be imported for twenty-one years.  This exception is addressed to the quakers, and a very pitiful exception it is.  The truth is, Congress cannot prohibit the importation of slaves during that period; but the laws against the importation into particular states, stand unrepealed.  An immediate abolition of slavery would bring ruin upon the whites, and misery upon the blacks, in the southern states.  The constitution has therefore wisely left each state to pursue its own measures, with respect to this article of legislation, during the period of twenty-one years."[27]

The following year the “Examination” of Tench Coxe said:  “The temporary reservation of any particular matter must ever be deemed an admission that it should be done away.  This appears to have been well understood.  In addition to the arguments drawn from liberty, justice and religion, opinions against this practice [i.e., of slave-trading], founded in sound policy, have no doubt been urged.  Regard was necessarily paid to the peculiar situation of our southern fellow-citizens; but they, on the other hand, have not been insensible of the delicate situation of our national character on this subject."[28]

From quite different motives Southern men defended this section.  For instance, Dr. David Ramsay, a South Carolina member of the Convention, wrote in his “Address”:  “It is farther objected, that they have stipulated for a right to prohibit the importation of negroes after 21 years.  On this subject observe, as they are bound to protect us from domestic violence, they think we ought not to increase our exposure to that evil, by an unlimited importation of slaves.  Though Congress may forbid the importation of negroes after 21 years, it does not follow that they will.  On the other hand, it is probable that they will not.  The more rice we make, the more business will be for their shipping; their interest will therefore coincide with ours.  Besides, we have other sources of supply—­the importation of the ensuing 20 years, added to the natural increase of those we already have, and the influx from our northern neighbours who are desirous of getting rid of their slaves, will afford a sufficient number for cultivating all the lands in this state."[29]

Finally, *The Federalist*, No. 41, written by James Madison, commented as follows:  “It were doubtless to be wished, that the power of prohibiting the importation of slaves had not been postponed until the year 1808, or rather, that it had been suffered to have immediate operation.  But it is not difficult to account, either for this restriction on the General Government, or for the manner in which the whole clause is expressed.  It ought to be considered as a great point gained in favor of humanity, that a period of twenty years may terminate forever, within these States, a traffic which has so long and so loudly upbraided

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the barbarism of modern policy; that within that period, it will receive a considerable discouragement from the Federal Government, and may be totally abolished, by a concurrence of the few States which continue the unnatural traffic, in the prohibitory example which has been given by so great a majority of the Union.  Happy would it be for the unfortunate Africans, if an equal prospect lay before them of being redeemed from the oppressions of their European brethren!

“Attempts have been made to pervert this clause into an objection against the Constitution, by representing it on one side as a criminal toleration of an illicit practice, and on another, as calculated to prevent voluntary and beneficial emigrations from Europe to America.  I mention these misconstructions, not with a view to give them an answer, for they deserve none; but as specimens of the manner and spirit, in which some have thought fit to conduct their opposition to the proposed Government."[30]

38. *Attitude of the State Conventions.* The records of the proceedings in the various State conventions are exceedingly meagre.  In nearly all of the few States where records exist there is found some opposition to the slave-trade clause.  The opposition was seldom very pronounced or bitter; it rather took the form of regret, on the one hand that the Convention went so far, and on the other hand that it did not go farther.  Probably, however, the Constitution was never in danger of rejection on account of this clause.

Extracts from a few of the speeches, *pro* and *con*, in various States will best illustrate the character of the arguments.  In reply to some objections expressed in the Pennsylvania convention, Wilson said, December 3, 1787:  “I consider this as laying the foundation for banishing slavery out of this country; and though the period is more distant than I could wish, yet it will produce the same kind, gradual change, which was pursued in Pennsylvania."[31] Robert Barnwell declared in the South Carolina convention, January 17, 1788, that this clause “particularly pleased” him.  “Congress,” he said, “has guarantied this right for that space of time, and at its expiration may continue it as long as they please.  This question then arises—­What will their interest lead them to do?  The Eastern States, as the honorable gentleman says, will become the carriers of America.  It will, therefore, certainly be their interest to encourage exportation to as great an extent as possible; and if the quantum of our products will be diminished by the prohibition of negroes, I appeal to the belief of every man, whether he thinks those very carriers will themselves dam up the sources from whence their profit is derived.  To think so is so contradictory to the general conduct of mankind, that I am of opinion, that, without we ourselves put a stop to them, the traffic for negroes will continue forever."[32]

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In Massachusetts, January 30, 1788, General Heath said:  “The gentlemen who have spoken have carried the matter rather too far on both sides.  I apprehend that it is not in our power to do anything for or against those who are in slavery in the southern States....  Two questions naturally arise, if we ratify the Constitution:  Shall we do anything by our act to hold the blacks in slavery? or shall we become partakers of other men’s sins?  I think neither of them.  Each State is sovereign and independent to a certain degree, and they have a right, and will regulate their own internal affairs, as to themselves appears proper."[33] Iredell said, in the North Carolina convention, July 26, 1788:  “When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind, and every friend of human nature....  But as it is, this government is nobly distinguished above others by that very provision."[34]

Of the arguments against the clause, two made in the Massachusetts convention are typical.  The Rev. Mr. Neal said, January 25, 1788, that “unless his objection [to this clause] was removed, he could not put his hand to the Constitution."[35] General Thompson exclaimed, “Shall it be said, that after we have established our own independence and freedom, we make slaves of others?"[36] Mason, in the Virginia convention, June 15, 1788, said:  “As much as I value a union of all the states, I would not admit the Southern States into the Union unless they agree to the discontinuance of this disgraceful trade....  Yet they have not secured us the property of the slaves we have already.  So that ’they have done what they ought not to have done, and have left undone what they ought to have done.’"[37] Joshua Atherton, who led the opposition in the New Hampshire convention, said:  “The idea that strikes those who are opposed to this clause so disagreeably and so forcibly is,—­hereby it is conceived (if we ratify the Constitution) that we become *consenters to* and *partakers in* the sin and guilt of this abominable traffic, at least for a certain period, without any positive stipulation that it shall even then be brought to an end."[38]

In the South Carolina convention Lowndes, January 16, 1788, attacked the slave-trade clause.  “Negroes,” said he, “were our wealth, our only natural resource; yet behold how our kind friends in the north were determined soon to tie up our hands, and drain us of what we had!  The Eastern States drew their means of subsistence, in a great measure, from their shipping; and, on that head, they had been particularly careful not to allow of any burdens....  Why, then, call this a reciprocal bargain, which took all from one party, to bestow it on the other!"[39]

In spite of this discussion in the different States, only one State, Rhode Island, went so far as to propose an amendment directing Congress to “promote and establish such laws and regulations as may effectually prevent the importation of slaves of every description, into the United States."[40]

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39. *Acceptance of the Policy.* As in the Federal Convention, so in the State conventions, it is noticeable that the compromise was accepted by the various States from widely different motives.[41] Nevertheless, these motives were not fixed and unchangeable, and there was still discernible a certain underlying agreement in the dislike of slavery.  One cannot help thinking that if the devastation of the late war had not left an extraordinary demand for slaves in the South,—­if, for instance, there had been in 1787 the same plethora in the slave-market as in 1774,—­the future history of the country would have been far different.  As it was, the twenty-one years of *laissez-faire* were confirmed by the States, and the nation entered upon the constitutional period with the slave-trade legal in three States,[42] and with a feeling of quiescence toward it in the rest of the Union.

**FOOTNOTES:**

  [1] Conway, *Life and Papers of Edmund Randolph*, ch. ix.

  [2] Conway, *Life and Papers of Edmund Randolph*, p. 78.

  [3] Elliot, *Debates*, I. 227.

  [4] Cf.  Conway, *Life and Papers of Edmund Randolph*, pp.
      78-9.

  [5] For the following debate, Madison’s notes (Elliot,
      *Debates*, V. 457 ff.) are mainly followed.

  [6] Cf.  Elliot, *Debates*, V, *passim*.

  [7] By Charles Pinckney.

  [8] By John Dickinson.

  [9] Mentioned in the speech of George Mason.

 [10] Charles Pinckney.  Baldwin of Georgia said that if the
      State were left to herself, “she may probably put a stop to
      the evil”:  Elliot, *Debates*, V. 459.

 [11] *Affirmative:* Connecticut, New Jersey, Maryland,
      Virginia, North Carolina, South Carolina, Georgia,—­7.
      *Negative:* New Hampshire, Pennsylvania, Delaware,—­3.
      *Absent:* Massachusetts,—­1.

 [12] *Negative:* Connecticut and New Jersey.

 [13] Luther Martin’s letter, in Elliot, *Debates*, I. 373.  Cf.
      explanations of delegates in the South Carolina, North
      Carolina, and other conventions.

 [14] Elliot, *Debates*, V. 471.

 [15] Saturday, Aug. 25, 1787.

 [16] Elliot, *Debates*, V. 477.

 [17] Elliot, *Debates*, V. 477.  Dickinson made a similar
      motion, which was disagreed to:  *Ibid.*

 [18] *Ibid.*, V. 478.

 [19] *Ibid.*

 [20] Aug. 29:  *Ibid.*, V. 489.

 [21] *Ibid.*, V. 492.

 [22] Elliot, *Debates*, V. 532.

 [23] *Ibid.*, I. 317.

 [24] P.L.  Ford, *Pamphlets on the Constitution*, p. 331.

 [25] *Ibid.*, p. 367.

 [26] McMaster and Stone, *Pennsylvania and the Federal
      Convention*, pp. 599-600.  Cf. also p. 773.

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 [27] See Ford, *Pamphlets*, *etc*., p. 54.

 [28] Ford, *Pamphlets*, *etc*., p. 146.

 [29] “Address to the Freemen of South Carolina on the Subject
      of the Federal Constitution”:  *Ibid.*, p. 378.

 [30] Published in the *New York Packet*, Jan. 22, 1788;
      reprinted in Dawson’s *Foederalist*, I. 290-1.

 [31] Elliot, *Debates*, II. 452.

 [32] Elliot, *Debates*, IV. 296-7.

 [33] Published in *Debates of the Massachusetts Convention*,
      1788, p. 217 ff.

 [34] Elliot, *Debates*, IV. 100-1.

 [35] Published in *Debates of the Massachusetts Convention*,
      1788, p. 208.

 [36] *Ibid.*

 [37] Elliot, *Debates*, III. 452-3.

 [38] Walker, *Federal Convention of New Hampshire*, App. 113;
      Elliot, Debates, II. 203.

 [39] Elliot, *Debates*, IV. 273.

 [40] Updike’s *Minutes*, in Staples, *Rhode Island in the
      Continental Congress*, pp. 657-8, 674-9.  Adopted by a majority
      of one in a convention of seventy.

 [41] In five States I have found no mention of the subject
      (Delaware, New Jersey, Georgia, Connecticut, and Maryland).  In
      the Pennsylvania convention there was considerable debate,
      partially preserved in Elliot’s and Lloyd’s *Debates*.  In the
      Massachusetts convention the debate on this clause occupied a
      part of two or three days, reported in published debates.  In
      South Carolina there were several long speeches, reported in
      Elliot’s *Debates*.  Only three speeches made in the New
      Hampshire convention seem to be extant, and two of these are
      on the slave-trade:  cf.  Walker and Elliot.  The Virginia
      convention discussed the clause to considerable extent:  see
      Elliot.  The clause does not seem to have been a cause of North
      Carolina’s delay in ratification, although it occasioned some
      discussion:  see Elliot.  In Rhode Island “much debate ensued,”
      and in this State alone was an amendment proposed:  see
      Staples, *Rhode Island in the Continental Congress*.  In New
      York the Committee of the Whole “proceeded through sections 8,
      9 ... with little or no debate”:  Elliot, *Debates*, II. 406.

 [42] South Carolina, Georgia, and North Carolina.  North
      Carolina had, however, a prohibitive duty.

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*Chapter VII*

TOUSSAINT L’OUVERTURE AND ANTI-SLAVERY EFFORT, 1787-1806.

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40.  Influence of the Haytian Revolution. 41.  Legislation of the Southern States. 42.  Legislation of the Border States. 43.  Legislation of the Eastern States. 44.  First Debate in Congress, 1789. 45.  Second Debate in Congress, 1790. 46.  The Declaration of Powers, 1790. 47.  The Act of 1794. 48.  The Act of 1800. 49.  The Act of 1803. 50.  State of the Slave-Trade from 1789 to 1803. 51.  The South Carolina Repeal of 1803. 52.  The Louisiana Slave-Trade, 1803-1805. 53.  Last Attempts at Taxation, 1805-1806. 54.  Key-Note of the Period.

40. *Influence of the Haytian Revolution.* The role which the great Negro Toussaint, called L’Ouverture, played in the history of the United States has seldom been fully appreciated.  Representing the age of revolution in America, he rose to leadership through a bloody terror, which contrived a Negro “problem” for the Western Hemisphere, intensified and defined the anti-slavery movement, became one of the causes, and probably the prime one, which led Napoleon to sell Louisiana for a song, and finally, through the interworking of all these effects, rendered more certain the final prohibition of the slave-trade by the United States in 1807.

From the time of the reorganization of the Pennsylvania Abolition Society, in 1787, anti-slavery sentiment became active.  New York, New Jersey, Rhode Island, Delaware, Maryland, and Virginia had strong organizations, and a national convention was held in 1794.  The terrible upheaval in the West Indies, beginning in 1791, furnished this rising movement with an irresistible argument.  A wave of horror and fear swept over the South, which even the powerful slave-traders of Georgia did not dare withstand; the Middle States saw their worst dreams realized, and the mercenary trade interests of the East lost control of the New England conscience.

41. *Legislation of the Southern States.* In a few years the growing sentiment had crystallized into legislation.  The Southern States took immediate measures to close their ports, first against West India Negroes, finally against all slaves.  Georgia, who had had legal slavery only from 1755, and had since passed no restrictive legislation, felt compelled in 1793[1] to stop the entry of free Negroes, and in 1798[2] to prohibit, under heavy penalties, the importation of all slaves.  This provision was placed in the Constitution of the State, and, although miserably enforced, was never repealed.

South Carolina was the first Southern State in which the exigencies of a great staple crop rendered the rapid consumption of slaves more profitable than their proper maintenance.  Alternating, therefore, between a plethora and a dearth of Negroes, she prohibited the slave-trade only for short periods.  In 1788[3] she had forbidden the trade for five years, and in 1792,[4] being peculiarly exposed to the West Indian insurrection, she quickly found it “inexpedient” to allow Negroes “from Africa, the West India

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Islands, or other place beyond sea” to enter for two years.  This act continued to be extended, although with lessening penalties, until 1803.[5] The home demand in view of the probable stoppage of the trade in 1808, the speculative chances of the new Louisiana Territory trade, and the large already existing illicit traffic combined in that year to cause the passage of an act, December 17, reopening the African slave-trade, although still carefully excluding “West India” Negroes.[6] This action profoundly stirred the Union, aroused anti-slavery sentiment, led to a concerted movement for a constitutional amendment, and, failing in this, to an irresistible demand for a national prohibitory act at the earliest constitutional moment.

North Carolina had repealed her prohibitory duty act in 1790,[7] but in 1794 she passed an “Act to prevent further importation and bringing of slaves,” *etc*.[8] Even the body-servants of West India immigrants and, naturally, all free Negroes, were eventually prohibited.[9]

42. *Legislation of the Border States.* The Border States, Virginia and Maryland, strengthened their non-importation laws, Virginia freeing illegally imported Negroes,[10] and Maryland prohibiting even the interstate trade.[11] The Middle States took action chiefly in the final abolition of slavery within their borders, and the prevention of the fitting out of slaving vessels in their ports.  Delaware declared, in her Act of 1789, that “it is inconsistent with that spirit of general liberty which pervades the constitution of this state, that vessels should be fitted out, or equipped, in any of the ports thereof, for the purpose of receiving and transporting the natives of Africa to places where they are held in slavery,"[12] and forbade such a practice under penalty of L500 for each person so engaged.  The Pennsylvania Act of 1788[13] had similar provisions, with a penalty of L1000; and New Jersey followed with an act in 1798.[14]

43. *Legislation of the Eastern States.* In the Eastern States, where slavery as an institution was already nearly defunct, action was aimed toward stopping the notorious participation of citizens in the slave-trade outside the State.  The prime movers were the Rhode Island Quakers.  Having early secured a law against the traffic in their own State, they turned their attention to others.  Through their remonstrances Connecticut, in 1788,[15] prohibited participation in the trade by a fine of L500 on the vessel, L50 on each slave, and loss of insurance; this act was strengthened in 1792,[16] the year after the Haytian revolt.  Massachusetts, after many fruitless attempts, finally took advantage of an unusually bold case of kidnapping, and passed a similar act in 1788.[17] “This,” says Belknap, “was the utmost which could be done by our legislatures; we still have to regret the impossibility of making a law *here*, which shall restrain our citizens from carrying on this trade *in foreign bottoms*, and from committing the crimes which this act prohibits, *in foreign countries*, as it is said some of them have done since the enacting of these laws."[18]

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Thus it is seen how, spurred by the tragedy in the West Indies, the United States succeeded by State action in prohibiting the slave-trade from 1798 to 1803, in furthering the cause of abolition, and in preventing the fitting out of slave-trade expeditions in United States ports.  The country had good cause to congratulate itself.  The national government hastened to supplement State action as far as possible, and the prophecies of the more sanguine Revolutionary fathers seemed about to be realized, when the ill-considered act of South Carolina showed the weakness of the constitutional compromise.

44. *First Debate in Congress, 1789.* The attention of the national government was early directed to slavery and the trade by the rise, in the first Congress, of the question of taxing slaves imported.  During the debate on the duty bill introduced by Clymer’s committee, Parker of Virginia moved, May 13, 1789, to lay a tax of ten dollars *per capita* on slaves imported.  He plainly stated that the tax was designed to check the trade, and that he was “sorry that the Constitution prevented Congress from prohibiting the importation altogether.”  The proposal was evidently unwelcome, and caused an extended debate.[19] Smith of South Carolina wanted to postpone a matter so “big with the most serious consequences to the State he represented.”  Roger Sherman of Connecticut “could not reconcile himself to the insertion of human beings as an article of duty, among goods, wares, and merchandise.”  Jackson of Georgia argued against any restriction, and thought such States as Virginia “ought to let their neighbors get supplied, before they imposed such a burden upon the importation.”  Tucker of South Carolina declared it “unfair to bring in such an important subject at a time when debate was almost precluded,” and denied the right of Congress to “consider whether the importation of slaves is proper or not.”

Mr. Parker was evidently somewhat abashed by this onslaught of friend and foe, but he “had ventured to introduce the subject after full deliberation, and did not like to withdraw it.”  He desired Congress, “if possible,” to “wipe off the stigma under which America labored.”  This brought Jackson of Georgia again to his feet.  He believed, in spite of the “fashion of the day,” that the Negroes were better off as slaves than as freedmen, and that, as the tax was partial, “it would be the most odious tax Congress could impose.”  Such sentiments were a distinct advance in pro-slavery doctrine, and called for a protest from Madison of Virginia.  He thought the discussion proper, denied the partiality of the tax, and declared that, according to the spirit of the Constitution and his own desire, it was to be hoped “that, by expressing a national disapprobation of this trade, we may destroy it, and save ourselves from reproaches, and our posterity the imbecility ever attendant on a country filled with slaves.”  Finally, to Burke of South Carolina, who thought “the gentlemen were contending for nothing,” Madison sharply rejoined, “If we contend for nothing, the gentlemen who are opposed to us do not contend for a great deal.”

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It now became clear that Congress had been whirled into a discussion of too delicate and lengthy a nature to allow its further prolongation.  Compromising councils prevailed; and it was agreed that the present proposition should be withdrawn and a separate bill brought in.  This bill was, however, at the next session dexterously postponed “until the next session of Congress."[20]

45. *Second Debate in Congress, 1790.* It is doubtful if Congress of its own initiative would soon have resurrected the matter, had not a new anti-slavery weapon appeared in the shape of urgent petitions from abolition societies.  The first petition, presented February 11, 1790,[21] was from the same interstate Yearly Meeting of Friends which had formerly petitioned the Confederation Congress.[22] They urged Congress to inquire “whether, notwithstanding such seeming impediments, it be not in reality within your power to exercise justice and mercy, which, if adhered to, we cannot doubt, must produce the abolition of the slave trade,” *etc*.  Another Quaker petition from New York was also presented,[23] and both were about to be referred, when Smith of South Carolina objected, and precipitated a sharp debate.[24] This debate had a distinctly different tone from that of the preceding one, and represents another step in pro-slavery doctrine.  The key-note of these utterances was struck by Stone of Maryland, who “feared that if Congress took any measures indicative of an intention to interfere with the kind of property alluded to, it would sink it in value very considerably, and might be injurious to a great number of the citizens, particularly in the Southern States.  He thought the subject was of general concern, and that the petitioners had no more right to interfere with it than any other members of the community.  It was an unfortunate circumstance, that it was the disposition of religious sects to imagine they understood the rights of human nature better than all the world besides.”

In vain did men like Madison disclaim all thought of unconstitutional “interference,” and express only a desire to see “If anything is within the Federal authority to restrain such violation of the rights of nations and of mankind, as is supposed to be practised in some parts of the United States.”  A storm of disapproval from Southern members met such sentiments.  “The rights of the Southern States ought not to be threatened,” said Burke of South Carolina.  “Any extraordinary attention of Congress to this petition,” averred Jackson of Georgia, would put slave property “in jeopardy,” and “evince to the people a disposition towards a total emancipation.”  Smith and Tucker of South Carolina declared that the request asked for “unconstitutional” measures.  Gerry of Massachusetts, Hartley of Pennsylvania, and Lawrence of New York rather mildly defended the petitioners; but after considerable further debate the matter was laid on the table.

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The very next day, however, the laid ghost walked again in the shape of another petition from the “Pennsylvania Society for promoting the Abolition of Slavery,” signed by its venerable president, Benjamin Franklin.  This petition asked Congress to “step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow-men."[25] Hartley of Pennsylvania called up the memorial of the preceding day, and it was read a second time and a motion for commitment made.  Plain words now came from Tucker of South Carolina.  “The petition,” he said, “contained an unconstitutional request.”  The commitment would alarm the South.  These petitions were “mischievous” attempts to imbue the slaves with false hopes.  The South would not submit to a general emancipation without “civil war.”  The commitment would “blow the trumpet of sedition in the Southern States,” echoed his colleague, Burke.  The Pennsylvania men spoke just as boldly.  Scott declared the petition constitutional, and was sorry that the Constitution did not interdict this “most abominable” traffic.  “Perhaps, in our Legislative capacity,” he said, “we can go no further than to impose a duty of ten dollars, but I do not know how far I might go if I was one of the Judges of the United States, and those people were to come before me and claim their emancipation; but I am sure I would go as far as I could.”  Jackson of Georgia rejoined in true Southern spirit, boldly defending slavery in the light of religion and history, and asking if it was “good policy to bring forward a business at this moment likely to light up the flame of civil discord; for the people of the Southern States will resist one tyranny as soon as another.  The other parts of the Continent may bear them down by force of arms, but they will never suffer themselves to be divested of their property without a struggle.  The gentleman says, if he was a Federal Judge, he does not know to what length he would go in emancipating these people; but I believe his judgment would be of short duration in Georgia, perhaps even the existence of such a Judge might be in danger.”  Baldwin, his New-England-born colleague, urged moderation by reciting the difficulty with which the constitutional compromise was reached, and declaring, “the moment we go to jostle on that ground, I fear we shall feel it tremble under our feet.”  Lawrence of New York wanted to commit the memorials, in order to see how far Congress might constitutionally interfere.  Smith of South Carolina, in a long speech, said that his constituents entered the Union “from political, not from moral motives,” and that “we look upon this measure as an attack upon the palladium of the property of our country.”  Page of Virginia, although a slave owner, urged commitment, and Madison again maintained the appropriateness of the request, and suggested that “regulations might be made in relation to the introduction of them [i.e., slaves] into the new States to be formed out of the Western Territory.”  Even conservative Gerry of Massachusetts declared, with regard to the whole trade, that the fact that “we have a right to regulate this business, is as clear as that we have any rights whatever.”

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Finally, by a vote of 43 to 11, the memorials were committed, the South Carolina and Georgia delegations, Bland and Coles of Virginia, Stone of Maryland, and Sylvester of New York voting in the negative.[26] A committee, consisting of Foster of New Hampshire, Huntington of Connecticut, Gerry of Massachusetts, Lawrence of New York, Sinnickson of New Jersey, Hartley of Pennsylvania, and Parker of Virginia, was charged with the matter, and reported Friday, March 5.  The absence of Southern members on this committee compelled it to make this report a sort of official manifesto on the aims of Northern anti-slavery politics.  As such, it was sure to meet with vehement opposition in the House, even though conservatively worded.  Such proved to be the fact when the committee reported.  The onslaught to “negative the whole report” was prolonged and bitter, the debate *pro* and *con* lasting several days.[27]

46. *The Declaration of Powers, 1790.* The result is best seen by comparing the original report with the report of the Committee of the Whole, adopted by a vote of 29 to 25 Monday, March 23, 1790:[28]—­

      REPORT OF THE SELECT COMMITTEE.

That, from the nature of the matters contained in these memorials, they were induced to examine the powers vested in Congress, under the present Constitution, relating to the Abolition of Slavery, and are clearly of opinion,*First.* That the General Government is expressly restrained from prohibiting the importation of such persons ’as any of the States now existing shall think proper to admit, until the year one thousand eight hundred and eight.’*Secondly.* That Congress, by a fair construction of the Constitution, are equally restrained from interfering in the emancipation of slaves, who already are, or who may, within the period mentioned, be imported into, or born within, any of the said States.*Thirdly.* That Congress have no authority to interfere in the internal regulations of particular States, relative to the instructions of slaves in the principles of morality and religion; to their comfortable clothing, accommodations, and subsistence; to the regulation of their marriages, and the prevention of the violation of the rights thereof, or to the separation of children from their parents; to a comfortable provision in cases of sickness, age, or infirmity; or to the seizure, transportation, or sale of free negroes; but have the fullest confidence in the wisdom and humanity of the Legislatures of the several States, that they will revise their laws from time to time, when necessary, and promote the objects mentioned in the memorials, and every other measure that may tend to the happiness of slaves.*Fourthly.* That, nevertheless, Congress have authority, if they shall think it necessary, to lay at any time a tax or duty, not exceeding ten dollars for each person of any description,

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the importation of whom shall be by any of the States admitted as aforesaid.*Fifthly.* That Congress have authority to interdict,[29] or (so far as it is or may be carried on by citizens of the United States, for supplying foreigners), to regulate the African trade, and to make provision for the humane treatment of slaves, in all cases while on their passage to the United States, or to foreign ports, so far as respects the citizens of the United States.*Sixthly.* That Congress have also authority to prohibit foreigners from fitting out vessels in any port of the United States, for transporting persons from Africa to any foreign port.*Seventhly.* That the memorialists be informed, that in all cases to which the authority of Congress extends, they will exercise it for the humane objects of the memorialists, so far as they can be promoted on the principles of justice, humanity, and good policy.

\* \* \* \* \*

      REPORT OF THE COMMITTEE OF THE WHOLE.

*First.* That the migration or importation of such persons as any of the States now existing shall think proper to admit, cannot be prohibited by Congress, prior to the year one thousand eight hundred and eight.*Secondly.* That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the States; it remaining with the several States alone to provide any regulation therein, which humanity and true policy may require.*Thirdly.* That Congress have authority to restrain the citizens of the United States from carrying on the African trade, for the purpose of supplying foreigners with slaves, and of providing, by proper regulations, for the humane treatment, during their passage, of slaves imported by the said citizens into the States admitting such importation.*Fourthly.* That Congress have authority to prohibit foreigners from fitting out vessels in any port of the United States for transporting persons from Africa to any foreign port.

47. *The Act of 1794.* This declaration of the powers of the central government over the slave-trade bore early fruit in the second Congress, in the shape of a shower of petitions from abolition societies in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, and Virginia.[30] In some of these slavery was denounced as “an outrageous violation of one of the most essential rights of human nature,"[31] and the slave-trade as a traffic “degrading to the rights of man” and “repugnant to reason."[32] Others declared the trade “injurious to the true commercial interest of a nation,"[33] and asked Congress that, having taken up the matter, they do all in their power to limit the trade.  Congress was, however, determined to avoid as long as possible so unpleasant a matter, and, save an angry attempt to censure a Quaker petitioner,[34] nothing was heard of the slave-trade until the third Congress.

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Meantime, news came from the seas southeast of Carolina and Georgia which influenced Congress more powerfully than humanitarian arguments had done.  The wild revolt of despised slaves, the rise of a noble black leader, and the birth of a new nation of Negro freemen frightened the pro-slavery advocates and armed the anti-slavery agitation.  As a result, a Quaker petition for a law against the transport traffic in slaves was received without a murmur in 1794,[35] and on March 22 the first national act against the slave-trade became a law.[36] It was designed “to prohibit the carrying on the Slave Trade from the United States to any foreign place or country,” or the fitting out of slavers in the United States for that country.  The penalties for violation were forfeiture of the ship, a fine of $1000 for each person engaged, and of $200 for each slave transported.  If the Quakers thought this a triumph of anti-slavery sentiment, they were quickly undeceived.  Congress might willingly restrain the country from feeding West Indian turbulence, and yet be furious at a petition like that of 1797,[37] calling attention to “the oppressed state of our brethren of the African race” in this country, and to the interstate slave-trade.  “Considering the present extraordinary state of the West India Islands and of Europe,” young John Rutledge insisted “that ‘sufficient for the day is the evil thereof,’ and that they ought to shut their door against any thing which had a tendency to produce the like confusion in this country.”  After excited debate and some investigation by a special committee, the petition was ordered, in both Senate and House, to be withdrawn.

48. *The Act of 1800.* In the next Congress, the sixth, another petition threw the House into paroxysms of slavery debate.  Waln of Pennsylvania presented the petition of certain free colored men of Pennsylvania praying for a revision of the slave-trade laws and of the fugitive-slave law, and for prospective emancipation.[38] Waln moved the reference of this memorial to a committee already appointed on the revision of the loosely drawn and poorly enforced Act of 1794.[39] Rutledge of South Carolina immediately arose.  He opposed the motion, saying, that these petitions were continually coming in and stirring up discord; that it was a good thing the Negroes were in slavery; and that already “too much of this new-fangled French philosophy of liberty and equality” had found its way among them.  Others defended the right of petition, and declared that none wished Congress to exceed its powers.  Brown of Rhode Island, a new figure in Congress, a man of distinguished services and from a well-known family, boldly set forth the commercial philosophy of his State.  “We want money,” said he, “we want a navy; we ought therefore to use the means to obtain it.  We ought to go farther than has yet been proposed, and repeal the bills in question altogether, for why should we see Great Britain getting all the slave trade to themselves; why may

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not our country be enriched by that lucrative traffic?  There would not be a slave the more sold, but we should derive the benefits by importing from Africa as well as that nation.”  Waln, in reply, contended that they should look into “the slave trade, much of which was still carrying on from Rhode Island, Boston and Pennsylvania.”  Hill of North Carolina called the House back from this general discussion to the petition in question, and, while willing to remedy any existing defect in the Act of 1794, hoped the petition would not be received.  Dana of Connecticut declared that the paper “contained nothing but a farrago of the French metaphysics of liberty and equality;” and that “it was likely to produce some of the dreadful scenes of St. Domingo.”  The next day Rutledge again warned the House against even discussing the matter, as “very serious, nay, dreadful effects, must be the inevitable consequence.”  He held up the most lurid pictures of the fatuity of the French Convention in listening to the overtures of the “three emissaries from St. Domingo,” and thus yielding “one of the finest islands in the world” to “scenes which had never been practised since the destruction of Carthage.”  “But, sir,” he continued, “we have lived to see these dreadful scenes.  These horrid effects have succeeded what was conceived once to be trifling.  Most important consequences may be the result, although gentlemen little apprehend it.  But we know the situation of things there, although they do not, and knowing we deprecate it.  There have been emissaries amongst us in the Southern States; they have begun their war upon us; an actual organization has commenced; we have had them meeting in their club rooms, and debating on that subject....  Sir, I do believe that persons have been sent from France to feel the pulse of this country, to know whether these [i.e., the Negroes] are the proper engines to make use of:  these people have been talked to; they have been tampered with, and this is going on.”

Finally, after censuring certain parts of this Negro petition, Congress committed the part on the slave-trade to the committee already appointed.  Meantime, the Senate sent down a bill to amend the Act of 1794, and the House took this bill under consideration.[40] Prolonged debate ensued.  Brown of Rhode Island again made a most elaborate plea for throwing open the foreign slave-trade.  Negroes, he said, bettered their condition by being enslaved, and thus it was morally wrong and commercially indefensible to impose “a heavy fine and imprisonment ... for carrying on a trade so advantageous;” or, if the trade must be stopped, then equalize the matter and abolish slavery too.  Nichols of Virginia thought that surely the gentlemen would not advise the importation of more Negroes; for while it “was a fact, to be sure,” that they would thus improve their condition, “would it be policy so to do?” Bayard of Delaware said that “a more dishonorable item of revenue” than that derived from the

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slave-trade “could not be established.”  Rutledge opposed the new bill as defective and impracticable:  the former act, he said, was enough; the States had stopped the trade, and in addition the United States had sought to placate philanthropists by stopping the use of our ships in the trade.  “This was going very far indeed.”  New England first began the trade, and why not let them enjoy its profits now as well as the English?  The trade could not be stopped.

The bill was eventually recommitted and reported again.[41] “On the question for its passing, a long and warm debate ensued,” and several attempts to postpone it were made; it finally passed, however, only Brown of Rhode Island, Dent of Maryland, Rutledge and Huger of South Carolina, and Dickson of North Carolina voting against it, and 67 voting for it.[42] This Act of May 10, 1800,[43] greatly strengthened the Act of 1794.  The earlier act had prohibited citizens from equipping slavers for the foreign trade; but this went so far as to forbid them having any interest, direct or indirect, in such voyages, or serving on board slave-ships in any capacity.  Imprisonment for two years was added to the former fine of $2000, and United States commissioned ships were directed to capture such slavers as prizes.  The slaves though forfeited by the owner, were not to go to the captor; and the act omitted to say what disposition should be made of them.

49. *The Act of 1803.* The Haytian revolt, having been among the main causes of two laws, soon was the direct instigation to a third.  The frightened feeling in the South, when freedmen from the West Indies began to arrive in various ports, may well be imagined.  On January 17, 1803, the town of Wilmington, North Carolina, hastily memorialized Congress, stating the arrival of certain freed Negroes from Guadeloupe, and apprehending “much danger to the peace and safety of the people of the Southern States of the Union” from the “admission of persons of that description into the United States."[44] The House committee which considered this petition hastened to agree “That the system of policy stated in the said memorial to exist, and to be now pursued in the French colonial government, of the West Indies, is fraught with danger to the peace and safety of the United States.  That the fact stated to have occurred in the prosecution of that system of policy, demands the prompt interference of the Government of the United States, as well Legislative as Executive."[45] The result was a bill providing for the forfeiture of any ship which should bring into States prohibiting the same “any negro, mulatto, or other person of color;” the captain of the ship was also to be punished.  After some opposition[46] the bill became a law, February 28, 1803.[47]

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50. *State of the Slave-Trade from 1789 to 1803.* Meantime, in spite of the prohibitory State laws, the African slave-trade to the United States continued to flourish.  It was notorious that New England traders carried on a large traffic.[48] Members stated on the floor of the House that “it was much to be regretted that the severe and pointed statute against the slave trade had been so little regarded.  In defiance of its forbiddance and its penalties, it was well known that citizens and vessels of the United States were still engaged in that traffic....  In various parts of the nation, outfits were made for slave-voyages, without secrecy, shame, or apprehension....  Countenanced by their fellow-citizens at home, who were as ready to buy as they themselves were to collect and to bring to market, they approached our Southern harbors and inlets, and clandestinely disembarked the sooty offspring of the Eastern, upon the ill fated soil of the Western hemisphere.  In this way, it had been computed that, during the last twelve months, twenty thousand enslaved negroes had been transported from Guinea, and, by smuggling, added to the plantation stock of Georgia and South Carolina.  So little respect seems to have been paid to the existing prohibitory statute, that it may almost be considered as disregarded by common consent."[49]

These voyages were generally made under the flag of a foreign nation, and often the vessel was sold in a foreign port to escape confiscation.  South Carolina’s own Congressman confessed that although the State had prohibited the trade since 1788, she “was unable to enforce” her laws.  “With navigable rivers running into the heart of it,” said he, “it was impossible, with our means, to prevent our Eastern brethren, who, in some parts of the Union, in defiance of the authority of the General Government, have been engaged in this trade, from introducing them into the country.  The law was completely evaded, and, for the last year or two [1802-3], Africans were introduced into the country in numbers little short, I believe, of what they would have been had the trade been a legal one."[50] The same tale undoubtedly might have been told of Georgia.

51. *The South Carolina Repeal of 1803.* This vast and apparently irrepressible illicit traffic was one of three causes which led South Carolina, December 17, 1803, to throw aside all pretence and legalize her growing slave-trade; the other two causes were the growing certainty of total prohibition of the traffic in 1808, and the recent purchase of Louisiana by the United States, with its vast prospective demand for slave labor.  Such a combination of advantages, which meant fortunes to planters and Charleston slave-merchants, could not longer be withheld from them; the prohibition was repealed, and the United States became again, for the first time in at least five years, a legal slave mart.  This action shocked the nation, frightening Southern States with visions of an influx of untrained barbarians and servile insurrections, and arousing and intensifying the anti-slavery feeling of the North, which had long since come to think of the trade, so far as legal enactment went, as a thing of the past.

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Scarcely a month after this repeal, Bard of Pennsylvania solemnly addressed Congress on the matter.  “For many reasons,” said he, “this House must have been justly surprised by a recent measure of one of the Southern States.  The impressions, however, which that measure gave my mind, were deep and painful.  Had I been informed that some formidable foreign Power had invaded our country, I would not, I ought not, be more alarmed than on hearing that South Carolina had repealed her law prohibiting the importation of slaves....  Our hands are tied, and we are obliged to stand confounded, while we see the flood-gate opened, and pouring incalculable miseries into our country."[51] He then moved, as the utmost legal measure, a tax of ten dollars per head on slaves imported.

Debate on this proposition did not occur until February 14, when Lowndes explained the circumstances of the repeal, and a long controversy took place.[52] Those in favor of the tax argued that the trade was wrong, and that the tax would serve as some slight check; the tax was not inequitable, for if a State did not wish to bear it she had only to prohibit the trade; the tax would add to the revenue, and be at the same time a moral protest against an unjust and dangerous traffic.  Against this it was argued that if the tax furnished a revenue it would defeat its own object, and make prohibition more difficult in 1808; it was inequitable, because it was aimed against one State, and would fall exclusively on agriculture; it would give national sanction to the trade; it would look “like an attempt in the General Government to correct a State for the undisputed exercise of its constitutional powers;” the revenue would be inconsiderable, and the United States had nothing to do with the moral principle; while a prohibitory tax would be defensible, a small tax like this would be useless as a protection and criminal as a revenue measure.

The whole debate hinged on the expediency of the measure, few defending South Carolina’s action.[53] Finally, a bill was ordered to be brought in, which was done on the 17th.[54] Another long debate took place, covering substantially the same ground.  It was several times hinted that if the matter were dropped South Carolina might again prohibit the trade.  This, and the vehement opposition, at last resulted in the postponement of the bill, and it was not heard from again during the session.

52. *The Louisiana Slave-Trade, 1803-1805.* About this time the cession of Louisiana brought before Congress the question of the status of slavery and the slave-trade in the Territories.  Twice or thrice before had the subject called for attention.  The first time was in the Congress of the Confederation, when, by the Ordinance of 1787,[55] both slavery and the slave-trade were excluded from the Northwest Territory.  In 1790 Congress had accepted the cession of North Carolina back lands on the express condition that slavery there be undisturbed.[56] Nothing had been

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said as to slavery in the South Carolina cession (1787),[57] but it was tacitly understood that the provision of the Northwest Ordinance would not be applied.  In 1798 the bill introduced for the cession of Mississippi contained a specific declaration that the anti-slavery clause of 1787 should not be included.[58] The bill passed the Senate, but caused long and excited debate in the House.[59] It was argued, on the one hand, that the case in Mississippi was different from that in the Northwest Territory, because slavery was a legal institution in all the surrounding country, and to prohibit the institution was virtually to prohibit the settling of the country.  On the other hand, Gallatin declared that if this amendment should not obtain, “he knew not how slaves could be prevented from being introduced by way of New Orleans, by persons who are not citizens of the United States.”  It was moved to strike out the excepting clause; but the motion received only twelve votes,—­an apparent indication that Congress either did not appreciate the great precedent it was establishing, or was reprehensibly careless.  Harper of South Carolina then succeeded in building up the Charleston slave-trade interest by a section forbidding the slave traffic from “without the limits of the United States.”  Thatcher moved to strike out the last clause of this amendment, and thus to prohibit the interstate trade, but he failed to get a second.[60] Thus the act passed, punishing the introduction of slaves from without the country by a fine of $300 for each slave, and freeing the slave.[61]

In 1804 President Jefferson communicated papers to Congress on the status of slavery and the slave-trade in Louisiana.[62] The Spanish had allowed the traffic by edict in 1793, France had not stopped it, and Governor Claiborne had refrained from interference.  A bill erecting a territorial government was already pending.[63] The Northern “District of Louisiana” was placed under the jurisdiction of Indiana Territory, and was made subject to the provisions of the Ordinance of 1787.  Various attempts were made to amend the part of the bill referring to the Southern Territory:  first, so as completely to prohibit the slave-trade;[64] then to compel the emancipation at a certain age of all those imported;[65] next, to confine all importation to that from the States;[66] and, finally, to limit it further to slaves imported before South Carolina opened her ports.[67] The last two amendments prevailed, and the final act also extended to the Territory the Acts of 1794 and 1803.  Only slaves imported before May 1, 1798, could be introduced, and those must be slaves of actual settlers.[68] All slaves illegally imported were freed.

This stringent act was limited to one year.  The next year, in accordance with the urgent petition of the inhabitants, a bill was introduced against these restrictions.[69] By dexterous wording, this bill, which became a law March 2, 1805,[70] swept away all restrictions upon the slave-trade except that relating to foreign ports, and left even this provision so ambiguous that, later, by judicial interpretation of the law,[71] the foreign slave-trade was allowed, at least for a time.

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Such a stream of slaves now poured into the new Territory that the following year a committee on the matter was appointed by the House.[72] The committee reported that they “are in possession of the fact, that African slaves, lately imported into Charleston, have been thence conveyed into the territory of Orleans, and, in their opinion, this practice will be continued to a very great extent, while there is no law to prevent it."[73] The House ordered a bill checking this to be prepared; and such a bill was reported, but was soon dropped.[74] Importations into South Carolina during this time reached enormous proportions.  Senator Smith of that State declared from official returns that, between 1803 and 1807, 39,075 Negroes were imported into Charleston, most of whom went to the Territories.[75]

53. *Last Attempts at Taxation, 1805-1806.* So alarming did the trade become that North Carolina passed a resolution in December, 1804,[76] proposing that the States give Congress power to prohibit the trade.  Massachusetts,[77] Vermont,[78] New Hampshire,[79] and Maryland[80] responded; and a joint resolution was introduced in the House, proposing as an amendment to the Constitution “That the Congress of the United States shall have power to prevent the further importation of slaves into the United States and the Territories thereof."[81] Nothing came of this effort; but meantime the project of taxation was revived.  A motion to this effect, made in February, 1805, was referred to a Committee of the Whole, but was not discussed.  Early in the first session of the ninth Congress the motion of 1805 was renewed; and although again postponed on the assurance that South Carolina was about to stop the trade,[82] it finally came up for debate January 20, 1806.[83] Then occurred a most stubborn legislative battle, which lasted during the whole session.[84] Several amendments to the motion were first introduced, so as to make it apply to all immigrants, and again to all “persons of color.”  As in the former debate, it was proposed to substitute a resolution of censure on South Carolina.  All these amendments were lost.  A long debate on the expediency of the measure followed, on the old grounds.  Early of Georgia dwelt especially on the double taxation it would impose on Georgia; others estimated that a revenue of one hundred thousand dollars might be derived from the tax, a sum sufficient to replace the tax on pepper and medicines.  Angry charges and counter-charges were made,—­e.g., that Georgia, though ashamed openly to avow the trade, participated in it as well as South Carolina.  “Some recriminations ensued between several members, on the participation of the traders of some of the New England States in carrying on the slave trade.”  Finally, January 22, by a vote of 90 to 25, a tax bill was ordered to be brought in.[85] One was reported on the 27th.[86] Every sort of opposition was resorted to.  On the one hand, attempts were made to amend

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it so as to prohibit importation after 1807, and to prevent importation into the Territories; on the other hand, attempts were made to recommit and postpone the measure.  It finally got a third reading, but was recommitted to a select committee, and disappeared until February 14.[87] Being then amended so as to provide for the forfeiture of smuggled cargoes, but saying nothing as to the disposition of the slaves, it was again relegated to a committee, after a vote of 69 to 42 against postponement.[88] On March 4 it appeared again, and a motion to reject it was lost.  Finally, in the midst of the war scare and the question of non-importation of British goods, the bill was apparently forgotten, and the last attempt to tax imported slaves ended, like the others, in failure.

54. *Key-Note of the Period.* One of the last acts of this period strikes again the key-note which sounded throughout the whole of it.  On February 20, 1806, after considerable opposition, a bill to prohibit trade with San Domingo passed the Senate.[89] In the House it was charged by one side that the measure was dictated by France, and by the other, that it originated in the fear of countenancing Negro insurrection.  The bill, however, became a law, and by continuations remained on the statute-books until 1809.  Even at that distance the nightmare of the Haytian insurrection continued to haunt the South, and a proposal to reopen trade with the island caused wild John Randolph to point out the “dreadful evil” of a “direct trade betwixt the town of Charleston and the ports of the island of St. Domingo."[90]

Of the twenty years from 1787 to 1807 it can only be said that they were, on the whole, a period of disappointment so far as the suppression of the slave-trade was concerned.  Fear, interest, and philanthropy united for a time in an effort which bade fair to suppress the trade; then the real weakness of the constitutional compromise appeared, and the interests of the few overcame the fears and the humanity of the many.

**FOOTNOTES:**

  [1] Prince, *Digest of the Laws of Georgia*, p. 786; Marbury
      and Crawford, *Digest of the Laws of Georgia*, pp. 440, 442.
      The exact text of this act appears not to be extant.  Section
      I. is stated to have been “re-enacted by the constitution.”
      Possibly this act prohibited slaves also, although this is not
      certain.  Georgia passed several regulative acts between 1755
      and 1793.  Cf.  Renne, *Colonial Acts of Georgia*, pp. 73-4,
      164, note.

  [2] Marbury and Crawford, *Digest*, p. 30, Sec. 11.  The clause
      was penned by Peter J. Carnes of Jefferson.  Cf.  W.B.  Stevens,
      *History of Georgia* (1847), II. 501.

  [3] Grimke, *Public Laws*, p. 466.

  [4] Cooper and McCord, *Statutes*, VII. 431.

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  [5] *Ibid.*, VII. 433-6, 444, 447.

  [6] *Ibid.*, VII. 449.

  [7] Martin, *Iredell’s Acts of Assembly*, I. 492.

  [8] *Ibid.*, II. 53.

  [9] Cf. *Ibid.*, II. 94; *Laws of North Carolina* (revision of
      1819), I. 786.

 [10] Virginia codified her whole slave legislation in 1792
      (*Va.  Statutes at Large*, New Ser., I. 122), and amended her
      laws in 1798 and 1806 (*Ibid.*, III. 251).

 [11] Dorsey, *Laws of Maryland, 1796*, I. 334.

 [12] *Laws of Delaware, 1797* (Newcastle ed.), p. 942, ch. 194 b.

 [13] Dallas, *Laws*, II. 586.

 [14] Paterson, *Digest of the Laws of New Jersey* (1800), pp.
      307-13.  In 1804 New Jersey passed an act gradually to abolish
      slavery.  The legislation of New York at this period was
      confined to regulating the exportation of slave criminals
      (1790), and to passing an act gradually abolishing slavery
      (1799).  In 1801 she codified all her acts.

 [15] *Acts and Laws of Connecticut* (ed. 1784), pp. 368, 369, 388.

 [16] *Ibid.*, p. 412.

 [17] *Perpetual Laws of Massachusetts, 1780-89*, pp. 235-6.

 [18] *Queries Respecting Slavery*, *etc*., in *Mass.  Hist.  Soc.
      Coll.*, 1st Ser., IV. 205.

 [19] *Annals of Cong.*, 1 Cong, 1 sess. pp. 336-41.

 [20] *Annals of Cong.*, 1 Cong. 1 sess. p. 903.

 [21] *Ibid.*, 1 Cong. 2 sess. pp. 1182-3.

 [22] *Journals of Cong., 1782-3*, pp. 418-9.  Cf. above, pp.
      56-57.

 [23] *Annals of Cong.*, 1 Cong. 2 sess. p. 1184.

 [24] *Ibid.*, pp. 1182-91.

 [25] *Annals of Cong.*, 1 Cong. 2 sess. pp. 1197-1205.

 [26] *House Journal* (repr. 1826), 1 Cong. 2 sess.  I. 157-8.

 [27] *Annals of Cong.*, I Cong. 2 sess. pp. 1413-7.

 [28] For the reports and debates, cf. *Annals of Cong.*, 1
      Cong. 2 sess. pp. 1413-7, 1450-74; *House Journal* (repr.
      1826), 1 Cong. 2 sess.  I. 168-81.

 [29] A clerical error in the original:  “interdict” and
      “regulate” should be interchanged.

 [30] See *Memorials presented to Congress*, *etc*. (1792),
      published by the Pennsylvania Abolition Society.

 [31] From the Virginia petition.

 [32] From the petition of Baltimore and other Maryland
      societies.

 [33] From the Providence Abolition Society’s petition.

 [34] *House Journal* (repr. 1826), 2 Cong. 2 sess.  I. 627-9;
      *Annals of Cong.*, 2 Cong. 2 sess. pp. 728-31.

 [35] *Annals of Cong.*, 3 Cong. 1 sess. pp. 64, 70, 72; *House
      Journal* (repr. 1826), 3 Cong. 1 sess.  II. 76, 84-5, 96-100;
      *Senate Journal* (repr. 1820), 3 Cong. 1 sess.  II. 51.

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 [36] *Statutes at Large*, I. 347-9.

 [37] *Annals of Cong.*, 5 Cong. 2 sess. pp. 656-70, 945-1033.

 [38] *Annals of Cong.*, 6 Cong. 1 sess. p. 229.

 [39] Dec. 12, 1799:  *House Journal* (repr. 1826), 6 Cong. 1
      sess.  III. 535.  For the debate, see *Annals of Cong.*, 6 Cong.
      1 sess. pp. 230-45.

 [40] *Senate Journal* (repr. 1821), 6 Cong. 1 sess.  III. 72,
      77, 88, 92; see *Ibid.*, Index, Bill No. 62; *House Journal*
      (repr. 1826), 6 Cong. 1 sess.  III., Index, House Bill No. 247.
      For the debate, see *Annals of Cong.*, 6 Cong. 1 sess. pp.
      686-700.

 [41] *Annals of Cong.*, 6 Cong. 1 sess. p. 697.

 [42] *Ibid.*, p. 699-700.

 [43] *Statutes at Large*, II. 70.

 [44] *Annals of Cong.*, 7 Cong. 2 sess. pp. 385-6.

 [45] *Ibid.*, p. 424.

 [46] See House Bills Nos. 89 and 101; *Annals of Cong.*, 7
      Cong. 2 sess. pp. 424, 459-67.  For the debate, see *Ibid.*,
      pp. 459-72.

 [47] *Statutes at Large*, II. 205.

 [48] Cf.  Fowler, *Local Law in Massachusetts and Connecticut*,
      *etc*., p. 126.

 [49] Speech of S.L.  Mitchell of New York, Feb. 14, 1804:
      *Annals of Cong.*, 8 Cong. 1 sess. p. 1000.  Cf. also speech of
      Bedinger:  *Ibid.*, pp. 997-8.

 [50] Speech of Lowndes in the House, Feb. 14, 1804:  *Annals of
      Cong.*, 8 Cong., 1 sess. p. 992.  Cf.  Stanton’s speech later:
      *Ibid.*, 9 Cong. 2 sess. p. 240.

 [51] *Annals of Cong.*, 8 Cong. 1 sess. pp. 820, 876.

 [52] *Ibid.*, pp. 992-1036.

 [53] Huger of South Carolina declared that the whole South
      Carolina Congressional delegation opposed the repeal of the
      law, although they maintained the State’s right to do so if
      she chose:  *Annals of Cong.*, 8 Cong. 1 sess. p. 1005.

 [54] *Ibid.*, pp. 1020-36; *House Journal* (repr. 1826), 8
      Cong. 1 sess.  IV 523, 578, 580, 581-5.

 [55] On slavery in the Territories, cf.  Welling, in *Report
      Amer.  Hist.  Assoc.*, 1891, pp. 133-60.

 [56] *Statutes at Large*, I. 108.

 [57] *Journals of Cong.*, XII. 137-8.

 [58] *Annals of Cong.*, 5 Cong. 1 sess. pp. 511, 515, 532-3.

 [59] *Ibid.*, 5 Cong. 2 sess. pp. 1235, 1249, 1277-84,
      1296-1313.

 [60] *Annals of Cong.*, 5 Cong. 2 sess. p. 1313.

 [61] *Statutes at Large*, I. 549.

 [62] *Amer.  State Papers, Miscellaneous*, I. No. 177.

 [63] *Annals of Cong.*, 8 Cong. 1 sess. pp. 106, 211, 223,
      231, 233-4, 238.

 [64] *Ibid.*, pp. 240, 1186.

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 [65] *Ibid.*, p. 241.

 [66] *Ibid.*, p. 240.

 [67] *Ibid.*, p. 242.

 [68] For further proceedings, see *Annals of Cong.*, 8 Cong. 1
      sess. pp. 240-55, 1038-79, 1128-9, 1185-9.  For the law, see
      *Statutes at Large*, II. 283-9.

 [69] First, a bill was introduced applying the Northwest
      Ordinance to the Territory (*Annals of Cong.*, 8 Cong. 2 sess.
      pp. 45-6); but this was replaced by a Senate bill (*Ibid.*, p.
      68; *Senate Journal*, repr. 1821, 8 Cong. 2 sess.  III. 464).
      For the petition of the inhabitants, see *Annals of Cong.*, 8
      Cong. 2 sess. p. 727-8.

 [70] The bill was hurried through, and there are no records of
      debate.  Cf. *Annals of Cong.*, 8 Cong. 2 sess. pp. 28-69, 727,
      871, 957, 1016-20, 1213-5.  In *Senate Journal* (repr. 1821),
      III., see Index, Bill No. 8.  Importation of slaves was allowed
      by a clause erecting a Frame of Government “similar” to that
      of the Mississippi Territory.

 [71] *Annals of Cong.*, 9 Cong. 1 sess. p. 443.  The whole
      trade was practically foreign, for the slavers merely entered
      the Negroes at Charleston and immediately reshipped them to
      New Orleans.  Cf. *Annals of Cong.*, 16 Cong. 1 sess. p. 264.

 [72] *House Journal* (repr. 1826), 9 Cong. 1 sess.  V. 264;
      *Annals of Cong.*, 9 Cong. 1 sess. pp. 445, 878.

 [73] *House Reports*, 9 Cong. 1 sess.  Feb. 17, 1806.

 [74] House Bill No. 123.

 [75] *Annals of Cong.*, 16 Cong. 2 sess. pp. 73-7.  This report
      covers the time from Jan. 1, 1804, to Dec. 31, 1807.  During
      that time the following was the number of ships engaged in the
      traffic:—­

From Charleston, 61 From Connecticut, 1
" Rhode Island, 59 " Sweden, 1
" Baltimore, 4 " Great Britain, 70
" Boston, 1 " France, 3
" Norfolk, 2 202

The consignees of these slave ships were natives of
Charleston 13
Rhode Island 88
Great Britain 91
France 10
——­
202

The following slaves were imported:—­
By British vessels 19,949
" French " 1,078
------
21,027

By American vessels:—­
" Charleston merchants 2,006
" Rhode Island " 7,958
" Foreign " 5,717
" other Northern " 930
" " Southern " 1,437 18,048
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Total number of slaves imported, 1804-7 39,075

It is, of course, highly probable that the Custom House
returns were much below the actual figures.

[76] McMaster, *History of the People of the United States*,
III. p. 517.

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[77] *House Journal* (repr. 1826), 8 Cong. 2 sess.  V. 171; *Mass.  Resolves*, May, 1802, to March, 1806, Vol.  II.  A.
(State House ed., p. 239).

 [78] *House Journal* (repr. 1826), 9 Cong. 1 sess.  V. 238.

 [79] *Ibid.*, V. 266.

 [80] *Senate Journal* (repr. 1821), 9 Cong. 1 sess.  IV. 76,
      77, 79.

 [81] *House Journal* (repr. 1826), 8 Cong. 2 sess.  V. 171.

 [82] *Annals of Cong.*, 9 Cong. 1 sess. p. 274.

 [83] *Ibid.*, pp. 272-4, 323.

 [84] *Ibid.*, pp. 346-52, 358-75, *etc*., to 520.

 [85] *Ibid.*, pp. 374-5.

 [86] See House Bill No. 94.

 [87] *Annals of Cong.*, 9 Cong. 1 sess. p. 466.

 [88] *Annals of Cong.*, 9 Cong. 1 sess. pp. 519-20.

 [89] *Ibid.*, pp. 21, 52, 75, *etc*., to 138, 485-515, 1228.  See
      House Bill No. 168.  Cf. *Statutes at Large*, II. 421-2.

 [90] A few months later, at the expiration of the period,
      trade was quietly reopened. *Annals of Cong.*, 11 Cong. 1
      sess. pp. 443-6.

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*Chapter VIII*

THE PERIOD OF ATTEMPTED SUPPRESSION. 1807-1825.

  55.  The Act of 1807.
  56.  The First Question:  How shall illegally imported Africans be
        disposed of?
  57.  The Second Question:  How shall Violations be punished?
  58.  The Third Question:  How shall the Interstate Coastwise Slave-Trade
        be protected?
  59.  Legislative History of the Bill.
  60.  Enforcement of the Act.
  61.  Evidence of the Continuance of the Trade.
  62.  Apathy of the Federal Government.
  63.  Typical Cases.
  64.  The Supplementary Acts, 1818-1820.
  65.  Enforcement of the Supplementary Acts, 1818-1825.

55. *The Act of 1807.* The first great goal of anti-slavery effort in the United States had been, since the Revolution, the suppression of the slave-trade by national law.  It would hardly be too much to say that the Haytian revolution, in addition to its influence in the years from 1791 to 1806, was one of the main causes that rendered the accomplishment of this aim possible at the earliest constitutional moment.  To the great influence of the fears of the South was added the failure of the French designs on Louisiana, of which Toussaint L’Ouverture was the most probable cause.  The cession of Louisiana in 1803 challenged and aroused the North on the slavery question again; put the Carolina and Georgia slave-traders in the saddle, to the dismay of the Border States; and brought the whole slave-trade question vividly before the public conscience.  Another scarcely less potent influence was, naturally, the great anti-slavery movement in England, which after a mighty struggle of eighteen years was about to gain its first victory in the British Act of 1807.

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President Jefferson, in his pacificatory message of December 2, 1806, said:  “I congratulate you, fellow-citizens, on the approach of the period at which you may interpose your authority constitutionally, to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe.  Although no law you may pass can take prohibitory effect till the first day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, by timely notice, expeditions which cannot be completed before that day."[1]

In pursuance of this recommendation, the very next day Senator Bradley of Vermont introduced into the Senate a bill which, after a complicated legislative history, became the Act of March 2, 1807, prohibiting the African slave-trade.[2]

Three main questions were to be settled by this bill:  first, and most prominent, that of the disposal of illegally imported Africans; second, that of the punishment of those concerned in the importation; third, that of the proper limitation of the interstate traffic by water.

The character of the debate on these three questions, as well as the state of public opinion, is illustrated by the fact that forty of the sixty pages of officially reported debates are devoted to the first question, less than twenty to the second, and only two to the third.  A sad commentary on the previous enforcement of State and national laws is the readiness with which it was admitted that wholesale violations of the law would take place; indeed, Southern men declared that no strict law against the slave-trade could be executed in the South, and that it was only by playing on the motives of personal interest that the trade could be checked.  The question of punishment indicated the slowly changing moral attitude of the South toward the slave system.  Early boldly said, “A large majority of people in the Southern States do not consider slavery as even an evil."[3] The South, in fact, insisted on regarding man-stealing as a minor offence, a “misdemeanor” rather than a “crime.”  Finally, in the short and sharp debate on the interstate coastwise trade, the growing economic side of the slavery question came to the front, the vested interests’ argument was squarely put, and the future interstate trade almost consciously provided for.

From these considerations, it is doubtful as to how far it was expected that the Act of 1807 would check the slave traffic; at any rate, so far as the South was concerned, there seemed to be an evident desire to limit the trade, but little thought that this statute would definitively suppress it.

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56. *The First Question:  How shall illegally imported Africans be disposed of?* The dozen or more propositions on the question of the disposal of illegally imported Africans may be divided into two chief heads, representing two radically opposed parties:  1.  That illegally imported Africans be free, although they might be indentured for a term of years or removed from the country. 2.  That such Africans be sold as slaves.[4] The arguments on these two propositions, which were many and far-reaching, may be roughly divided into three classes, political, constitutional, and moral.

The political argument, reduced to its lowest terms, ran thus:  those wishing to free the Negroes illegally imported declared that to enslave them would be to perpetrate the very evil which the law was designed to stop.  “By the same law,” they said, “we condemn the man-stealer and become the receivers of his stolen goods.  We punish the criminal, and then step into his place, and complete the crime."[5] They said that the objection to free Negroes was no valid excuse; for if the Southern people really feared this class, they would consent to the imposing of such penalties on illicit traffic as would stop the importation of a single slave.[6] Moreover, “forfeiture” and sale of the Negroes implied a property right in them which did not exist.[7] Waiving this technical point, and allowing them to be “forfeited” to the government, then the government should either immediately set them free, or, at the most, indenture them for a term of years; otherwise, the law would be an encouragement to violators.  “It certainly will be,” said they, “if the importer can find means to evade the penalty of the act; for there he has all the advantage of a market enhanced by our ineffectual attempt to prohibit."[8] They claimed that even the indenturing of the ignorant barbarian for life was better than slavery; and Sloan declared that the Northern States would receive the freed Negroes willingly rather than have them enslaved.[9]

The argument of those who insisted that the Negroes should be sold was tersely put by Macon:  “In adopting our measures on this subject, we must pass such a law as can be executed."[10] Early expanded this:  “It is a principle in legislation, as correct as any which has ever prevailed, that to give effect to laws you must not make them repugnant to the passions and wishes of the people among whom they are to operate.  How then, in this instance, stands the fact?  Do not gentlemen from every quarter of the Union prove, on the discussion of every question that has ever arisen in the House, having the most remote bearing on the giving freedom to the Africans in the bosom of our country, that it has excited the deepest sensibility in the breasts of those where slavery exists?  And why is this so?  It is, because those who, from experience, know the extent of the evil, believe that the most formidable aspect in which it can present itself, is by making these

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people free among them.  Yes, sir, though slavery is an evil, regretted by every man in the country, to have among us in any considerable quantity persons of this description, is an evil far greater than slavery itself.  Does any gentleman want proof of this?  I answer that all proof is useless; no fact can be more notorious.  With this belief on the minds of the people where slavery exists, and where the importation will take place, if at all, we are about to turn loose in a state of freedom all persons brought in after the passage of this law.  I ask gentlemen to reflect and say whether such a law, opposed to the ideas, the passions, the views, and the affections of the people of the Southern States, can be executed?  I tell them, no; it is impossible—­why?  Because no man will inform—­why?  Because to inform will be to lead to an evil which will be deemed greater than the offence of which information is given, because it will be opposed to the principle of self-preservation, and to the love of family.  No, no man will be disposed to jeopard his life, and the lives of his countrymen.  And if no one dare inform, the whole authority of the Government cannot carry the law into effect.  The whole people will rise up against it.  Why?  Because to enforce it would be to turn loose, in the bosom of the country, firebrands that would consume them."[11]

This was the more tragic form of the argument; it also had a mercenary side, which was presented with equal emphasis.  It was repeatedly said that the only way to enforce the law was to play off individual interests against each other.  The profit from the sale of illegally imported Negroes was declared to be the only sufficient “inducement to give information of their importation."[12] “Give up the idea of forfeiture, and I challenge the gentleman to invent fines, penalties, or punishments of any sort, sufficient to restrain the slave trade."[13] If such Negroes be freed, “I tell you that slaves will continue to be imported as heretofore....  You cannot get hold of the ships employed in this traffic.  Besides, slaves will be brought into Georgia from East Florida.  They will be brought into the Mississippi Territory from the bay of Mobile.  You cannot inflict any other penalty, or devise any other adequate means of prevention, than a forfeiture of the Africans in whose possession they may be found after importation."[14] Then, too, when foreigners smuggled in Negroes, “who then ... could be operated on, but the purchasers?  There was the rub—­it was their interest alone which, by being operated on, would produce a check.  Snap their purse-strings, break open their strong box, deprive them of their slaves, and by destroying the temptation to buy, you put an end to the trade, ... nothing short of a forfeiture of the slave would afford an effectual remedy."[15] Again, it was argued that it was impossible to prevent imported Negroes from becoming slaves, or, what was just as bad, from being sold as vagabonds or indentured for life.[16] Even our own laws, it was said, recognize the title of the African slave factor in the transported Negroes; and if the importer have no title, why do we legislate?  Why not let the African immigrant alone to get on as he may, just as we do the Irish immigrant?[17] If he should be returned to Africa, his home could not be found, and he would in all probability be sold into slavery again.[18]

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The constitutional argument was not urged as seriously as the foregoing; but it had a considerable place.  On the one hand, it was urged that if the Negroes were forfeited, they were forfeited to the United States government, which could dispose of them as it saw fit;[19] on the other hand, it was said that the United States, as owner, was subject to State laws, and could not free the Negroes contrary to such laws.[20] Some alleged that the freeing of such Negroes struck at the title to all slave property;[21] others thought that, as property in slaves was not recognized in the Constitution, it could not be in a statute.[22] The question also arose as to the source of the power of Congress over the slave-trade.  Southern men derived it from the clause on commerce, and declared that it exceeded the power of Congress to declare Negroes imported into a slave State, free, against the laws of that State; that Congress could not determine what should or should not be property in a State.[23] Northern men replied that, according to this principle, forfeiture and sale in Massachusetts would be illegal; that the power of Congress over the trade was derived from the restraining clause, as a non-existent power could not be restrained; and that the United States could act under her general powers as executor of the Law of Nations.[24]

The moral argument as to the disposal of illegally imported Negroes was interlarded with all the others.  On the one side, it began with the “Rights of Man,” and descended to a stickling for the decent appearance of the statute-book; on the other side, it began with the uplifting of the heathen, and descended to a denial of the applicability of moral principles to the question.  Said Holland of North Carolina:  “It is admitted that the condition of the slaves in the Southern States is much superior to that of those in Africa.  Who, then, will say that the trade is immoral?"[25] But, in fact, “morality has nothing to do with this traffic,"[26] for, as Joseph Clay declared, “it must appear to every man of common sense, that the question could be considered in a commercial point of view only."[27] The other side declared that, “by the laws of God and man,” these captured Negroes are “entitled to their freedom as clearly and absolutely as we are;"[28] nevertheless, some were willing to leave them to the tender mercies of the slave States, so long as the statute-book was disgraced by no explicit recognition of slavery.[29] Such arguments brought some sharp sarcasm on those who seemed anxious “to legislate for the honor and glory of the statute book;"[30] some desired “to know what honor you will derive from a law that will be broken every day of your lives."[31] They would rather boldly sell the Negroes and turn the proceeds over to charity.

The final settlement of the question was as follows:—­

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“SECTION 4....  And neither the importer, nor any person or persons claiming from or under him, shall hold any right or title whatsoever to any negro, mulatto, or person of color, nor to the service or labor thereof, who may be imported or brought within the United States, or territories thereof, in violation of this law, but the same shall remain subject to any regulations not contravening the provisions of this act, which the Legislatures of the several States or Territories at any time hereafter may make, for disposing of any such negro, mulatto, or person of color."[32]

57. *The Second Question:  How shall Violations be punished?* The next point in importance was that of the punishment of offenders.  The half-dozen specific propositions reduce themselves to two:  1.  A violation should be considered a crime or felony, and be punished by death; 2.  A violation should be considered a misdemeanor, and be punished by fine and imprisonment.[33]

Advocates of the severer punishment dwelt on the enormity of the offence.  It was “one of the highest crimes man could commit,” and “a captain of a ship engaged in this traffic was guilty of murder."[34] The law of God punished the crime with death, and any one would rather be hanged than be enslaved.[35] It was a peculiarly deliberate crime, in which the offender did not act in sudden passion, but had ample time for reflection.[36] Then, too, crimes of much less magnitude are punished with death.  Shall we punish the stealer of $50 with death, and the man-stealer with imprisonment only?[37] Piracy, forgery, and fraudulent sinking of vessels are punishable with death, “yet these are crimes only against property; whereas the importation of slaves, a crime committed against the liberty of man, and inferior only to murder or treason, is accounted nothing but a misdemeanor."[38] Here, indeed, lies the remedy for the evil of freeing illegally imported Negroes,—­in making the penalty so severe that none will be brought in; if the South is sincere, “they will unite to a man to execute the law."[39] To free such Negroes is dangerous; to enslave them, wrong; to return them, impracticable; to indenture them, difficult,—­therefore, by a death penalty, keep them from being imported.[40] Here the East had a chance to throw back the taunts of the South, by urging the South to unite with them in hanging the New England slave-traders, assuring the South that “so far from charging their Southern brethren with cruelty or severity in hanging them, they would acknowledge the favor with gratitude."[41] Finally, if the Southerners would refuse to execute so severe a law because they did not consider the offence great, they would probably refuse to execute any law at all for the same reason.[42]

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The opposition answered that the death penalty was more than proportionate to the crime, and therefore “immoral."[43] “I cannot believe,” said Stanton of Rhode Island, “that a man ought to be hung for only stealing a negro."[44] It was argued that the trade was after all but a “transfer from one master to another;"[45] that slavery was worse than the slave-trade, and the South did not consider slavery a crime:  how could it then punish the trade so severely and not reflect on the institution?[46] Severity, it was said, was also inexpedient:  severity often increases crime; if the punishment is too great, people will sympathize with offenders and will not inform against them.  Said Mr. Mosely:  “When the penalty is excessive or disproportioned to the offence, it will naturally create a repugnance to the law, and render its execution odious."[47] John Randolph argued against even fine and imprisonment, “on the ground that such an excessive penalty could not, in such case, be constitutionally imposed by a Government possessed of the limited powers of the Government of the United States."[48]

The bill as passed punished infractions as follows:—­

    For equipping a slaver, a fine of $20,000 and forfeiture of the
    ship.

    For transporting Negroes, a fine of $5000 and forfeiture of the
    ship and Negroes.

    For transporting and selling Negroes, a fine of $1000 to
    $10,000, imprisonment from 5 to 10 years, and forfeiture of the
    ship and Negroes.

    For knowingly buying illegally imported Negroes, a fine of $800
    for each Negro, and forfeiture.

58. *The Third Question:  How shall the Interstate Coastwise Slave-Trade be protected?* The first proposition was to prohibit the coastwise slave-trade altogether,[49] but an amendment reported to the House allowed it “in any vessel or species of craft whatever.”  It is probable that the first proposition would have prevailed, had it not been for the vehement opposition of Randolph and Early.[50] They probably foresaw the value which Virginia would derive from this trade in the future, and consequently Randolph violently declared that if the amendment did not prevail, “the Southern people would set the law at defiance.  He would begin the example.”  He maintained that by the first proposition “the proprietor of sacred and chartered rights is prevented the Constitutional use of his property."[51] The Conference Committee finally arranged a compromise, forbidding the coastwise trade for purposes of sale in vessels under forty tons.[52] This did not suit Early, who declared that the law with this provision “would not prevent the introduction of a single slave."[53] Randolph, too, would “rather lose the bill, he had rather lose all the bills of the session, he had rather lose every bill passed since the establishment of the Government, than agree to the provision contained in this slave bill."[54] He predicted the severance of the slave and the free States, if disunion should ever come.  Congress was, however, weary with the dragging of the bill, and it passed both Houses with the compromise provision.  Randolph was so dissatisfied that he had a committee appointed the next day, and introduced an amendatory bill.  Both this bill and another similar one, introduced at the next session, failed of consideration.[55]

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59. *Legislative History of the Bill.*[56] On December 12, 1805, Senator Stephen R. Bradley of Vermont gave notice of a bill to prohibit the introduction of slaves after 1808.  By a vote of 18 to 9 leave was given, and the bill read a first time on the 17th.  On the 18th, however, it was postponed until “the first Monday in December, 1806.”  The presidential message mentioning the matter, Senator Bradley, December 3, 1806, gave notice of a similar bill, which was brought in on the 8th, and on the 9th referred to a committee consisting of Bradley, Stone, Giles, Gaillard, and Baldwin.  This bill passed, after some consideration, January 27.  It provided, among other things, that violations of the act should be felony, punishable with death, and forbade the interstate coast-trade.[57]

Meantime, in the House, Mr. Bidwell of Massachusetts had proposed, February 4, 1806, as an amendment to a bill taxing slaves imported, that importation after December 31, 1807, be prohibited, on pain of fine and imprisonment and forfeiture of ship.[58] This was rejected by a vote of 86 to 17.  On December 3, 1806, the House, in appointing committees on the message, “*Ordered*, That Mr. Early, Mr. Thomas M. Randolph, Mr. John Campbell, Mr. Kenan, Mr. Cook, Mr. Kelly, and Mr. Van Rensselaer be appointed a committee” on the slave-trade.  This committee reported a bill on the 15th, which was considered, but finally, December 18, recommitted.  It was reported in an amended form on the 19th, and amended in Committee of the Whole so as to make violation a misdemeanor punishable by fine and imprisonment, instead of a felony punishable by death.[59] A struggle over the disposal of the cargo then ensued.  A motion by Bidwell to except the cargo from forfeiture was lost, 77 to 39.  Another motion by Bidwell may be considered the crucial vote on the whole bill:  it was an amendment to the forfeiture clause, and read, *"Provided, that no person shall be sold as a slave by virtue of this act."*[60] This resulted in a tie vote, 60 to 60; but the casting vote of the Speaker, Macon of North Carolina, defeated it.  New England voted solidly in favor of it, the Middle States stood 4 for and 2 against it, and the six Southern States stood solid against it.  On January 8 the bill went again to a select committee of seventeen, by a vote of 76 to 46.  The bill was reported back amended January 20, and on the 28th the Senate bill was also presented to the House.  On the 9th, 10th, and 11th of February both bills were considered in Committee of the Whole, and the Senate bill finally replaced the House bill, after several amendments had been made.[61] The bill was then passed, by a vote of 113 to 5.[62] The Senate agreed to the amendments, including that substituting fine and imprisonment for the death penalty, but asked for a conference on the provision which left the interstate coast-trade free.  The six conferees succeeded in bringing the Houses to agree, by limiting the trade to vessels over forty tons and requiring registry of the slaves.[63]

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The following diagram shows in graphic form the legislative history of the act:—­[64]

*Senate.* *1805.* *House.*
Bradley gives notice. + Dec. 12.
Leave given; bill read. + 17.
Postponed one year. + 18.
| *1806.*
Feb. 4. + Bidwell’s amendment.
Notice. + Dec. 3. + Committee on
Bill introduced. + 8. | slave trade.
Committed. + 9. |
| 15. + Bill reported.
| 17. |
| 18. |
| 19. |
| 23. |
| 29. |
| 31. |
| *1807.* |
| Jan. 5. |
| 7. |
| 8. + Read third time;
Reported. + 15. | recommitted.
| 16. |
| 20. + Reported
Third reading. + 26. | amended.
PASSED. + 27. |
\ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ |
28. | | Senate bill
Feb. 9. | | reported.
10. | |
11. + | Senate bill
12. | amended.
Reported from House. 13. + PASSED.
\_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ |
Reported to House. | 17. Reported back.
— — — — — — — — — — —
18. | House insists;
— — — — — — — — — — — asks conference.
\ /
— — \_ \_\_ — — — — — —
X
House asks conference. \_ \_ \_/ \\_ \_\_
\ \_
2|5 — — — -\_ Conference report
\_ \_ \_ \_ \_ \_-|- — — — — adopted.
Conference report / 2|6
adopted. \\_ \_ \_ |
Bill enrolled. — — — -2|8
March |2.
V
Signed by the President.

This bill received the approval of President Jefferson, March 2, 1807, and became thus the “Act to prohibit the importation of Slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight."[65] The debates in the Senate were not reported.  Those in the House were prolonged and bitter, and hinged especially on the disposal of the slaves, the punishment of offenders, and the coast-trade.  Men were continually changing their votes, and the bill see-sawed backward and forward, in committee and out, until the House was thoroughly worn out.  On the whole, the strong anti-slavery men, like Bidwell and Sloan, were outgeneraled by Southerners, like Early and Williams; and, considering the immense moral backing of the anti-slavery party from the Revolutionary fathers down, the bill of 1807 can hardly be regarded as a great anti-slavery victory.

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60. *Enforcement of the Act.* The period so confidently looked forward to by the constitutional fathers had at last arrived; the slave-trade was prohibited, and much oratory and poetry were expended in celebration of the event.  In the face of this, let us see how the Act of 1807 was enforced and what it really accomplished.  It is noticeable, in the first place, that there was no especial set of machinery provided for the enforcement of this act.  The work fell first to the Secretary of the Treasury, as head of the customs collection.  Then, through the activity of cruisers, the Secretary of the Navy gradually came to have oversight, and eventually the whole matter was lodged with him, although the Departments of State and War were more or less active on different occasions.  Later, at the advent of the Lincoln government, the Department of the Interior was charged with the enforcement of the slave-trade laws.  It would indeed be surprising if, amid so much uncertainty and shifting of responsibility, the law were not poorly enforced.  Poor enforcement, moreover, in the years 1808 to 1820 meant far more than at almost any other period; for these years were, all over the European world, a time of stirring economic change, and the set which forces might then take would in a later period be unchangeable without a cataclysm.  Perhaps from 1808 to 1814, in the midst of agitation and war, there was some excuse for carelessness.  From 1814 on, however, no such palliation existed, and the law was probably enforced as the people who made it wished it enforced.

Most of the Southern States rather tardily passed the necessary supplementary acts disposing of illegally imported Africans.  A few appear not to have passed any.  Some of these laws, like the Alabama-Mississippi Territory Act of 1815,[66] directed such Negroes to be “sold by the proper officer of the court, to the highest bidder, at public auction, for ready money.”  One-half the proceeds went to the informer or to the collector of customs, the other half to the public treasury.  Other acts, like that of North Carolina in 1816,[67] directed the Negroes to “be sold and disposed of for the use of the state.”  One-fifth of the proceeds went to the informer.  The Georgia Act of 1817[68] directed that the slaves be either sold or given to the Colonization Society for transportation, providing the society reimburse the State for all expense incurred, and pay for the transportation.  In this manner, machinery of somewhat clumsy build and varying pattern was provided for the carrying out of the national act.

61. *Evidence of the Continuance of the Trade.* Undoubtedly, the Act of 1807 came very near being a dead letter.  The testimony supporting this view is voluminous.  It consists of presidential messages, reports of cabinet officers, letters of collectors of revenue, letters of district attorneys, reports of committees of Congress, reports of naval commanders, statements made on the floor of Congress, the testimony of eye-witnesses, and the complaints of home and foreign anti-slavery societies.

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“When I was young,” writes Mr. Fowler of Connecticut, “the slave-trade was still carried on, by Connecticut shipmasters and Merchant adventurers, for the supply of southern ports.  This trade was carried on by the consent of the Southern States, under the provisions of the Federal Constitution, until 1808, and, after that time, clandestinely.  There was a good deal of conversation on the subject, in private circles.”  Other States were said to be even more involved than Connecticut.[69] The African Society of London estimated that, down to 1816, fifteen of the sixty thousand slaves annually taken from Africa were shipped by Americans.  “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."[70]

So notorious did the participation of Americans in the traffic become, that President Madison informed Congress in his message, December 5, 1810, that “it appears that American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity, and in defiance of those of their own country.  The same just and benevolent motives which produced the interdiction in force against this criminal conduct, will doubtless be felt by Congress, in devising further means of suppressing the evil."[71] The Secretary of the Navy wrote the same year to Charleston, South Carolina:  “I hear, not without great concern, that the law prohibiting the importation of slaves has been violated in frequent instances, near St. Mary’s."[72] Testimony as to violations of the law and suggestions for improving it also came in from district attorneys.[73]

The method of introducing Negroes was simple.  A slave smuggler says:  “After resting a few days at St. Augustine, ...  I agreed to accompany Diego on a land trip through the United States, where a *kaffle* of negroes was to precede us, for whose disposal the shrewd Portuguese had already made arrangements with my uncle’s consignees.  I soon learned how readily, and at what profits, the Florida negroes were sold into the neighboring American States.  The *kaffle*, under charge of negro drivers, was to strike up the Escambia River, and thence cross the boundary into Georgia, where some of our wild Africans were mixed with various squads of native

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blacks, and driven inland, till sold off, singly or by couples, on the road.  At this period [1812], the United States had declared the African slave trade illegal, and passed stringent laws to prevent the importation of negroes; yet the Spanish possessions were thriving on this inland exchange of negroes and mulattoes; Florida was a sort of nursery for slave-breeders, and many American citizens grew rich by trafficking in Guinea negroes, and smuggling them continually, in small parties, through the southern United States.  At the time I mention, the business was a lively one, owing to the war then going on between the States and England, and the unsettled condition of affairs on the border."[74]

The Spanish flag continued to cover American slave-traders.  The rapid rise of privateering during the war was not caused solely by patriotic motives; for many armed ships fitted out in the United States obtained a thin Spanish disguise at Havana, and transported thousands of slaves to Brazil and the West Indies.  Sometimes all disguise was thrown aside, and the American flag appeared on the slave coast, as in the cases of the “Paz,"[75] the “Rebecca,” the “Rosa"[76] (formerly the privateer “Commodore Perry"), the “Dorset” of Baltimore,[77] and the “Saucy Jack."[78] Governor McCarthy of Sierra Leone wrote, in 1817:  “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."[79]

62. *Apathy of the Federal Government.* The United States cruisers succeeded now and then in capturing a slaver, like the “Eugene,” which was taken when within four miles of the New Orleans bar.[80] President Madison again, in 1816, urged Congress to act on account of the “violations and evasions which, it is suggested, are chargeable on unworthy citizens, who mingle in the slave trade under foreign flags, and with foreign ports; and by collusive importations of slaves into the United States, through adjoining ports and territories."[81] The executive was continually in receipt of ample evidence of this illicit trade and of the helplessness of officers of the law.  In 1817 it was reported to the Secretary of the Navy that most of the goods carried to Galveston were brought into the United States; “the more valuable, and the slaves are smuggled in through the numerous inlets to the westward, where the people are but too much disposed to render them every possible assistance.  Several hundred slaves are now at Galveston, and persons have gone from New-Orleans to purchase them.  Every exertion will be made to intercept them, but I have little hopes of success."[82] Similar letters from naval officers and collectors showed that a system of slave piracy had arisen since the war, and that at Galveston there was an establishment of organized brigands, who did not go to the trouble of sailing

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to Africa for their slaves, but simply captured slavers and sold their cargoes into the United States.  This Galveston nest had, in 1817, eleven armed vessels to prosecute the work, and “the most shameful violations of the slave act, as well as our revenue laws, continue to be practised."[83] Cargoes of as many as three hundred slaves were arriving in Texas.  All this took place under Aury, the buccaneer governor; and when he removed to Amelia Island in 1817 with the McGregor raid, the illicit traffic in slaves, which had been going on there for years,[84] took an impulse that brought it even to the somewhat deaf ears of Collector Bullock.  He reported, May 22, 1817:  “I have just received information from a source on which I can implicitly rely, that it has already become the practice to introduce into the state of Georgia, across the St. Mary’s River, from Amelia Island, East Florida, Africans, who have been carried into the Port of Fernandina, subsequent to the capture of it by the Patriot army now in possession of it ...; were the legislature to pass an act giving compensation in some manner to informers, it would have a tendency in a great degree to prevent the practice; as the thing now is, no citizen will take the trouble of searching for and detecting the slaves.  I further understand, that the evil will not be confined altogether to Africans, but will be extended to the worst class of West India slaves."[85]

Undoubtedly, the injury done by these pirates to the regular slave-trading interests was largely instrumental in exterminating them.  Late in 1817 United States troops seized Amelia Island, and President Monroe felicitated Congress and the country upon escaping the “annoyance and injury” of this illicit trade.[86] The trade, however, seems to have continued, as is shown by such letters as the following, written three and a half months later:—­

    PORT OF DARIEN, March 14, 1818.

...  It is a painful duty, sir, to express to you, that I am in possession of undoubted information, that African and West India negroes are almost daily illicitly introduced into Georgia, for sale or settlement, or passing through it to the territories of the United States for similar purposes; these facts are notorious; and it is not unusual to see such negroes in the streets of St. Mary’s, and such too, recently captured by our vessels of war, and ordered to Savannah, were illegally bartered by hundreds in that city, *for* this bartering or bonding (as *it is called*, but in reality *selling*,) actually took place before any decision had [been] passed by the court respecting them.  I cannot but again express to you, sir, that these irregularities and mocking of the laws, by men who understand them, and who, it was presumed, would have respected them, are such, that it requires the immediate interposition of Congress to effect a suppression of this traffic; for, as things are, should a faithful officer

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of the government apprehend such negroes, to avoid the penalties imposed by the laws, the proprietors disclaim them, and some agent of the executive demands a delivery of the same to him, who may employ them as he pleases, or effect a sale by way of a bond, for the restoration of the negroes when legally called on so to do; which bond, it is *understood*, is to be *forfeited*, as the amount of the bond is so much less than the value of the property....  There are many negroes ... recently introduced into this state and the Alabama territory, and which can be apprehended.  The undertaking would be great; but to be sensible that we shall possess your approbation, and that we are carrying the views and wishes of the government into execution, is all we wish, and it shall be done, independent of every personal consideration.

    I have, *etc*.[87]

This “approbation” failed to come to the zealous collector, and on the 5th of July he wrote that, “not being favored with a reply,” he has been obliged to deliver over to the governor’s agents ninety-one illegally imported Negroes.[88] Reports from other districts corroborate this testimony.  The collector at Mobile writes of strange proceedings on the part of the courts.[89] General D.B.  Mitchell, ex-governor of Georgia and United States Indian agent, after an investigation in 1821 by Attorney-General Wirt, was found “guilty of having prostituted his power, as agent for Indian affairs at the Creek agency, to the purpose of aiding and assisting in a conscious breach of the act of Congress of 1807, in prohibition of the slave trade—­and this from mercenary motives."[90] The indefatigable Collector Chew of New Orleans wrote to Washington that, “to put a stop to that traffic, a naval force suitable to those waters is indispensable,” and that “vast numbers of slaves will be introduced to an alarming extent, unless prompt and effectual measures are adopted by the general government."[91] Other collectors continually reported infractions, complaining that they could get no assistance from the citizens,[92] or plaintively asking the services of “one small cutter."[93]

Meantime, what was the response of the government to such representations, and what efforts were made to enforce the act?  A few unsystematic and spasmodic attempts are recorded.  In 1811 some special instructions were sent out,[94] and the President was authorized to seize Amelia Island.[95] Then came the war; and as late as November 15, 1818, in spite of the complaints of collectors, we find no revenue cutter on the Gulf coast.[96] During the years 1817 and 1818[97] some cruisers went there irregularly, but they were too large to be effective; and the partial suppression of the Amelia Island pirates was all that was accomplished.  On the whole, the efforts of the government lacked plan, energy, and often sincerity.  Some captures of slavers were made;[98] but, as the collector at Mobile wrote, anent certain cases, “this was owing rather to accident, than any well-timed arrangement.”  He adds:  “from the Chandalier Islands to the Perdido river, including the coast, and numerous other islands, we have only a small boat, with four men and an inspector, to oppose to the whole confederacy of smugglers and pirates."[99]

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To cap the climax, the government officials were so negligent that Secretary Crawford, in 1820, confessed to Congress that “it appears, from an examination of the records of this office, that no particular instructions have ever been given, by the Secretary of the Treasury, under the original or supplementary acts prohibiting the introduction of slaves into the United States."[100] Beside this inactivity, the government was criminally negligent in not prosecuting and punishing offenders when captured.  Urgent appeals for instruction from prosecuting attorneys were too often received in official silence; complaints as to the violation of law by State officers went unheeded;[101] informers were unprotected and sometimes driven from home.[102] Indeed, the most severe comment on the whole period is the report, January 7, 1819, of the Register of the Treasury, who, after the wholesale and open violation of the Act of 1807, reported, in response to a request from the House, “that it doth not appear, from an examination of the records of this office, and particularly of the accounts (to the date of their last settlement) of the collectors of the customs, and of the several marshals of the United States, that any forfeitures had been incurred under the said act."[103]

63. *Typical Cases.* At this date (January 7, 1819), however, certain cases were stated to be pending, a history of which will fitly conclude this discussion.  In 1818 three American schooners sailed from the United States to Havana; on June 2 they started back with cargoes aggregating one hundred and seven slaves.  The schooner “Constitution” was captured by one of Andrew Jackson’s officers under the guns of Fort Barancas.  The “Louisa” and “Marino” were captured by Lieutenant McKeever of the United States Navy.  The three vessels were duly proceeded against at Mobile, and the case began slowly to drag along.  The slaves, instead of being put under the care of the zealous marshal of the district, were placed in the hands of three bondsmen, friends of the judge.  The marshal notified the government of this irregularity, but apparently received no answer.  In 1822 the three vessels were condemned as forfeited, but the court “reserved” for future order the distribution of the slaves.  Nothing whatever either then or later was done to the slave-traders themselves.  The owners of the ships promptly appealed to the Supreme Court of the United States, and that tribunal, in 1824, condemned the three vessels and the slaves on two of them.[104] These slaves, considerably reduced in number “from various causes,” were sold at auction for the benefit of the State, in spite of the Act of 1819.  Meantime, before the decision of the Supreme Court, the judge of the Supreme Court of West Florida had awarded to certain alleged Spanish claimants of the slaves indemnity for nearly the whole number seized, at the price of $650 per head, and the Secretary of the Treasury had actually paid the claim.[105] In

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1826 Lieutenant McKeever urgently petitions Congress for his prize-money of $4,415.15, which he has not yet received.[106] The “Constitution” was for some inexplicable reason released from bond, and the whole case fades in a very thick cloud of official mist.  In 1831 Congress sought to inquire into the final disposition of the slaves.  The information given was never printed; but as late as 1836 a certain Calvin Mickle petitions Congress for reimbursement for the slaves sold, for their hire, for their natural increase, for expenses incurred, and for damages.[107]

64. *The Supplementary Acts, 1818-1820.* To remedy the obvious defects of the Act of 1807 two courses were possible:  one, to minimize the crime of transportation, and, by encouraging informers, to concentrate efforts against the buying of smuggled slaves; the other, to make the crime of transportation so great that no slaves would be imported.  The Act of 1818 tried the first method; that of 1819, the second.[108] The latter was obviously the more upright and logical, and the only method deserving thought even in 1807; but the Act of 1818 was the natural descendant of that series of compromises which began in the Constitutional Convention, and which, instead of postponing the settlement of critical questions to more favorable times, rather aggravated and complicated them.

The immediate cause of the Act of 1818 was the Amelia Island scandal.[109] Committees in both Houses reported bills, but that of the Senate finally passed.  There does not appear to have been very much debate.[110] The sale of Africans for the benefit of the informer and of the United States was strongly urged “as the only means of executing the laws against the slave trade as experience had fully demonstrated since the origin of the prohibition."[111] This proposition was naturally opposed as “inconsistent with the principles of our Government, and calculated to throw as wide open the door to the importation of slaves as it was before the existing prohibition."[112] The act, which became a law April 20, 1818,[113] was a poorly constructed compromise, which virtually acknowledged the failure of efforts to control the trade, and sought to remedy defects by pitting cupidity against cupidity, informer against thief.  One-half of all forfeitures and fines were to go to the informer, and penalties for violation were changed as follows:—­

    For equipping a slaver, instead of a fine of $20,000, a fine of
    $1000 to $5000 and imprisonment from 3 to 7 years.

    For transporting Negroes, instead of a fine of $5000 and
    forfeiture of ship and Negroes, a fine of $1000 to $5000 and
    imprisonment from 3 to 7 years.

    For actual importation, instead of a fine of $1000 to $10,000
    and imprisonment from 5 to 10 years, a fine of $1000 to
    $10,000, and imprisonment from 3 to 7 years.

    For knowingly buying illegally imported Negroes, instead of a
    fine of $800 for each Negro and forfeiture, a fine of $1000 for
    each Negro.

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The burden of proof was laid on the defendant, to the extent that he must prove that the slave in question had been imported at least five years before the prosecution.  The slaves were still left to the disposal of the States.

This statute was, of course, a failure from the start,[114] and at the very next session Congress took steps to revise it.  A bill was reported in the House, January 13, 1819, but it was not discussed till March.[115] It finally passed, after “much debate."[116] The Senate dropped its own bill, and, after striking out the provision for the death penalty, passed the bill as it came from the House.[117] The House acquiesced, and the bill became a law, March 3, 1819,[118] in the midst of the Missouri trouble.  This act directed the President to use armed cruisers on the coasts of the United States and Africa to suppress the slave-trade; one-half the proceeds of the condemned ship were to go to the captors as bounty, provided the Africans were safely lodged with a United States marshal and the crew with the civil authorities.  These provisions were seriously marred by a proviso which Butler of Louisiana, had inserted, with a “due regard for the interests of the State which he represented,” *viz*., that a captured slaver must always be returned to the port whence she sailed.[119] This, of course, secured decided advantages to Southern slave-traders.  The most radical provision of the act was that which directed the President 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 colour, as may be so delivered and brought within their jurisdiction;” and to appoint an agent in Africa to receive such Negroes.[120] Finally, an appropriation of $100,000 was made to enforce the act.[121] This act was in some measure due to the new colonization movement; and the return of Africans recaptured was a distinct recognition of its efforts, and the real foundation of Liberia.

To render this straightforward act effective, it was necessary to add but one measure, and that was a penalty commensurate with the crime of slave stealing.  This was accomplished by the Act of May 15, 1820,[122] a law which may be regarded as the last of the Missouri Compromise measures.  The act originated from the various bills on piracy which were introduced early in the sixteenth Congress.  The House bill, in spite of opposition, was amended so as to include slave-trading under piracy, and passed.  The Senate agreed without a division.  This law provided that direct participation in the slave-trade should be piracy, punishable with death.[123]

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STATUTES AT LARGE. | DATE. | AMOUNT APPROPRIATED.
----------------------+----------------------+--------------
---------
VOL. PAGE | |
III. 533-4 | March 3, 1819 | $100,000
" 764 | " 3, 1823 | 50,000
IV. 141 | " 14, 1826 | 32,000
" 208 | March 2, 1827 | / 36,710
| | \ 20,000
" 302 | May 24, 1828 | 30,000
" 354 | March 2, 1829 | 16,000
" 462 | " 2, 1831 | 16,000
" 615 | Feb. 20, 1833 | 5,000
" 671 | Jan. 24, 1834 | 5,000
V. 157-8 | March 3, 1837 | 11,413.57
" 501 | Aug. 4, 1842 | 10,543.42
" 615 | March 3, 1843 | 5,000
IX. 96 | Aug. 10, 1846 | 25,000
XI. 90 | " 18, 1856 | 8,000
" 227 | March 3, 1857 | 8,000
" 404 | " 3, 1859 | 75,000
XII. 21 | May 26, 1860 | 40,000
" 132 | Feb. 19, 1861 | 900,000
" 219 | March 2, 1861 | 900,000
" 639 | Feb. 4, 1863 | 17,000
XIII. 424 | Jan. 24, 1865 | 17,000
XIV. 226 | July 25, 1866 | 17,000
" 415 | Feb. 28, 1867 | 17,000
XV. 58 | March 30, 1868 | 12,500
" 321 | March 3, 1869 | 12,500
----------------------+----------------------+--------------
---------
Total, 50 years $2,386,666.99
Minus surpluses re-appropriated (approximate) 48,666.99?
--------------
$2,338,000
Cost of squadron, 1843-58, @ $384,500 per year
(*House Exec. Doc.*, 31 Cong. 1 sess. IX. No. 73) 5,767,500
Returning slaves on “Wildfire” (*Statutes at Large*,
XII. 41) 250,000
Approximate cost of squadron, 1858-66, probably not
less than $500,000 per year 4,000,000?
---------------
Approximate money cost of suppressing the
slave-trade $12,355,500?

Cf. Kendall’s Report: *Senate Doc.*,
21 Cong. 2 sess. I. No. 1, pp. 211-8; *Amer.
State Papers, Naval*, III. No. 429 E.; also
Reports of the Secretaries of the Navy from 1819 to
1860.

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65. *Enforcement of the Supplementary Acts, 1818-1825.*
A somewhat more sincere and determined effort to enforce
the slave-trade laws now followed; and yet it is a
significant fact that not until Lincoln’s administration
did a slave-trader suffer death for violating the laws
of the United States. The participation of Americans
in the trade continued, declining somewhat between
1825 and 1830, and then reviving, until it reached
its highest activity between 1840 and 1860. The
development of a vast internal slave-trade, and the
consequent rise in the South of vested interests strongly
opposed to slave smuggling, led to a falling off in
the illicit introduction of Negroes after 1825, until
the fifties; nevertheless, smuggling never entirely
ceased, and large numbers were thus added to the plantations
of the Gulf States.

Monroe had various constitutional scruples as to the
execution of the Act of 1819;[124] but, as Congress
took no action, he at last put a fair interpretation
on his powers, and appointed Samuel Bacon as an agent
in Africa to form a settlement for recaptured Africans.
Gradually the agency thus formed became merged with
that of the Colonization Society on Cape Mesurado;
and from this union Liberia was finally evolved.[125]

Meantime, during the years 1818 to 1820, the activity
of the slave-traders was prodigious. General
James Tallmadge declared in the House, February 15,
1819: “Our laws are already highly penal
against their introduction, and yet, it is a well
known fact, that about fourteen thousand slaves have
been brought into our country this last year."[126]
In the same year Middleton of South Carolina and Wright
of Virginia estimated illicit introduction at 13,000
and 15,000 respectively.[127] Judge Story, in charging
a jury, took occasion to say: “We have
but too many proofs from unquestionable sources, that
it [the slave-trade] is still carried on with all
the implacable rapacity of former times. Avarice
has grown more subtle in its evasions, and watches
and seizes its prey with an appetite quickened rather
than suppressed by its guilty vigils. American
citizens are steeped to their very mouths (I can hardly
use too bold a figure) in this stream of iniquity."[128]
The following year, 1820, brought some significant
statements from various members of Congress. Said
Smith of South Carolina: “Pharaoh was,
for his temerity, drowned in the Red Sea, in pursuing
them [the Israelites] contrary to God’s express
will; but our Northern friends have not been afraid
even of that, in their zeal to furnish the Southern
States with Africans. They are better seamen than
Pharaoh, and calculate by that means to elude the vigilance
of Heaven; which they seem to disregard, if they can
but elude the violated laws of their country."[129]
As late as May he saw little hope of suppressing the
traffic.[130] Sergeant of Pennsylvania declared:
“It is notorious that, in spite of the utmost
vigilance that can be employed, African negroes are

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clandestinely brought in and sold as slaves."[131]
Plumer of New Hampshire stated that “of the
unhappy beings, thus in violation of all laws transported
to our shores, and thrown by force into the mass of
our black population, scarcely one in a hundred is
ever detected by the officers of the General Government,
in a part of the country, where, if we are to believe
the statement of Governor Rabun, ’an officer
who would perform his duty, by attempting to enforce
the law [against the slave trade] is, by many, considered
as an officious meddler, and treated with derision
and contempt;’ ... I have been told by a
gentleman, who has attended particularly to this subject,
that ten thousand slaves were in one year smuggled
into the United States; and that, even for the last
year, we must count the number not by hundreds, but
by thousands."[132] In 1821 a committee of Congress
characterized prevailing methods as those “of
the grossest fraud that could be practised to deceive
the officers of government."[133] Another committee,
in 1822, after a careful examination of the subject,
declare that they “find it impossible to measure
with precision the effect produced upon the American
branch of the slave trade by the laws above mentioned,
and the seizures under them. They are unable
to state, whether those American merchants, the American
capital and seamen which heretofore aided in this
traffic, have abandoned it altogether, or have sought
shelter under the flags of other nations.”
They then state the suspicious circumstance that,
with the disappearance of the American flag from the
traffic, “the trade, notwithstanding, increases
annually, under the flags of other nations.”
They complain of the spasmodic efforts of the executive.
They say that the first United States cruiser arrived
on the African coast in March, 1820, and remained
a “few weeks;” that since then four others
had in two years made five visits in all; but “since
the middle of last November, the commencement of the
healthy season on that coast, no vessel has been,
nor, as your committee is informed, is, under orders
for that service."[134] The United States African agent,
Ayres, reported in 1823: “I was informed
by an American officer who had been on the coast in
1820, that he had boarded 20 American vessels in one
morning, lying in the port of Gallinas, and fitted
for the reception of slaves. It is a lamentable
fact, that most of the harbours, between the Senegal
and the line, were visited by an equal number of American
vessels, and for the sole purpose of carrying away
slaves. Although for some years the coast had
been occasionally visited by our cruizers, their short
stay and seldom appearance had made but slight impression
on those traders, rendered hardy by repetition of
crime, and avaricious by excessive gain. They
were enabled by a regular system to gain intelligence
of any cruizer being on the coast."[135]

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Even such spasmodic efforts bore abundant fruit, and
indicated what vigorous measures might have accomplished.
Between May, 1818, and November, 1821, nearly six
hundred Africans were recaptured and eleven American
slavers taken.[136] Such measures gradually changed
the character of the trade, and opened the international
phase of the question. American slavers cleared
for foreign ports, there took a foreign flag and papers,
and then sailed boldly past American cruisers, although
their real character was often well known. More
stringent clearance laws and consular instructions
might have greatly reduced this practice; but nothing
was ever done, and gradually the laws became in large
measure powerless to deal with the bulk of the illicit
trade. In 1820, September 16, a British officer,
in his official report, declares that, in spite of
United States laws, “American vessels, American
subjects, and American capital, are unquestionably
engaged in the trade, though under other colours and
in disguise."[137] The United States ship “Cyane”
at one time reported ten captures within a few days,
adding: “Although they are evidently owned
by Americans, they are so completely covered by Spanish
papers that it is impossible to condemn them."[138]
The governor of Sierra Leone reported the rivers Nunez
and Pongas full of renegade European and American
slave-traders;[139] the trade was said to be carried
on “to an extent that almost staggers belief."[140]
Down to 1824 or 1825, reports from all quarters prove
this activity in slave-trading.

The execution of the laws within the country exhibits
grave defects and even criminal negligence. Attorney-General
Wirt finds it necessary to assure collectors, in 1819,
that “it is against public policy to dispense
with prosecutions for violation of the law to prohibit
the Slave trade."[141] One district attorney writes:
“It appears to be almost impossible to enforce
the laws of the United States against offenders after
the negroes have been landed in the state."[142] Again,
it is asserted that “when vessels engaged in
the slave trade have been detained by the American
cruizers, and sent into the slave-holding states,
there appears at once a difficulty in securing the
freedom to these captives which the laws of the United
States have decreed for them."[143] In some cases,
one man would smuggle in the Africans and hide them
in the woods; then his partner would “rob”
him, and so all trace be lost.[144] Perhaps 350 Africans
were officially reported as brought in contrary to
law from 1818 to 1820: the absurdity of this
figure is apparent.[145] A circular letter to the marshals,
in 1821, brought reports of only a few well-known
cases, like that of the “General Ramirez;”
the marshal of Louisiana had “no information."[146]

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There appears to be little positive evidence of a
large illicit importation into the country for a decade
after 1825. It is hardly possible, however, considering
the activity in the trade, that slaves were not largely
imported. Indeed, when we note how the laws were
continually broken in other respects, absence of evidence
of petty smuggling becomes presumptive evidence that
collusive or tacit understanding of officers and citizens
allowed the trade to some extent.[147] Finally, it
must be noted that during all this time scarcely a
man suffered for participating in the trade, beyond
the loss of the Africans and, more rarely, of his
ship. Red-handed slavers, caught in the act and
convicted, were too often, like La Coste of South
Carolina, the subjects of executive clemency.[148]
In certain cases there were those who even had the
effrontery to ask Congress to cancel their own laws.
For instance, in 1819 a Venezuelan privateer, secretly
fitted out and manned by Americans in Baltimore, succeeded
in capturing several American, Portuguese, and Spanish
slavers, and appropriating the slaves; being finally
wrecked herself, she transferred her crew and slaves
to one of her prizes, the “Antelope,” which
was eventually captured by a United States cruiser
and the 280 Africans sent to Georgia. After much
litigation, the United States Supreme Court ordered
those captured from Spaniards to be surrendered, and
the others to be returned to Africa. By some
mysterious process, only 139 Africans now remained,
100 of whom were sent to Africa. The Spanish claimants
of the remaining thirty-nine sold them to a certain
Mr. Wilde, who gave bond to transport them out of
the country. Finally, in December, 1827, there
came an innocent petition to Congress to *cancel
this bond*.[149] A bill to that effect passed and
was approved, May 2, 1828,[150] and in consequence
these Africans remained as slaves in Georgia.

On the whole, it is plain that, although in the period
from 1807 to 1820 Congress laid down broad lines of
legislation sufficient, save in some details, to suppress
the African slave trade to America, yet the execution
of these laws was criminally lax. Moreover, by
the facility with which slavers could disguise their
identity, it was possible for them to escape even
a vigorous enforcement of our laws. This situation
could properly be met only by energetic and sincere
international co-operation. The next chapter
will review efforts directed toward this end.[151]

**FOOTNOTES:**

 [1] *House Journal* (repr. 1826),
9 Cong. 2 sess. V. 468.

 [2] Cf. below, Sec. 59.

 [3] *Annals of Cong.*, 9 Cong. 2
sess. p. 238.

 [4] There were at least twelve distinct
propositions as to the
 disposal of the
Africans imported:—­

 1. That they
be forfeited and sold by the United States at
 auction (Early’s
bill, reported Dec. 15: *Annals of Cong.*,
9
 Cong. 2 sess.
pp. 167-8).

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 2. That they
be forfeited and left to the disposal of the
 States (proposed
by Bidwell and Early: *Ibid.*, pp. 181, 221,
 477. This
was the final settlement.)

 3. That they
be forfeited and sold, and that the proceeds go
 to charities,
education, or internal improvements (Early,
 Holland, and Masters:
*Ibid.*, p. 273).

 4. That they
be forfeited and indentured for life (Alston and
 Bidwell:
*Ibid.*, pp. 170-1).

 5. That they
be forfeited and indentured for 7, 8, or 10
 years (Pitkin:
*Ibid.*, p. 186).
6.  That they be forfeited and given into the custody of the President, and by him indentured in free States for a term of years (bill reported from the Senate Jan. 28:  *House Journal* (repr. 1826), 9 Cong. 2 sess.  V. 575; *Annals of Cong.*, 9 Cong. 2 sess. p. 477.  Cf. also *Ibid.*, p. 272).
 7. That the
Secretary of the Treasury dispose of them, at his
 discretion, in
service (Quincy: *Ibid.*, p. 183).

 8. That those
imported into slave States be returned to
 Africa or bound
out in free States (Sloan: *Ibid.*, p. 254).

 9. That all
be sent back to Africa (Smilie: *Ibid.*,
p. 176).

 10. That
those imported into free States be free, those
 imported into
slave States be returned to Africa or indentured
 (Sloan: *Ibid.*,
p. 226).

 11. That
they be forfeited but not sold (Sloan and others:  *Ibid.*,
p. 270).

 12. That
they be free (Sloan: *Ibid.*, p. 168; Bidwell:  *House Journal*
(repr. 1826), 9 Cong. 2 sess. V. 515).

 [5] Bidwell, Cook, and others: *Annals
of Cong.*, 9 Cong. 2
 sess. p. 201.

 [6] Bidwell: *Ibid.*, p. 172.

 [7] Fisk: *Ibid.*, pp. 224-5;
Bidwell: *Ibid.*, p. 221.

 [8] Quincy: *Ibid.*, p. 184.

 [9] *Annals of Cong.*, 9 Cong. 2
sess. p. 478; Bidwell:  *Ibid.*,
p. 171.

 [10] *Ibid.*, p. 172.

 [11] *Annals of Cong.*, 9 Cong. 2 sess.
pp. 173-4.

 [12] Alston: *Ibid.*, p. 170.

 [13] D.R. Williams: *Annals of Cong.*,
9 Cong. 2 sess. p. 183.

 [14] Early: *Ibid.*, pp. 184-5.

 [15] Lloyd, Early, and others: *Ibid.*,
p. 203.

 [16] Alston: *Ibid.*, p. 170.

 [17] Quincy: *Ibid.*, p. 222; Macon:
*Ibid.*, p. 225.

 [18] Macon: *Ibid.*, p. 177.

 [19] Barker: *Ibid.*, p. 171; Bidwell:
*Ibid.*, p. 172.

 [20] Clay, Alston, and Early: *Ibid.*,
p. 266.

 [21] Clay, Alston, and Early: *Annals
of Cong.*, 9 Cong. 2
 sess. p. 266.

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 [22] Bidwell: *Ibid.*, p. 221.

 [23] Sloan and others: *Ibid.*, p.
271; Early and Alston:  *Ibid.*,
pp. 168, 171.

 [24] Ely, Bidwell, and others: *Ibid.*,
pp. 179, 181, 271;
 Smilie and Findley:
*Ibid.*, pp. 225, 226.

 [25] *Ibid.*, p. 240. Cf. Lloyd:
*Ibid.*, p. 236.

 [26] Holland: *Ibid.*, p. 241.

 [27] *Ibid.*, p. 227; Macon: *Ibid.*,
p. 225.

 [28] Bidwell, Cook, and others: *Ibid.*,
p. 201.

 [29] Bidwell: *Annals of Cong.*, 9
Cong. 2 sess. p. 221. Cf. *Ibid.*,
p. 202.

 [30] Early: *Ibid.*, p. 239.

 [31] *Ibid.*
 [32] *Ibid.*, p. 1267.

 [33] There were about six distinct punishments
suggested:—­

 1. Forfeiture,
and fine of $5000 to $10,000 (Early’s bill:  *Ibid.*,
p. 167).

 2. Forfeiture
and imprisonment (amendment to Senate bill:  *Ibid.*,
pp. 231, 477, 483).

 3. Forfeiture,
imprisonment from 5 to 10 years, and fine of
 $1000 to $10,000
(amendment to amendment of Senate bill:  *Ibid.*,
pp. 228, 483).

 4. Forfeiture,
imprisonment from 5 to 40 years, and fine of
 $1000 to $10,000
(Chandler’s amendment: *Ibid.*, p.
228).

 5. Forfeiture
of all property, and imprisonment (Pitkin:  *Ibid.*,
p. 188).

 6. Death
(Smilie: *Ibid.*, pp. 189-90; bill reported
to House,
 Dec. 19:
*Ibid.*, p. 190; Senate bill as reported to House,
 Jan. 28).

 [34] Smilie: *Annals of Cong.*, 9
Cong. 2 sess. pp. 189-90.

 [35] Tallmadge: *Ibid.*, p. 233; Olin:
*Ibid.*, p. 237.

 [36] Ely: *Ibid.*, p. 237.

 [37] Smilie: *Ibid.*, p. 236.
Cf. Sloan: *Ibid.*, p. 232.

 [38] Hastings: *Ibid.*, p. 228.

 [39] Dwight: *Ibid.*, p. 241; Ely:
*Ibid.*, p. 232.

 [40] Mosely: *Ibid.*, pp. 234-5.

 [41] Tallmadge: *Ibid.*, pp. 232,
234. Cf. Dwight: *Ibid.*, p. 241.

 [42] Varnum: *Ibid.*, p. 243.

 [43] Elmer: *Annals of Cong.*, 9 Cong.
2 sess. p. 235.

 [44] *Ibid.*, p. 240.

 [45] Holland: *Ibid.*, p. 240.

 [46] Early: *Ibid.*, pp. 238-9; Holland:
*Ibid.*, p. 239.

 [47] *Ibid.*, p. 233. Cf. Lloyd:
*Ibid.*, p. 237; Ely:  *Ibid.*,
p. 232; Early: *Ibid.*, pp. 238-9.

 [48] *Ibid.*, p. 484.

 [49] This was the provision of the Senate bill
as reported to
 the House.
It was over the House amendment to this that the
 Houses disagreed.
Cf. *Ibid.*, p. 484.

 [50] Cf. *Annals of Cong.*, 9 Cong. 2 sess.
pp. 527-8.

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 [51] *Ibid.*, p. 528.

 [52] *Ibid.*, p. 626.

 [53] *Ibid.*
 [54] *Ibid.*
 [55] *Ibid.*, pp. 636-8; *House Journal*
(repr. 1826), 9 Cong.
 2 sess. V.
616, and House Bill No. 219; *Ibid.*, 10 Cong.
1
 sess. VI.
27, 50; *Annals of Cong.*, 10 Cong. 1 sess. pp.
 854-5, 961.

 [56] On account of the meagre records it is
difficult to
 follow the course
of this bill. I have pieced together
 information from
various sources, and trust that this account
 is approximately
correct.

 [57] Cf. *Senate Journal* (repr. 1821),
9 Cong. 2 sess. IV.,
 Senate Bill No.
41.

 [58] *Annals of Cong.*, 9 Cong. 1 sess.
p. 438. Cf. above, Sec.
 53.

 [59] This amendment of the Committee of the
Whole was adopted
 by a vote of 63
to 53. The New England States stood 3 to 2 for
 the death penalty;
the Middle States were evenly divided, 3
 and 3; and the
South stood 5 to 0 against it, with Kentucky
 evenly divided.
Cf. *House Journal* (repr. 1826), 9 Cong. 2
 sess. V.
504.

 [60] *Ibid.*, V. 514-5.

 [61] The substitution of the Senate bill was
a victory for the
 anti-slavery party,
as all battles had to be fought again. The
 Southern party,
however, succeeded in carrying all its
 amendments.

 [62] Messrs. Betton of New Hampshire, Chittenden
of Vermont,
 Garnett and Trigg
of Virginia, and D.R. Williams of South
 Carolina voted
against the bill: *House Journal* (repr.
1826),
 9 Cong. 2 sess.
V. 585-6.

[63] *Annals of Cong.*, 9 Cong.
2 sess. pp. 626-7.

[64] The unassigned dates refer to
debates, *etc*. The history
of the amendments and debates on the measure
may be traced in
the following references:—­
 *Senate*
(Bill No. 41).
 *Annals of Cong.*, 9 Cong.
1 sess. pp. 20-1; 9 Cong. 2 sess.
pp. 16, 19, 23, 33, 36, 45, 47, 68, 69, 70,
71, 79, 87, 93, *etc*.
 *Senate Journal* (repr.
1826), 9 Cong. 1-2 sess. IV. 11, 112,
123, 124, 132, 133, 150, 158, 164, 165, 167,
168, *etc*.

\* \*
 \* \* \*
 *House*
(Bill No. 148).
*Annals of Cong.*, 9 Cong. 1 sess. p. 438; 9 Cong. 2 sess. pp. 114, 151, 167-8, 173-4, 180, 183, 189, 200, 202-4, 220, 228, 231, 240, 254, 264, 266-7, 270, 273, 373, 427, 477, 481, 484-6, 527, 528, *etc*.*House Journal* (repr. 1826), 9 Cong. 1-2 sess.  V. 470, 482, 488, 490, 491, 496, 500, 504, 510, 513-6, 517, 540, 557, 575, 579, 581, 583-4, 585, 592, 594, 610, 613-5, 623, 638, 640, *etc*.
 [65] *Statutes at Large*, II. 426.
There were some few
 attempts to obtain

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laws of relief from this bill: see, *e.g*., *Annals of Cong.*,
10 Cong. 1 sess. p. 1243; 11 Cong. 1 sess.
 pp. 34, 36-9,
41, 43, 48, 49, 380, 465, 688, 706, 2209; *House
 Journal* (repr.
1826), II Cong. 1-2 sess. VII. 100, 102, 124, *etc*., and
Index, Senate Bill No. 8. Cf. *Amer. State
Papers,
 Miscellaneous*,
II. No. 269. There was also one proposed
 amendment to make
the prohibition perpetual: *Amer. State
 Papers, Miscellaneous*,
I. No. 244.

 [66] Toulmin, *Digest of the Laws of Alabama*,
p. 637.

 [67] *Laws of North Carolina* (revision
of 1819), II. 1350.

 [68] Prince, *Digest*, p. 793.

 [69] Fowler, *Historical Status of the Negro
in Connecticut*,
 in *Local Law*,
*etc*., pp. 122, 126.

 [70] *House Reports*, 17 Cong. 1 sess.
II. No. 92, p. 32.

 [71] *House Journal* (repr. 1826), 11 Cong.
3 sess. VII. p.
 435.

 [72] *House Doc.*, 15 Cong. 2 sess.
IV. No. 84, p. 5.

 [73] See, *e.g*., *House Journal* (repr.
1826), 11 Cong. 3 sess.
 VII. p. 575.

 [74] Drake, *Revelations of a Slave Smuggler*,
p. 51. Parts of
 this narrative
are highly colored and untrustworthy; this
 passage, however,
has every earmark of truth, and is confirmed
 by many incidental
allusions.

 [75] For accounts of these slavers, see *House
Reports*, 17
 Cong. 1 sess.
II. No. 92, pp. 30-50. The “Paz”
was an armed
 slaver flying
the American flag.

 [76] Said to be owned by an Englishman, but
fitted in America
 and manned by
Americans. It was eventually captured by H.M.S.
 “Bann,”
after a hard fight.

 [77] Also called Spanish schooner “Triumvirate,”
with American
 supercargo, Spanish
captain, and American, French, Spanish,
 and English crew.
It was finally captured by a British vessel.

 [78] An American slaver of 1814, which was boarded
by a
 British vessel.
All the above cases, and many others, were
 proven before
British courts.

 [79] *House Reports*, 17 Cong. 1 sess.
II. No. 92, p. 51.

 [80] *House Doc.*, 15 Cong. 1 sess.
II. No. 12, pp. 22, 38.
 This slaver was
after capture sent to New Orleans,—­an
 illustration of
the irony of the Act of 1807.

 [81] *House Journal*, 14 Cong. 2 sess.
p. 15.

 [82] *House Doc.*, 16 Cong. 1 sess.
III. No. 36, p. 5.

 [83] *Ibid.*, 15 Cong. 1 sess. II.
No. 12, pp. 8-14. See
 Chew’s letter
of Oct. 17, 1817: *Ibid.*, pp. 14-16.

 [84] By the secret Joint Resolution and Act
of 1811 (*Statutes
 at Large*,
III. 471), Congress gave the President power to
 suppress the Amelia
Island establishment, which was then
 notorious.
The capture was not accomplished until 1817.

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 [85] *House Doc.*, 16 Cong. 1 sess.
III. No. 42, pp. 10-11.
 Cf. Report
of the House Committee, Jan. 10, 1818: “It
is but
 too notorious
that numerous infractions of the law prohibiting
 the importation
of slaves into the United States have been
 perpetrated with
impunity upon our southern frontier.” *Amer.
 State Papers,
Miscellaneous*, II. No. 441.

 [86] Special message of Jan. 13, 1818:
*House Journal*, 15
 Cong. 1 sess.
pp. 137-9.

 [87] Collector McIntosh, of the District of
Brunswick, Ga., to
 the Secretary
of the Treasury. *House Doc.*, 16 Cong. 1 sess.
 III. No.
42, pp. 8-9.

 [88] *House Doc.*, 16 Cong. 1 sess.
III. No. 42, pp. 6-7.

 [89] *Ibid.*, pp. 11-12.

 [90] *Amer. State Papers, Miscellaneous*,
II. No. 529.

 [91] *House Doc.*, 16 Cong. 1 sess.
III. No. 42, p. 7.

 [92] *Ibid.*, p. 6.

 [93] *House Reports*, 21 Cong. 1 sess.
III. No. 348, p. 82.

 [94] They were not general instructions, but
were directed to
 Commander Campbell.
Cf. *House Doc.*, 15 Cong. 2 sess. IV.
No.
 84, pp. 5-6.

 [95] *Statutes at Large*, III. 471 ff.

 [96] *House Doc.*, 15 Cong. 2 sess.
VI. No. 107, pp. 8-9.

 [97] *Ibid.*, IV. No. 84. Cf.
Chew’s letters in *House
 Reports*, 21
Cong. 1 sess. III. No. 348.

 [98] *House Doc.*, 15 Cong. 1 sess.
II. No. 12, pp. 22, 38; 15
 Cong. 2 sess.
VI. No. 100, p. 13; 16 Cong. 1 sess. III.
No.
 42, p. 9, *etc*.;
*House Reports*, 21 Cong. 1 sess. III.
No.
 348, p. 85.

 [99] *House Doc.*, 15 Cong. 2 sess.
VI. No. 107, pp. 8-9.

[100] *House Reports*, 21 Cong. 1 sess.
III. No. 348, p. 77.

[101] Cf. *House Doc.*, 16 Cong. 1 sess.
III. No. 42, p. 11:
 “The Grand
Jury found true bills against the owners of the
 vessels, masters,
and a supercargo—­all of whom are
 discharged; why
or wherefore I cannot say, except that it
 could not be for
want of proof against them.”

[102] *E.g*., in July, 1818, one informer “will
have to leave
 that part of the
country to save his life”: *Ibid.*,
15 Cong.
 2 sess. VI.
No. 100, p. 9.

[103] Joseph Nourse, Register of the Treasury, to
Hon. W.H.
 Crawford, Secretary
of the Treasury: *Ibid.*, 15 Cong. 2 sess.
 VI. No. 107,
p. 5.

[104] The slaves on the “Constitution”
were not condemned, for
 the technical
reason that she was not captured by a
 commissioned officer
of the United States navy.

[105] These proceedings are very obscure, and little
was said
 about them.
The Spanish claimants were, it was alleged with
 much probability,
but representatives of Americans. The claim
 was paid under
the provisions of the Treaty of Florida, and
 included slaves
whom the court afterward declared forfeited.

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[106] An act to relieve him was finally passed, Feb.
8, 1827,
 nine years after
the capture. See *Statutes at Large*, VI.
 357.

[107] It is difficult to get at the exact facts in
this
 complicated case.
The above statement is, I think, much milder
 than the real
facts would warrant, if thoroughly known. Cf. *House Reports*,
19 Cong. 1 sess. II. No. 231; 21 Cong. 1
 sess. III.
No. 348, pp. 62-3, *etc*.; 24 Cong. 1 sess.
I. No.
 209; *Amer.
State Papers, Naval*, II. No. 308.

[108] The first method, represented by the Act of
1818, was
 favored by the
South, the Senate, and the Democrats; the
 second method,
represented by the Act of 1819, by the North,
 the House, and
by the as yet undeveloped but growing Whig
 party.

[109] Committees on the slave-trade were appointed
by the
 House in 1810
and 1813; the committee of 1813 recommended a
 revision of the
laws, but nothing was done: *Annals of Cong.*,
 11 Cong. 3 sess.
p. 387; 12 Cong. 2 sess. pp. 1074, 1090. The
 presidential message
of 1816 led to committees on the trade in
 both Houses.
The committee of the House of Representatives
 reported a joint
resolution on abolishing the traffic and
 colonizing the
Negroes, also looking toward international
 action. This
never came to a vote: *Senate Journal*, 14
Cong.
 2 sess. pp. 46,
179, 180; *House Journal*, 14 Cong. 2 sess.
 pp. 25, 27, 380;
*House Doc*, 14 Cong. 2 sess. II. No.
77.
 Finally, the presidential
message of 1817 (*House Journal*, 15
 Cong. 1 sess.
p. 11), announcing the issuance of orders to
 suppress the Amelia
Island establishment, led to two other
 committees in
both Houses. The House committee under Middleton
 made a report
with a bill (*Amer. State Papers,
 Miscellaneous*,
II. No. 441), and the Senate committee also
 reported a bill.

[110] The Senate debates were entirely unreported,
and the
 report of the
House debates is very meagre. For the
 proceedings, see
*Senate Journal*, 15 Cong. 1 sess. pp. 243,
 304, 315, 333,
338, 340, 348, 377, 386, 388, 391, 403, 406; *House Journal*,
15 Cong. 1 sess. pp. 19, 20, 29, 51, 92, 131,
 362, 410, 450,
452, 456, 468, 479, 484, 492, 505.

[111] Simkins of South Carolina, Edwards of North
Carolina,
 and Pindall:
*Annals of Cong.*, 15 Cong. 1 sess. p. 1740.

[112] Hugh Nelson of Virginia: *Annals of Cong.*,
15 Cong. 1
 sess. p. 1740.

[113] *Statutes at Large*, III. 450. By
this act the first six
 sections of the
Act of 1807 were repealed.

[114] Or, more accurately speaking, every one realized,
in
 view of the increased
activity of the trade, that it would be
 a failure.

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[115] Nov. 18, 1818, the part of the presidential
message
 referring to the
slave-trade was given to a committee of the
 House, and this
committee also took in hand the House bill of
 the previous session
which the Senate bill had replaced:  *House Journal*,
15 Cong. 2 sess. pp. 9-19, 42, 150, 179, 330,
 334, 341, 343,
352.

[116] Of which little was reported: *Annals
of Cong.*, 15
 Cong. 2 sess.
pp. 1430-31. Strother opposed, “for various
 reasons of expediency,”
the bounties for captors. Nelson of
 Virginia advocated
the death penalty, and, aided by Pindall,
 had it inserted.
The vote on the bill was 57 to 45.

[117] The Senate had also had a committee at work
on a bill
 which was reported
Feb. 8, and finally postponed: *Senate
 Journal*, 15
Cong. 2 sess. pp. 234, 244, 311-2, 347. The House
 bill was taken
up March 2: *Annals of Cong.*, 15 Cong. 2
sess.
 p. 280.

[118] *Statutes at Large*, III. 532.

[119] *Annals of Cong.*, 15 Cong. 2 sess. p.
1430. This
 insured the trial
of slave-traders in a sympathetic slave
 State, and resulted
in the “disappearance” of many captured
 Negroes.

[120] *Statutes at Large*, III. 533.

[121] The first of a long series of appropriations
extending
 to 1869, of which
a list is given on the next page. The totals
 are only approximately
correct. Some statutes may have escaped
 me, and in the
reports of moneys the surpluses of previous
 years are not
always clearly distinguishable.

[122] In the first session of the sixteenth Congress,
two
 bills on piracy
were introduced into the Senate, one of which
 passed, April
26. In the House there was a bill on piracy, and
 a slave-trade
committee reported recommending that the
 slave-trade be
piracy. The Senate bill and this bill were
 considered in
Committee of the Whole, May 11, and a bill was
 finally passed
declaring, among other things, the traffic
 piracy. In
the Senate there was “some discussion, rather
on
 the form than
the substance of these amendments,” and “they
 were agreed to
without a division”: *Senate Journal*,
16 Cong.
 1 sess. pp. 238,
241, 268, 287, 314, 331, 346, 350, 409, 412,
 417, 420, 422,
424, 425; *House Journal*, 16 Cong. 1 sess. pp.
 113, 280, 453,
454, 494, 518, 520, 522, 537; *Annals of
 Cong.*, 16
Cong. 1 sess. pp. 693-4, 2231, 2236-7, *etc*.
The
 debates were not
reported.

[123] *Statutes at Large*, III. 600-1. This
act was in reality
 a continuation
of the piracy Act of 1819, and was only
 temporary.
The provision was, however, continued by several
 acts, and finally
made perpetual by the Act of Jan. 30, 1823:  *Statutes at
Large*, III. 510-4, 721. On March 3, 1823,
it was
 slightly amended
so as to give district courts jurisdiction.

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[124] Attorney-General Wirt advised him, October,
1819, that
 no part of the
appropriation could be used to purchase land in
 Africa or tools
for the Negroes, or as salary for the agent:  *Opinions of
Attorneys-General*, I. 314-7. Monroe laid the
 case before Congress
in a special message Dec. 20, 1819
 (*House Journal*,
16 Cong. 1 sess. p. 57); but no action was
 taken there.

[125] Cf. Kendall’s Report, August, 1830:
*Senate Doc.*, 21
 Cong. 2 sess.
I. No. 1, pp. 211-8; also see below, Chapter X.

[126] Speech in the House of Representatives, Feb.
15, 1819,
 p. 18; published
in Boston, 1849.

[127] Jay, *Inquiry into American Colonization*
(1838), p. 59,
 note.

[128] Quoted in Friends’ *Facts and Observations
on the Slave
 Trade* (ed.
1841), pp. 7-8.

[129] *Annals of Cong.*, 16 Cong. 1 sess. pp.
270-1.

[130] *Ibid.*, p. 698.

[131] *Ibid.*, p. 1207.

[132] *Annals of Cong.*, 16 Cong. 1 sess. p.
1433.

[133] Referring particularly to the case of the slaver
 “Plattsburg.”
Cf. *House Reports*, 17 Cong. 1 sess. II.
No.
 92, p. 10.

[134] *House Reports*, 17 Cong. 1 sess.
II. No. 92, p. 2. The
 President had
in his message spoken in exhilarating tones of
 the success of
the government in suppressing the trade. The
 House Committee
appointed in pursuance of this passage made
 the above report.
Their conclusions are confirmed by British
 reports:
*Parliamentary Papers*, 1822, Vol. XXII.,
*Slave
 Trade*, Further
Papers, III. p. 44. So, too, in 1823, Ashmun,
 the African agent,
reports that thousands of slaves are being
 abducted.

[135] Ayres to the Secretary of the Navy, Feb. 24,
1823;
 reprinted in *Friends’
View of the African Slave-Trade*
 (1824), p. 31.

[136] *House Reports*, 17 Cong. 1 sess.
II. No. 92, pp. 5-6.
 The slavers were
the “Ramirez,” “Endymion,”
“Esperanza,”
 “Plattsburg,”
“Science,” “Alexander,” “Eugene,”
“Mathilde,”
 “Daphne,”
“Eliza,” and “La Pensee.”
In these 573 Africans were
 taken. The
naval officers were greatly handicapped by the size
 of the ships,
*etc*. (cf. *Friends’ View*, *etc*.,
pp. 33-41).
 They nevertheless
acted with great zeal.

[137] *Parliamentary Papers*, 1821, Vol.
XXIII., *Slave
 Trade*, Further
Papers, A, p. 76. The names and description of
 a dozen or more
American slavers are given: *Ibid.*, pp.
 18-21.

[138] *House Reports*, 17 Cong. 1 sess.
II. No. 92, pp. 15-20.

[139] *House Doc.*, 18 Cong. 1 sess. VI.
No. 119, p. 13.

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[140] *Parliamentary Papers*, 1823, Vol.
XVIII., *Slave
 Trade*, Further
Papers, A, pp. 10-11.

[141] *Opinions of Attorneys-General*, V. 717.

[142] R.W. Habersham to the Secretary of the
Navy, August,
 1821; reprinted
in *Friends’ View*, *etc*., p. 47.

[143] *Ibid.*, p. 42.

[144] *Ibid.*, p. 43.

[145] Cf. above, pp. 126-7.

[146] *Friends’ View*, *etc*., p. 42.

[147] A few accounts of captures here and there would
make the
 matter less suspicious;
these, however, do not occur. How
 large this suspected
illicit traffic was, it is of course
 impossible to
say; there is no reason why it may not have
 reached many hundreds
per year.

[148] Cf. editorial in *Niles’s Register*,
XXII. 114. Cf. also
 the following
instances of pardons:—­

 PRESIDENT JEFFERSON:
March 1, 1808, Phillip M. Topham,
 convicted for
“carrying on an illegal slave-trade” (pardoned
 twice). *Pardons
and Remissions*, I. 146, 148-9.
PRESIDENT MADISON:  July 29, 1809, fifteen vessels arrived at New Orleans from Cuba, with 666 white persons and 683 negroes.  Every penalty incurred under the Act of 1807 was remitted.  (Note:  “Several other pardons of this nature were granted.”) *Ibid.*, I. 179.
 Nov. 8, 1809,
John Hopkins and Lewis Le Roy, convicted for
 importing a slave.
*Ibid.*, I. 184-5.

 Feb. 12, 1810,
William Sewall, convicted for importing slaves. *Ibid.*,
I. 194, 235, 240.

 May 5, 1812, William
Babbit, convicted for importing slaves. *Ibid.*,
I. 248.

 PRESIDENT MONROE:
June 11, 1822, Thomas Shields, convicted for
 bringing slaves
into New Orleans. *Ibid.*, IV. 15.

 Aug. 24, 1822,
J.F. Smith, sentenced to five years’
 imprisonment and
$3000 fine; served twenty-five months and was
 then pardoned.
*Ibid.*, IV. 22.

 July 23, 1823,
certain parties liable to penalties for
 introducing slaves
into Alabama. *Ibid.*, IV. 63.

 Aug. 15, 1823,
owners of schooner “Mary,” convicted of
 importing slaves.
*Ibid.*, IV. 66.

 PRESIDENT J.Q.
ADAMS: March 4, 1826, Robert Perry; his ship
 was forfeited
for slave-trading. *Ibid.*, IV. 140.

 Jan. 17, 1827,
Jesse Perry; forfeited ship, and was convicted
 for introducing
slaves. *Ibid.*, IV. 158.

 Feb. 13, 1827,
Zenas Winston; incurred penalties for
 slave-trading.
*Ibid.*, IV. 161. The four following cases
are
 similar to that
of Winston:—­

 Feb. 24, 1827,
John Tucker and William Morbon. *Ibid.*, IV.
 162.

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 March 25, 1828,
Joseph Badger. *Ibid.*, IV. 192.

 Feb. 19, 1829,
L.R. Wallace. *Ibid.*, IV. 215.

 PRESIDENT JACKSON:
Five cases. *Ibid.*, IV. 225, 270, 301,
 393, 440.

 The above cases
were taken from manuscript copies of the
 Washington records,
made by Mr. W.C. Endicott, Jr., and kindly
 loaned me.

[149] See *Senate Journal*, 20 Cong. 1 sess.
pp. 60, 66, 340,
 341, 343, 348,
352, 355; *House Journal*, 20 Cong. 1 sess. pp.
 59, 76, 123, 134,
156, 169, 173, 279, 634, 641, 646, 647, 688,
 692.

[150] *Statutes at Large*, VI. 376.

[151] Among interesting minor proceedings in this
period were
 two Senate bills
to register slaves so as to prevent illegal
 importation.
They were both dropped in the House; a House
 proposition to
the same effect also came to nothing: *Senate
 Journal*, 15
Cong. 1 sess. pp. 147, 152, 157, 165, 170, 188,
 201, 203, 232,
237; 15 Cong. 2 sess. pp. 63, 74, 77, 202, 207,
 285, 291, 297;
*House Journal*, 15 Cong. 1 sess. p. 332; 15
 Cong. 2 sess.
pp. 303, 305, 316; 16 Cong. 1 sess. p. 150.
 Another proposition
was contained in the Meigs resolution
 presented to the
House, Feb. 5, 1820, which proposed to devote
 the public lands
to the suppression of the slave-trade. This
 was ruled out
of order. It was presented again and laid on the
 table in 1821:
*House Journal*, 16 Cong. 1 sess. pp. 196, 200,
 227; 16 Cong.
2 sess. p. 238.

\* \*
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 *Chapter IX*
THE INTERNATIONAL STATUS OF THE SLAVE-TRADE.

1783-1862.
66.  The Rise of the Movement against the Slave-Trade, 1788-1807. 67.  Concerted Action of the Powers, 1783-1814. 68.  Action of the Powers from 1814 to 1820. 69.  The Struggle for an International Right of Search, 1820-1840. 70.  Negotiations of 1823-1825. 71.  The Attitude of the United States and the State of the Slave-Trade. 72.  The Quintuple Treaty, 1839-1842. 73.  Final Concerted Measures, 1842-1862.
66. *The Rise of the Movement against the Slave-Trade,
1788-1807.* At the beginning of the nineteenth
century England held 800,000 slaves in her colonies;
France, 250,000; Denmark, 27,000; Spain and Portugal,
600,000; Holland, 50,000; Sweden, 600; there were also
about 2,000,000 slaves in Brazil, and about 900,000
in the United States.[1] This was the powerful basis
of the demand for the slave-trade; and against the
economic forces which these four and a half millions
of enforced laborers represented, the battle for freedom
had to be fought.

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Denmark first responded to the denunciatory cries
of the eighteenth century against slavery and the
slave-trade. In 1792, by royal order, this traffic
was prohibited in the Danish possessions after 1802.
The principles of the French Revolution logically
called for the extinction of the slave system by France.
This was, however, accomplished more precipitately
than the Convention anticipated; and in a whirl of
enthusiasm engendered by the appearance of the Dominican
deputies, slavery and the slave-trade were abolished
in all French colonies February 4, 1794.[2] This abolition
was short-lived; for at the command of the First Consul
slavery and the slave-trade was restored in An X (1799).[3]
The trade was finally abolished by Napoleon during
the Hundred Days by a decree, March 29, 1815, which
briefly declared: “A dater de la publication
du present Decret, la Traite des Noirs est abolie."[4]
The Treaty of Paris eventually confirmed this law.[5]

In England, the united efforts of Sharpe, Clarkson,
and Wilberforce early began to arouse public opinion
by means of agitation and pamphlet literature.
May 21, 1788, Sir William Dolben moved a bill regulating
the trade, which passed in July and was the last English
measure countenancing the traffic.[6] The report of
the Privy Council on the subject in 1789[7] precipitated
the long struggle. On motion of Pitt, in 1788,
the House had resolved to take up at the next session
the question of the abolition of the trade.[8] It
was, accordingly, called up by Wilberforce, and a
remarkable parliamentary battle ensued, which lasted
continuously until 1805. The Grenville-Fox ministry
now espoused the cause. This ministry first prohibited
the trade with such colonies as England had acquired
by conquest during the Napoleonic wars; then, in 1806,
they prohibited the foreign slave-trade; and finally,
March 25, 1807, enacted the total abolition of the
traffic.[9]

67. *Concerted Action of the Powers, 1783-1814.*
During the peace negotiations between the United States
and Great Britain in 1783, it was proposed by Jay,
in June, that there be a proviso inserted as follows:
“Provided that the subjects of his Britannic
Majesty shall not have any right or claim under the
convention, to carry or import, into the said States
any slaves from any part of the world; it being the
intention of the said States entirely to prohibit
the importation thereof."[10] Fox promptly replied:
“If that be their policy, it never can be competent
to us to dispute with them their own regulations."[11]
No mention of this was, however, made in the final
treaty, probably because it was thought unnecessary.

In the proposed treaty of 1806, signed at London December
31, Article 24 provided that “The high contracting
parties engage to communicate to each other, without
delay, all such laws as have been or shall be hereafter
enacted by their respective Legislatures, as also all
measures which shall have been taken for the abolition
or limitation of the African slave trade; and they
further agree to use their best endeavors to procure
the co-operation of other Powers for the final and
complete abolition of a trade so repugnant to the
principles of justice and humanity."[12]

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This marks the beginning of a long series of treaties
between England and other powers looking toward the
prohibition of the traffic by international agreement.
During the years 1810-1814 she signed treaties relating
to the subject with Portugal, Denmark, and Sweden.[13]
May 30, 1814, an additional article to the Treaty
of Paris, between France and Great Britain, engaged
these powers to endeavor to induce the approaching
Congress at Vienna “to decree the abolition of
the Slave Trade, so that the said Trade shall cease
universally, as it shall cease definitively, under
any circumstances, on the part of the French Government,
in the course of 5 years; and that during the said
period no Slave Merchant shall import or sell Slaves,
except in the Colonies of the State of which he is
a Subject."[14] In addition to this, the next day
a circular letter was despatched by Castlereagh to
Austria, Russia, and Prussia, expressing the hope
“that the Powers of Europe, when restoring Peace
to Europe, with one common interest, will crown this
great work by interposing their benign offices in favour
of those Regions of the Globe, which yet continue
to be desolated by this unnatural and inhuman traffic."[15]
Meantime additional treaties were secured: in
1814 by royal decree Netherlands agreed to abolish
the trade;[16] Spain was induced by her necessities
to restrain her trade to her own colonies, and to
endeavor to prevent the fraudulent use of her flag
by foreigners;[17] and in 1815 Portugal agreed to abolish
the slave-trade north of the equator.[18]

68. *Action of the Powers from 1814 to 1820.*
At the Congress of Vienna, which assembled late in
1814, Castlereagh was indefatigable in his endeavors
to secure the abolition of the trade. France and
Spain, however, refused to yield farther than they
had already done, and the other powers hesitated to
go to the lengths he recommended. Nevertheless,
he secured the institution of annual conferences on
the matter, and a declaration by the Congress strongly
condemning the trade and declaring that “the
public voice in all civilized countries was raised
to demand its suppression as soon as possible,”
and that, while the definitive period of termination
would be left to subsequent negotiation, the sovereigns
would not consider their work done until the trade
was entirely suppressed.[19]

In the Treaty of Ghent, between Great Britain and
the United States, ratified February 17, 1815, Article
10, proposed by Great Britain, declared that, “Whereas
the traffic in slaves is irreconcilable with the principles
of humanity and justice,” the two countries agreed
to use their best endeavors in abolishing the trade.[20]
The final overthrow of Napoleon was marked by a second
declaration of the powers, who, “desiring to
give effect to the measures on which they deliberated
at the Congress of Vienna, relative to the complete
and universal abolition of the Slave Trade, and having,
each in their respective Dominions, prohibited without

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restriction their Colonies and Subjects from taking
any part whatever in this Traffic, engage to renew
conjointly their efforts, with the view of securing
final success to those principles which they proclaimed
in the Declaration of the 4th February, 1815, and
of concerting, without loss of time, through their
Ministers at the Courts of London and of Paris, the
most effectual measures for the entire and definitive
abolition of a Commerce so odious, and so strongly
condemned by the laws of religion and of nature."[21]

Treaties further restricting the trade continued to
be made by Great Britain: Spain abolished the
trade north of the equator in 1817,[22] and promised
entire abolition in 1820; Spain, Portugal, and Holland
also granted a mutual limited Right of Search to England,
and joined in establishing mixed courts.[23] The effort,
however, to secure a general declaration of the powers
urging, if not compelling, the abolition of the trade
in 1820, as well as the attempt to secure a qualified
international Right of Visit, failed, although both
propositions were strongly urged by England at the
Conference of 1818.[24]

69. *The Struggle for an International Right of
Search, 1820-1840.* Whatever England’s motives
were, it is certain that only a limited international
Right of Visit on the high seas could suppress or greatly
limit the slave-trade. Her diplomacy was therefore
henceforth directed to this end. On the other
hand, the maritime supremacy of England, so successfully
asserted during the Napoleonic wars, would, in case
a Right of Search were granted, virtually make England
the policeman of the seas; and if nations like the
United States had already, under present conditions,
had just cause to complain of violations by England
of their rights on the seas, might not any extension
of rights by international agreement be dangerous?
It was such considerations that for many years brought
the powers to a dead-lock in their efforts to suppress
the slave-trade.

At first it looked as if England might attempt, by
judicial decisions in her own courts, to seize even
foreign slavers.[25] After the war, however, her courts
disavowed such action,[26] and the right was sought
for by treaty stipulation. Castlereagh took early
opportunity to approach the United States on the matter,
suggesting to Minister Rush, June 20, 1818, a mutual
but strictly limited Right of Search.[27] Rush was
ordered to give him assurances of the solicitude of
the United States to suppress the traffic, but to
state that the concessions asked for appeared of a
character not adaptable to our institutions.
Negotiations were then transferred to Washington; and
the new British minister, Mr. Stratford Canning, approached
Adams with full instructions in December, 1820.[28]

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Meantime, it had become clear to many in the United
States that the individual efforts of States could
never suppress or even limit the trade without systematic
co-operation. In 1817 a committee of the House
had urged the opening of negotiations looking toward
such international co-operation,[29] and a Senate
motion to the same effect had caused long debate.[30]
In 1820 and 1821 two House committee reports, one of
which recommended the granting of a Right of Search,
were adopted by the House, but failed in the Senate.[31]
Adams, notwithstanding this, saw constitutional objections
to the plan proposed by Canning, and wrote to him,
December 30: “A Compact, giving the power
to the Naval Officers of one Nation to search the
Merchant Vessels of another for Offenders and offences
against the Laws of the latter, backed by a further
power to seize and carry into a Foreign Port, and
there subject to the decision of a Tribunal composed
of at least one half Foreigners, irresponsible to
the Supreme Corrective tribunal of this Union, and
not amendable to the controul of impeachment for official
misdemeanors, was an investment of power, over the
persons, property and reputation of the Citizens of
this Country, not only unwarranted by any delegation
of Sovereign Power to the National Government, but
so adverse to the elementary principles and indispensable
securities of individual rights, ... that not even
the most unqualified approbation of the ends ... could
justify the transgression.” He then suggested
co-operation of the fleets on the coast of Africa,
a proposal which was promptly accepted.[32]

The slave-trade was again a subject of international
consideration at the Congress of Verona in 1822.
Austria, France, Great Britain, Russia, and Prussia
were represented. The English delegates declared
that, although only Portugal and Brazil allowed the
trade, yet the traffic was at that moment carried
on to a greater extent than ever before. They
said that in seven months of the year 1821 no less
than 21,000 slaves were abducted, and three hundred
and fifty-two vessels entered African ports north
of the equator. “It is obvious,” said
they, “that this crime is committed in contravention
of the Laws of every Country of Europe, and of America,
excepting only of one, and that it requires something
more than the ordinary operation of Law to prevent
it.” England therefore recommended:—­

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

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

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

These proposals were not accepted. Austria would
agree to the first two only; France refused to denounce
the trade as piracy; and Prussia was non-committal.
The utmost that could be gained was another denunciation
of the trade couched in general terms.[33]

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70. *Negotiations of 1823-1825.* England did
not, however, lose hope of gaining some concession
from the United States. Another House committee
had, in 1822, reported that the only method of suppressing
the trade was by granting a Right of Search.[34] The
House agreed, February 28, 1823, to request the President
to enter into negotiations with the maritime powers
of Europe to denounce the slave-trade as piracy; an
amendment “that we agree to a qualified right
of search” was, however, lost.[35] Meantime,
the English minister was continually pressing the matter
upon Adams, who proposed in turn to denounce the trade
as piracy. Canning agreed to this, but only on
condition that it be piracy under the Law of Nations
and not merely by statute law. Such an agreement,
he said, would involve a Right of Search for its enforcement;
he proposed strictly to limit and define this right,
to allow captured ships to be tried in their own courts,
and not to commit the United States in any way to the
question of the belligerent Right of Search. Adams
finally sent a draft of a proposed treaty to England,
and agreed to recognize the slave-traffic “as
piracy under the law of nations, namely: that,
although seizable by the officers and authorities of
every nation, they should be triable only by the tribunals
of the country of the slave trading vessel."[36]

Rush presented this *project* to the government
in January, 1824. England agreed to all the points
insisted on by the United States; *viz*., that
she herself should denounce the trade as piracy; that
slavers should be tried in their own country; that
the captor should be laid under the most effective
responsibility for his conduct; and that vessels under
convoy of a ship of war of their own country should
be exempt from search. In addition, England demanded
that citizens of either country captured under the
flag of a third power should be sent home for trial,
and that citizens of either country chartering vessels
of a third country should come under these stipulations.[37]

This convention was laid before the Senate April 30,
1824, but was not acted upon until May 21, when it
was so amended as to make it terminable at six months’
notice. The same day, President Monroe, “apprehending,
from the delay in the decision, that some difficulty
exists,” sent a special message to the Senate,
giving at length the reasons for signing the treaty,
and saying that “should this Convention be adopted,
there is every reason to believe, that it will be
the commencement of a system destined to accomplish
the entire Abolition of the Slave Trade.”
It was, however, a time of great political pot-boiling,
and consequently an unfortunate occasion to ask senators
to settle any great question. A systematic attack,
led by Johnson of Louisiana, was made on all the vital
provisions of the treaty: the waters of America
were excepted from its application, and those of the
West Indies barely escaped exception; the provision
which, perhaps, aimed the deadliest blow at American
slave-trade interests was likewise struck out; namely,
the application of the Right of Search to citizens
chartering the vessels of a third nation.[38]

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The convention thus mutilated was not signed by England,
who demanded as the least concession the application
of the Right of Search to American waters. Meantime
the United States had invited nearly all nations to
denounce the trade as piracy; and the President, the
Secretary of the Navy, and a House committee had urgently
favored the granting of the Right of Search.
The bad faith of Congress, however, in the matter of
the Colombian treaty broke off for a time further negotiations
with England.[39]

71. *The Attitude of the United States and the State
of the Slave-Trade.* In 1824 the Right of Search
was established between England and Sweden, and in
1826 Brazil promised to abolish the trade in three
years.[40] In 1831 the cause was greatly advanced by
the signing of a treaty between Great Britain and
France, granting mutually a geographically limited
Right of Search.[41] This led, in the next few years,
to similar treaties with Denmark, Sardinia,[42] the
Hanse towns,[43] and Naples.[44] Such measures put
the trade more and more in the hands of Americans,
and it began greatly to increase. Mercer sought
repeatedly in the House to have negotiations reopened
with England, but without success.[45] Indeed, the
chances of success were now for many years imperilled
by the recurrence of deliberate search of American
vessels by the British.[46] In the majority of cases
the vessels proved to be slavers, and some of them
fraudulently flew the American flag; nevertheless,
their molestation by British cruisers created much
feeling, and hindered all steps toward an understanding:
the United States was loath to have her criminal negligence
in enforcing her own laws thus exposed by foreigners.
Other international questions connected with the trade
also strained the relations of the two countries:
three different vessels engaged in the domestic slave-trade,
driven by stress of weather, or, in the “Creole”
case, captured by Negroes on board, landed slaves
in British possessions; England freed them, and refused
to pay for such as were landed after emancipation
had been proclaimed in the West Indies.[47] The case
of the slaver “L’Amistad” also raised
difficulties with Spain. This Spanish vessel,
after the Negroes on board had mutinied and killed
their owners, was seized by a United States vessel
and brought into port for adjudication. The court,
however, freed the Negroes, on the ground that under
Spanish law they were not legally slaves; and although
the Senate repeatedly tried to indemnify the owners,
the project did not succeed.[48]

Such proceedings well illustrate the new tendency
of the pro-slavery party to neglect the enforcement
of the slave-trade laws, in a frantic defence of the
remotest ramparts of slave property. Consequently,
when, after the treaty of 1831, France and England
joined in urging the accession of the United States
to it, the British minister was at last compelled
to inform Palmerston, December, 1833, that “the

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Executive at Washington appears to shrink from bringing
forward, in any shape, a question, upon which depends
the completion of their former object—­the
utter and universal Abolition of the Slave Trade—­from
an apprehension of alarming the Southern States."[49]
Great Britain now offered to sign the proposed treaty
of 1824 as amended; but even this Forsyth refused,
and stated that the United States had determined not
to become “a party of any Convention on the
subject of the Slave Trade."[50]

Estimates as to the extent of the slave-trade agree
that the traffic to North and South America in 1820
was considerable, certainly not much less than 40,000
slaves annually. From that time to about 1825
it declined somewhat, but afterward increased enormously,
so that by 1837 the American importation was estimated
as high as 200,000 Negroes annually. The total
abolition of the African trade by American countries
then brought the traffic down to perhaps 30,000 in
1842. A large and rapid increase of illicit traffic
followed; so that by 1847 the importation amounted
to nearly 100,000 annually. One province of Brazil
is said to have received 173,000 in the years 1846-1849.
In the decade 1850-1860 this activity in slave-trading
continued, and reached very large proportions.

The traffic thus carried on floated under the flags
of France, Spain, and Portugal, until about 1830;
from 1830 to 1840 it began gradually to assume the
United States flag; by 1845, a large part of the trade
was under the stars and stripes; by 1850 fully one-half
the trade, and in the decade, 1850-1860 nearly all
the traffic, found this flag its best protection.[51]

72. *The Quintuple Treaty, 1839-1842.* In 1839
Pope Gregory XVI. stigmatized the slave-trade “as
utterly unworthy of the Christian name;” and
at the same time, although proscribed by the laws of
every civilized State, the trade was flourishing with
pristine vigor. Great advantage was given the
traffic by the fact that the United States, for two
decades after the abortive attempt of 1824, refused
to co-operate with the rest of the civilized world,
and allowed her flag to shelter and protect the slave-trade.
If a fully equipped slaver sailed from New York, Havana,
Rio Janeiro, or Liverpool, she had only to hoist the
stars and stripes in order to proceed unmolested on
her piratical voyage; for there was seldom a United
States cruiser to be met with, and there were, on
the other hand, diplomats at Washington so jealous
of the honor of the flag that they would prostitute
it to crime rather than allow an English or a French
cruiser in any way to interfere. Without doubt,
the contention of the United States as to England’s
pretensions to a Right of Visit was technically correct.
Nevertheless, it was clear that if the slave-trade
was to be suppressed, each nation must either zealously
keep her flag from fraudulent use, or, as a labor-saving
device, depute to others this duty for limited places

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and under special circumstances. A failure of
any one nation to do one of these two things meant
that the efforts of all other nations were to be fruitless.
The United States had invited the world to join her
in denouncing the slave-trade as piracy; yet, when
such a pirate was waylaid by an English vessel, the
United States complained or demanded reparation.
The only answer which this country for years returned
to the long-continued exposures of American slave-traders
and of the fraudulent use of the American flag, was
a recital of cases where Great Britain had gone beyond
her legal powers in her attempt to suppress the slave-trade.[52]
In the face of overwhelming evidence to the contrary,
Secretary of State Forsyth declared, in 1840, that
the duty of the United States in the matter of the
slave-trade “has been faithfully performed,
and if the traffic still exists as a disgrace to humanity,
it is to be imputed to nations with whom Her Majesty’s
Government has formed and maintained the most intimate
connexions, and to whose Governments Great Britain
has paid for the right of active intervention in order
to its complete extirpation."[53] So zealous was Stevenson,
our minister to England, in denying the Right of Search,
that he boldly informed Palmerston, in 1841, “that
there is no shadow of pretence for excusing, much
less justifying, the exercise of any such right.
That it is wholly immaterial, whether the vessels be
equipped for, or actually engaged in slave traffic
or not, and consequently the right to search or detain
even slave vessels, must be confined to the ships
or vessels of those nations with whom it may have treaties
on the subject."[54] Palmerston courteously replied
that he could not think that the United States seriously
intended to make its flag a refuge for slave-traders;[55]
and Aberdeen pertinently declared: “Now,
it can scarcely be maintained by Mr. Stevenson that
Great Britain should be bound to permit her own subjects,
with British vessels and British capital, to carry
on, before the eyes of British officers, this detestable
traffic in human beings, which the law has declared
to be piracy, merely because they had the audacity
to commit an additional offence by fraudulently usurping
the American flag."[56] Thus the dispute, even after
the advent of Webster, went on for a time, involving
itself in metaphysical subtleties, and apparently leading
no nearer to an understanding.[57]

In 1838 a fourth conference of the powers for the
consideration of the slave-trade took place at London.
It was attended by representatives of England, France,
Russia, Prussia, and Austria. England laid the
*projet* of a treaty before them, to which all
but France assented. This so-called Quintuple
Treaty, signed December 20, 1841, denounced the slave-trade
as piracy, and declared that “the High Contracting
Parties agree by common consent, that those of their
ships of war which shall be provided with special
warrants and orders ... may search every merchant-vessel
belonging to any one of the High Contracting Parties
which shall, on reasonable grounds, be suspected of
being engaged in the traffic in slaves.”
All captured slavers were to be sent to their own
countries for trial.[58]

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While the ratification of this treaty was pending,
the United States minister to France, Lewis Cass,
addressed an official note to Guizot at the French
foreign office, protesting against the institution
of an international Right of Search, and rather grandiloquently
warning the powers against the use of force to accomplish
their ends.[59] This extraordinary epistle, issued
on the minister’s own responsibility, brought
a reply denying that the creation of any “new
principle of international law, whereby the vessels
even of those powers which have not participated in
the arrangement should be subjected to the right of
search,” was ever intended, and affirming that
no such extraordinary interpretation could be deduced
from the Convention. Moreover, M. Guizot hoped
that the United States, by agreeing to this treaty,
would “aid, by its most sincere endeavors, in
the definitive abolition of the trade."[60] Cass’s
theatrical protest was, consciously or unconsciously,
the manifesto of that growing class in the United States
who wanted no further measures taken for the suppression
of the slave-trade; toward that, as toward the institution
of slavery, this party favored a policy of strict
*laissez-faire*.

73. *Final Concerted Measures, 1842-1862.* The
Treaty of Washington, in 1842, made the first effective
compromise in the matter and broke the unpleasant
dead-lock, by substituting joint cruising by English
and American squadrons for the proposed grant of a
Right of Search. In submitting this treaty, Tyler
said: “The treaty which I now submit to
you proposes no alteration, mitigation, or modification
of the rules of the law of nations. It provides
simply that each of the two Governments shall maintain
on the coast of Africa a sufficient squadron to enforce
separately and respectively the laws, rights, and obligations
of the two countries for the suppression of the slave
trade."[61] This provision was a part of the treaty
to settle the boundary disputes with England.
In the Senate, Benton moved to strike out this article;
but the attempt was defeated by a vote of 37 to 12,
and the treaty was ratified.[62]

This stipulation of the treaty of 1842 was never properly
carried out by the United States for any length of
time.[63] Consequently the same difficulties as to
search and visit by English vessels continued to recur.
Cases like the following were frequent. The “Illinois,”
of Gloucester, Massachusetts, while lying at Whydah,
Africa, was boarded by a British officer, but having
American papers was unmolested. Three days later
she hoisted Spanish colors and sailed away with a cargo
of slaves. Next morning she fell in with another
British vessel and hoisted American colors; the British
ship had then no right to molest her; but the captain
of the slaver feared that she would, and therefore
ran his vessel aground, slaves and all. The senior
English officer reported that “had Lieutenant
Cumberland brought to and boarded the ‘Illinois,’

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notwithstanding the American colors which she hoisted,...
the American master of the ‘Illinois’
... would have complained to his Government of the
detention of his vessel."[64] Again, a vessel which
had been boarded by British officers and found with
American flag and papers was, a little later, captured
under the Spanish flag with four hundred and thirty
slaves. She had in the interim complained to the
United States government of the boarding.[65]

Meanwhile, England continued to urge the granting
of a Right of Search, claiming that the stand of the
United States really amounted to the wholesale protection
of pirates under her flag.[66] The United States answered
by alleging that even the Treaty of 1842 had been misconstrued
by England,[67] whereupon there was much warm debate
in Congress, and several attempts were made to abrogate
the slave-trade article of the treaty.[68] The pro-slavery
party had become more and more suspicious of England’s
motives, since they had seen her abolition of the slave-trade
blossom into abolition of the system itself, and they
seized every opportunity to prevent co-operation with
her. At the same time, European interest in the
question showed some signs of weakening, and no decided
action was taken. In 1845 France changed her Right
of Search stipulations of 1833 to one for joint cruising,[69]
while the Germanic Federation,[70] Portugal,[71] and
Chili[72]enounced the trade as piracy. In 1844
Texas granted the Right of Search to England,[73] and
in 1845 Belgium signed the Quintuple Treaty.[74]

Discussion between England and the United States was
revived when Cass held the State portfolio, and, strange
to say, the author of “Cass’s Protest”
went farther than any of his predecessors in acknowledging
the justice of England’s demands. Said
he, in 1859: “If The United States maintained
that, by carrying their flag at her masthead, any vessel
became thereby entitled to the immunity which belongs
to American vessels, they might well be reproached
with assuming a position which would go far towards
shielding crimes upon the ocean from punishment; but
they advance no such pretension, while they concede
that, if in the honest examination of a vessel sailing
under American colours, but accompanied by strongly-marked
suspicious circumstances, a mistake is made, and she
is found to be entitled to the flag she bears, but
no injury is committed, and the conduct of the boarding
party is irreproachable, no Government would be likely
to make a case thus exceptional in its character a
subject of serious reclamation."[75] While admitting
this and expressing a desire to co-operate in the
suppression of the slave-trade, Cass nevertheless steadily
refused all further overtures toward a mutual Right
of Search.

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The increase of the slave-traffic was so great in
the decade 1850-1860 that Lord John Russell proposed
to the governments of the United States, France, Spain,
Portugal, and Brazil, that they instruct their ministers
to meet at London in May or June, 1860, to consider
measures for the final abolition of the trade.
He stated: “It is ascertained, by repeated
instances, that the practice is for vessels to sail
under the American flag. If the flag is rightly
assumed, and the papers correct, no British cruizer
can touch them. If no slaves are on board, even
though the equipment, the fittings, the water-casks,
and other circumstances prove that the ship is on
a Slave Trade venture, no American cruizer can touch
them."[76] Continued representations of this kind
were made to the paralyzed United States government;
indeed, the slave-trade of the world seemed now to
float securely under her flag. Nevertheless,
Cass refused even to participate in the proposed conference,
and later refused to accede to a proposal for joint
cruising off the coast of Cuba.[77] Great Britain
offered to relieve the United States of any embarrassment
by receiving all captured Africans into the West Indies;
but President Buchanan “could not contemplate
any such arrangement,” and obstinately refused
to increase the suppressing squadron.[78]

On the outbreak of the Civil War, the Lincoln administration,
through Secretary Seward, immediately expressed a
willingness to do all in its power to suppress the
slave-trade.[79] Accordingly, June 7, 1862, a treaty
was signed with Great Britain granting a mutual limited
Right of Search, and establishing mixed courts for
the trial of offenders at the Cape of Good Hope, Sierra
Leone, and New York.[80] The efforts of a half-century
of diplomacy were finally crowned; Seward wrote to
Adams, “Had such a treaty been made in 1808,
there would now have been no sedition here."[81]

**FOOTNOTES:**

 [1] Cf. Augustine Cochin, in Lalor,
*Cyclopedia*, III. 723.

 [2] By a law of Aug. 11, 1792, the encouragement
formerly
 given to the trade
was stopped. Cf. *Choix de rapports,
 opinions et discours
prononces a la tribune nationale depuis
 1789* (Paris,
1821), XIV. 425; quoted in Cochin, *The Results
 of Emancipation*
(Booth’s translation, 1863), pp. 33, 35-8.

 [3] Cochin, *The Results of Emancipation*
(Booth’s
 translation, 1863),
pp. 42-7.

 [4] *British and Foreign State Papers*,
1815-6, p. 196.

 [5] *Ibid.*, pp. 195-9, 292-3; 1816-7,
p. 755. It was
 eventually confirmed
by royal ordinance, and the law of April
 15, 1818.

 [6] *Statute 28 George III.*, ch.
54. Cf. *Statute 29 George
 III.*, ch.
66.

 [7] Various petitions had come in praying
for an abolition of
 the slave-trade;
and by an order in Council, Feb. 11, 1788, a
 committee of the
Privy Council was ordered to take evidence on
 the subject.
This committee presented an elaborate report in
 1739. See
published *Report*, London, 1789.

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 [8] For the history of the Parliamentary
struggle, cf.
 Clarkson’s
and Copley’s histories. The movement was
checked in
 the House of Commons
in 1789, 1790, and 1791. In 1792 the
 House of Commons
resolved to abolish the trade in 1796. The
 Lords postponed
the matter to take evidence. A bill to
 prohibit the foreign
slave-trade was lost in 1793, passed the
 next session,
and was lost in the House of Lords. In 1795,
 1796, 1798, and
1799 repeated attempts to abolish the trade
 were defeated.
The matter then rested until 1804, when the
 battle was renewed
with more success.

 [9] *Statute 46 George III.*, ch.
52, 119; *47 George III.*,
 sess. I.
ch. 36.

 [10] Sparks, *Diplomatic Correspondence*,
X. 154.

 [11] Fox to Hartley, June 10, 1783; quoted in
Bancroft, *History of
the Constitution of the United States*, I. 61.

 [12] *Amer. State Papers, Foreign*,
III. No. 214, p. 151.

 [13] *British and Foreign State Papers*,
1815-6, pp. 886, 937
 (quotation).

 [14] *Ibid.*, pp. 890-1.

 [15] *British and Foreign State Papers*,
1815-6, p. 887.
 Russia, Austria,
and Prussia returned favorable replies:  *Ibid.*,
pp. 887-8.

 [16] *Ibid.*, p. 889.

 [17] She desired a loan, which England made
on this condition:  *Ibid.*,
pp. 921-2.

 [18] *Ibid.*, pp. 937-9. Certain financial
arrangements
 secured this concession.

 [19] *Ibid.*, pp. 939-75

 [20] *Amer. State Papers, Foreign*,
III. No. 271, pp. 735-48; *U.S. Treaties
and Conventions* (ed. 1889), p. 405.

 [21] This was inserted in the Treaty of Paris,
Nov. 20, 1815:  *British and
Foreign State Papers*, 1815-6, p. 292.

 [22] *Ibid.*, 1816-7, pp. 33-74 (English
version, 1823-4, p.
 702 ff.).

 [23] Cf. *Ibid.*, 1817-8, p. 125 ff.

 [24] This was the first meeting of the London
ministers of the
 powers according
to agreement; they assembled Dec. 4, 1817,
 and finally called
a meeting of plenipotentiaries on the
 question of suppression
at Aix-la-Chapelle, beginning Oct. 24,
 1818. Among
those present were Metternich, Richelieu,
 Wellington, Castlereagh,
Hardenberg, Bernstorff, Nesselrode,
 and Capodistrias.
Castlereagh made two propositions: 1. That
 the five powers
join in urging Portugal and Brazil to abolish
 the trade May
20, 1820; 2. That the powers adopt the principle
 of a mutual qualified
Right of Search. Cf. *British and
 Foreign State
Papers*, 1818-9, pp. 21-88; *Amer. State
Papers,
 Foreign*, V.
No. 346, pp. 113-122.

 [25] For cases, see *1 Acton*, 240, the
“Amedie,” and *1
 Dodson*, 81,
the “Fortuna;” quoted in U.S. Reports,
*10
 Wheaton*, 66.

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 [26] Cf. the case of the French ship “Le
Louis”: *2 Dodson*,
 238; and also
the case of the “San Juan Nepomuceno”:
*1
 Haggard*, 267.

 [27] *British and Foreign State Papers*,
1819-20, pp. 375-9;
 also pp. 220-2.

 [28] *Ibid.*, 1820-21, pp. 395-6.

 [29] *House Doc.*, 14 Cong. 2 sess.
II. No. 77.

 [30] *Annals of Cong.*, 15 Cong. 1 sess.
pp. 71, 73-78,
 94-109. The
motion was opposed largely by Southern members,
 and passed by
a vote of 17 to 16.

 [31] One was reported, May 9, 1820, by Mercer’s
committee, and
 passed May 12:
*House Journal*, 16 Cong. 1 sess. pp. 497, 518,
 520, 526; *Annals
of Cong.*, 16 Cong. 1 sess. pp. 697-9. A
 similar resolution
passed the House next session, and a
 committee reported
in favor of the Right of Search: *Ibid.*,
 16 Cong. 2 sess.
pp. 1064-71. Cf. *Ibid.*, pp. 476, 743, 865,
 1469.

 [32] *British and Foreign State Papers*,
1820-21, pp. 397-400.

 [33] *British and Foreign State Papers*,
1822-3, pp. 94-110.

 [34] *House Reports*, 17 Cong. 1 sess.
II. No. 92.

 [35] *House Journal*, 17 Cong. 2 sess.
pp. 212, 280; *Annals
 of Cong.*,
17 Cong. 2 sess. pp. 922, 1147-1155.

 [36] *British and Foreign State Papers*,
1823-4, pp. 409-21;
 1824-5, pp. 828-47;
*Amer. State Papers, Foreign*, V. No. 371,
 pp. 333-7.

 [37] *Ibid.*
 [38] *Ibid.*, No. 374, p. 344 ff., No.
379, pp. 360-2.

 [39] *House Reports*, 18 Cong. 2 sess.
I. No. 70; *Amer. State
 Papers, Foreign*,
V. No. 379, pp. 364-5, No. 414, p. 783, *etc*.
 Among the nations
invited by the United States to co-operate
 in suppressing
the trade was the United States of Colombia.
 Mr. Anderson,
our minister, expressed “the certain belief that
 the Republic of
Colombia will not permit herself to be behind
 any Government
in the civilized world in the adoption of
 energetic measures
for the suppression of this disgraceful
 traffic”:
*Ibid.*, No. 407, p. 729. The little republic
 replied courteously;
and, as a *projet* for a treaty, Mr.
 Anderson offered
the proposed English treaty of 1824,
 including the
Senate amendments. Nevertheless, the treaty thus
 agreed to was
summarily rejected by the Senate, March 9, 1825:  *Ibid.*,
p. 735. Another result of this general invitation
of
 the United States
was a proposal by Colombia that the
 slave-trade and
the status of Hayti be among the subjects for
 discussion at
the Panama Congress. As a result of this, a
 Senate committee
recommended that the United States take no
 part in the Congress.
This report was finally disagreed to by
 a vote of 19 to
24: *Ibid.*, No. 423, pp. 837, 860, 876,
882.

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 [40] *British and Foreign State Papers*,
1823-4, and 1826-7.
 Brazil abolished
the trade in 1830.

 [41] This treaty was further defined in 1833:
*Ibid.*, 1830-1,
 p. 641 ff.; 1832-3,
p. 286 ff.

 [42] *Ibid.*, 1833-4, pp. 218 ff., 1059
ff.

 [43] *Ibid.*, 1837-8, p. 268 ff.

 [44] *Ibid.*, 1838-9, p. 792 ff.

 [45] Viz., Feb. 28, 1825; April 7, 1830; Feb.
16, 1831; March
 3, 1831.
The last resolution passed the House: *House
 Journal*, 21
Cong. 2 sess. pp. 426-8.

 [46] Cf. *House Doc.*, 26 Cong. 2 sess.
V. No. 115, pp. 35-6, *etc*.; *House
Reports*, 27 Cong. 3 sess. III. No. 283,
pp.
 730-55, *etc*.

 [47] These were the celebrated cases of the
“Encomium,”
 “Enterprize,”
and “Comet.” Cf. *Senate Doc.*,
24 Cong. 2 sess.
 II. No. 174;
25 Cong. 3 sess. III. No. 216. Cf. also
case of
 the “Creole”:
*Ibid.*, 27 Cong. 2 sess. II.-III. Nos.
51, 137.

 [48] *Ibid.*, 26 Cong. 2 sess. IV.
No. 179; *Senate Exec.
 Doc.*, 31 Cong.
2 sess. III. No. 29; 32 Cong. 2 sess.
III. No.
 19; *Senate
Reports*, 31 Cong. 2 sess. No. 301; 32 Cong.
1
 sess. I.
No. 158; 35 Cong. 1 sess. I. No. 36; *House
Doc.*, 26
 Cong. 1 sess.
IV. No. 185; 27 Cong. 3 sess. V. No. 191;
28
 Cong. 1 sess.
IV. No. 83; *House Exec. Doc.*, 32 Cong.
2 sess.
 III. No.
20; *House Reports*, 26 Cong. 2 sess. No.
51; 28
 Cong. 1 sess.
II. No. 426; 29 Cong. 1 sess. IV. No.
753; also
 Decisions of the
U.S. Supreme Court, *15 Peters*, 518.
Cf.
 Drake, *Revelations
of a Slave Smuggler*, p. 98.

 [49] *British and Foreign State Papers*,
1834-5, p. 136.

 [50] *Ibid.*, pp. 135-47. Great Britain
made treaties
 meanwhile with
Hayti, Uruguay, Venezuela, Bolivia, Argentine
 Confederation,
Mexico, Texas, *etc*. Portugal prohibited the
 slave-trade in
1836, except between her African colonies. Cf. *Ibid.*,
from 1838 to 1841.

 [51] These estimates are from the following
sources: *Ibid.*,
 1822-3, pp. 94-110;
*Parliamentary Papers*, 1823, XVIII., *Slave Trade*,
Further Papers, A., pp. 10-11; 1838-9, XLIX., *Slave Trade*,
Class A, Further Series, pp. 115, 119, 121; *House Doc.*,
19 Cong. 1 sess. I. No. 1, p. 93; 20 Cong. 1
 sess. III.
No. 99; 26 Cong. 1 sess. VI. No. 211; *House
Exec.
 Doc.*, 31 Cong.
2 sess. I. No. 1, p. 193; *House Reports*,
21
 Cong. 1 sess.
III. No. 348; *Senate Doc.*, 28 Cong. 1 sess.
 IV. No. 217;
31 Cong. 1 sess. XIV. No. 66; 31 Cong. 2
sess.
 II. No. 6;
*Amer. State Papers, Naval*, I. No. 249;

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Buxton, *The African
Slave Trade and its Remedy*, pp. 44-59; Friends’ *Facts and Observations
on the Slave Trade* (ed. 1841);
 Friends’
*Exposition of the Slave Trade, 1840-50*; *Annual
 Reports of the
American and Foreign Anti-Slavery Society*.

The annexed table gives the dates
of the abolition of the
slave-trade by the various nations:—­

-------+-------------------+---------------------------
+--------------
| | |Arrangements
| | Right of Search Treaty | for Joint
Date. |Slave-trade | with Great Britain, | Cruising
| Abolished by | made by | with Great
| | | Britain,
| | | made by
-------+-------------------+---------------------------+----
----------
1802 | Denmark. | |
1807 | Great Britain; | |
| United States. | |
1813 | Sweden. | |
1814 | Netherlands. | |
1815 | Portugal (north | |
| of the equator).| |
1817 | Spain (north of | Portugal; Spain. |
| the equator). | |
1818 | France. | Netherlands. |
1820 | Spain. | |
1824 | | Sweden. |
1829 | Brazil (?). | |
1830 | Portugal. | |
1831-33| | France. |
1833-39| | Denmark, Hanse Towns, *etc*.|
1841 | | Quintuple Treaty (Austria,|
1842 | | Russia, Prussia). | United States.
1844 | | Texas. |
1845 | | Belgium. | France.
1862 | | United States. |
-------+-------------------+---------------------------+----
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 [52] Cf. *British and Foreign State Papers*,
from 1836 to
 1842.

 [53] *Ibid.*, 1839-40, p. 940.

 [54] *House Doc.*, 27 Cong. 1 sess.
No. 34, pp. 5-6.

 [55] *Senate Doc.*, 29 Cong. 1 sess.
VIII. No. 377, p. 56.

 [56] *Ibid.*, p. 72.

 [57] *Ibid.*, pp. 133-40, *etc*.

 [58] *British and Foreign State Papers*,
1841-2, p. 269 ff.

 [59] See below, Appendix B.

 [60] *Senate Doc.*, 29 Cong. 1 sess.
VIII. No. 377, p. 201.

 [61] *Senate Exec. Journal*, VI. 123.

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 [62] *U.S. Treaties and Conventions*
(ed. 1889), pp. 436-7.
 For the debates
in the Senate, see *Congressional Globe*, 27
 Cong. 3 sess.
Appendix. Cass resigned on account of the
 acceptance of
this treaty without a distinct denial of the
 Right of Search,
claiming that this compromised his position
 in France.
Cf. *Senate Doc.*, 27 Cong. 3 sess. II.,
IV. Nos.
 52, 223; 29 Cong.
1 sess. VIII. No. 377.

 [63] Cf. below, Chapter X.

 [64] *Senate Exec. Doc.*, 28 Cong.
2 sess. IX. No. 150, p. 72.

 [65] *Ibid.*, p. 77.

 [66] *House Doc.*, 27 Cong. 3 sess.
V. No. 192, p. 4. Cf. *British and
Foreign State Papers*, 1842-3, p. 708 ff.

 [67] *House Journal*, 27 Cong. 3 sess.
pp. 431, 485-8. Cf. *House Doc.*,
27 Cong. 3 sess. V. No. 192.

 [68] Cf. below, Chapter X.

 [69] With a fleet of 26 vessels, reduced to
12 in 1849:  *British and
Foreign State Papers*, 1844-5, p. 4 ff.; 1849-50,
 p. 480.

 [70] *Ibid.*, 1850-1, p. 953.

 [71] Portugal renewed her Right of Search treaty
in 1842:  *Ibid.*,
1841-2, p. 527 ff.; 1842-3, p. 450.

 [72] *Ibid.*, 1843-4, p. 316.

 [73] *Ibid.*, 1844-5, p. 592. There
already existed some such
 privileges between
England and Texas.

 [74] *Ibid.*, 1847-8, p. 397 ff.

 [75] *Ibid.*, 1858-9, pp. 1121, 1129.

 [76] *British and Foreign State Papers*,
1859-60, pp. 902-3.

 [77] *House Exec. Doc.*, 36 Cong.
2 sess. IV. No. 7.

 [78] *Ibid.*
 [79] *Senate Exec. Doc.*, 37 Cong.
2 sess. V. No. 57.

 [80] *Senate Exec. Journal*, XII.
230-1, 240, 254, 256, 391,
 400, 403; *Diplomatic
Correspondence*, 1862, pp. 141, 158; *U.S. Treaties
and Conventions* (ed. 1889), pp. 454-9.

 [81] *Diplomatic Correspondence*, 1862,
pp. 64-5. This treaty
 was revised in
1863. The mixed court in the West Indies had,
 by February, 1864,
liberated 95,206 Africans: *Senate Exec.
 Doc.*, 38 Cong.
1 sess. No. 56, p. 24.

\* \*
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 *Chapter X*
THE RISE OF THE COTTON KINGDOM. 1820-1850.
74.  The Economic Revolution. 75.  The Attitude of the South. 76.  The Attitude of the North and Congress. 77.  Imperfect Application of the Laws. 78.  Responsibility of the Government. 79.  Activity of the Slave-Trade.
74. *The Economic Revolution.* The history of
slavery and the slave-trade after 1820 must be read
in the light of the industrial revolution through
which the civilized world passed in the first half
of the nineteenth century. Between the years

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1775 and 1825 occurred economic events and changes
of the highest importance and widest influence.
Though all branches of industry felt the impulse of
this new industrial life, yet, “if we consider
single industries, cotton manufacture has, during
the nineteenth century, made the most magnificent
and gigantic advances."[1] This fact is easily explained
by the remarkable series of inventions that revolutionized
this industry between 1738 and 1830, including Arkwright’s,
Watt’s, Compton’s, and Cartwright’s
epoch-making contrivances.[2] The effect which these
inventions had on the manufacture of cotton goods is
best illustrated by the fact that in England, the
chief cotton market of the world, the consumption
of raw cotton rose steadily from 13,000 bales in 1781,
to 572,000 in 1820, to 871,000 in 1830, and to 3,366,000
in 1860.[3] Very early, therefore, came the query
whence the supply of raw cotton was to come.
Tentative experiments on the rich, broad fields of
the Southern United States, together with the indispensable
invention of Whitney’s cotton-gin, soon answered
this question: a new economic future was opened
up to this land, and immediately the whole South began
to extend its cotton culture, and more and more to
throw its whole energy into this one staple.

Here it was that the fatal mistake of compromising
with slavery in the beginning, and of the policy of
*laissez-faire* pursued thereafter, became painfully
manifest; for, instead now of a healthy, normal, economic
development along proper industrial lines, we have
the abnormal and fatal rise of a slave-labor large
farming system, which, before it was realized, had
so intertwined itself with and braced itself upon the
economic forces of an industrial age, that a vast and
terrible civil war was necessary to displace it.
The tendencies to a patriarchal serfdom, recognizable
in the age of Washington and Jefferson, began slowly
but surely to disappear; and in the second quarter
of the century Southern slavery was irresistibly changing
from a family institution to an industrial system.

The development of Southern slavery has heretofore
been viewed so exclusively from the ethical and social
standpoint that we are apt to forget its close and
indissoluble connection with the world’s cotton
market. Beginning with 1820, a little after the
close of the Napoleonic wars, when the industry of
cotton manufacture had begun its modern development
and the South had definitely assumed her position as
chief producer of raw cotton, we find the average
price of cotton per pound, 81/2\_d.\_ From this time
until 1845 the price steadily fell, until in the latter
year it reached 4\_d.\_; the only exception to this fall
was in the years 1832-1839, when, among other things,
a strong increase in the English demand, together
with an attempt of the young slave power to “corner”
the market, sent the price up as high as 11\_d.\_ The
demand for cotton goods soon outran a crop which McCullough
had pronounced “prodigious,” and after

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1845 the price started on a steady rise, which, except
for the checks suffered during the continental revolutions
and the Crimean War, continued until 1860.[4] The
steady increase in the production of cotton explains
the fall in price down to 1845. In 1822 the crop
was a half-million bales; in 1831, a million; in 1838,
a million and a half; and in 1840-1843, two million.
By this time the world’s consumption of cotton
goods began to increase so rapidly that, in spite
of the increase in Southern crops, the price kept rising.
Three million bales were gathered in 1852, three and
a half million in 1856, and the remarkable crop of
five million bales in 1860.[5]

Here we have data to explain largely the economic
development of the South. By 1822 the large-plantation
slave system had gained footing; in 1838-1839 it was
able to show its power in the cotton “corner;”
by the end of the next decade it had not only gained
a solid economic foundation, but it had built a closed
oligarchy with a political policy. The changes
in price during the next few years drove out of competition
many survivors of the small-farming free-labor system,
and put the slave *regime* in position to dictate
the policy of the nation. The zenith of the system
and the first inevitable signs of decay came in the
years 1850-1860, when the rising price of cotton threw
the whole economic energy of the South into its cultivation,
leading to a terrible consumption of soil and slaves,
to a great increase in the size of plantations, and
to increasing power and effrontery on the part of the
slave barons. Finally, when a rising moral crusade
conjoined with threatened economic disaster, the oligarchy,
encouraged by the state of the cotton market, risked
all on a political *coup-d’etat*, which
failed in the war of 1861-1865.[6]

75. *The Attitude of the South.* The attitude
of the South toward the slave-trade changed *pari
passu* with this development of the cotton trade.
From 1808 to 1820 the South half wished to get rid
of a troublesome and abnormal institution, and yet
saw no way to do so. The fear of insurrection
and of the further spread of the disagreeable system
led her to consent to the partial prohibition of the
trade by severe national enactments. Nevertheless,
she had in the matter no settled policy: she
refused to support vigorously the execution of the
laws she had helped to make, and at the same time she
acknowledged the theoretical necessity of these laws.
After 1820, however, there came a gradual change.
The South found herself supplied with a body of slave
laborers, whose number had been augmented by large
illicit importations, with an abundance of rich land,
and with all other natural facilities for raising
a crop which was in large demand and peculiarly adapted
to slave labor. The increasing crop caused a
new demand for slaves, and an interstate slave-traffic
arose between the Border and the Gulf States, which
turned the former into slave-breeding districts, and
bound them to the slave States by ties of strong economic
interest.

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As the cotton crop continued to increase, this source
of supply became inadequate, especially as the theory
of land and slave consumption broke down former ethical
and prudential bounds. It was, for example, found
cheaper to work a slave to death in a few years, and
buy a new one, than to care for him in sickness and
old age; so, too, it was easier to despoil rich, new
land in a few years of intensive culture, and move
on to the Southwest, than to fertilize and conserve
the soil.[7] Consequently, there early came a demand
for land and slaves greater than the country could
supply. The demand for land showed itself in the
annexation of Texas, the conquest of Mexico, and the
movement toward the acquisition of Cuba. The
demand for slaves was manifested in the illicit traffic
that noticeably increased about 1835, and reached large
proportions by 1860. It was also seen in a disposition
to attack the government for stigmatizing the trade
as criminal,[8] then in a disinclination to take any
measures which would have rendered our repressive
laws effective; and finally in such articulate declarations
by prominent men as this: “Experience having
settled the point, that this Trade *cannot be abolished
by the use of force*, and that blockading squadrons
serve only to make it more profitable and more cruel,
I am surprised that the attempt is persisted in, unless
as it serves as a cloak to some other purposes.
It would be far better than it now is, for the African,
if the trade was free from all restrictions, and left
to the mitigation and decay which time and competition
would surely bring about."[9]

76. *The Attitude of the North and Congress.*
With the North as yet unawakened to the great changes
taking place in the South, and with the attitude of
the South thus in process of development, little or
no constructive legislation could be expected on the
subject of the slave-trade. As the divergence
in sentiment became more and more pronounced, there
were various attempts at legislation, all of which
proved abortive. The pro-slavery party attempted,
as early as 1826, and again in 1828, to abolish the
African agency and leave the Africans practically
at the mercy of the States;[10] one or two attempts
were made to relax the few provisions which restrained
the coastwise trade;[11] and, after the treaty of
1842, Benton proposed to stop appropriations for the
African squadron until England defined her position
on the Right of Search question.[12] The anti-slavery
men presented several bills to amend and strengthen
previous laws;[13] they sought, for instance, in vain
to regulate the Texan trade, through which numbers
of slaves indirectly reached the United States.[14]
Presidents and consuls earnestly recommended legislation
to restrict the clearances of vessels bound on slave-trading
voyages, and to hinder the facility with which slavers
obtained fraudulent papers.[15] Only one such bill
succeeded in passing the Senate, and that was dropped
in the House.[16]

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The only legislation of this period was confined to
a few appropriation bills. Only one of these
acts, that of 1823, appropriating $50,000,[17] was
designed materially to aid in the suppression of the
trade, all the others relating to expenses incurred
after violations. After 1823 the appropriations
dwindled, being made at intervals of one, two, and
three years, down to 1834, when the amount was $5,000.
No further appropriations were made until 1842, when
a few thousands above an unexpended surplus were appropriated.
In 1843 $5,000 were given, and finally, in 1846, $25,000
were secured; but this was the last sum obtainable
until 1856.[18] Nearly all of these meagre appropriations
went toward reimbursing Southern plantation owners
for the care and support of illegally imported Africans,
and the rest to the maintenance of the African agency.
Suspiciously large sums were paid for the first purpose,
considering the fact that such Africans were always
worked hard by those to whom they were farmed out,
and often “disappeared” while in their
hands. In the accounts we nevertheless find many
items like that of $20,286.98 for the maintenance
of Negroes imported on the “Ramirez;"[19] in
1827, $5,442.22 for the “bounty, subsistence,
clothing, medicine,” *etc*., of fifteen Africans;[20]
in 1835, $3,613 for the support of thirty-eight slaves
for two months (including a bill of $1,038 for medical
attendance).[21]

The African agency suffered many vicissitudes.
The first agent, Bacon, who set out early in 1820,
was authorized by President Monroe “to form
an establishment on the island of Sherbro, or elsewhere
on the coast of Africa,” and to build barracks
for three hundred persons. He was, however, warned
“not to connect your agency with the views or
plans of the Colonization Society, with which, under
the law, the Government of the United States has no
concern.” Bacon soon died, and was followed
during the next four years by Winn and Ayres; they
succeeded in establishing a government agency on Cape
Mesurado, in conjunction with that of the Colonization
Society. The agent of that Society, Jehudi Ashmun,
became after 1822, the virtual head of the colony;
he fortified and enlarged it, and laid the foundations
of an independent community. The succeeding government
agents came to be merely official representatives
of the United States, and the distribution of free
rations for liberated Africans ceased in 1827.

Between 1819 and 1830 two hundred and fifty-two recaptured
Africans were sent to the agency, and $264,710 were
expended. The property of the government at the
agency was valued at $18,895. From 1830 to 1840,
nearly $20,000 more were expended, chiefly for the
agents’ salaries. About 1840 the appointment
of an agent ceased, and the colony became gradually
self-supporting and independent. It was proclaimed
as the Republic of Liberia in 1847.[22]

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77. *Imperfect Application of the Laws.* In reviewing
efforts toward the suppression of the slave-trade
from 1820 to 1850, it must be remembered that nearly
every cabinet had a strong, if not a predominating,
Southern element, and that consequently the efforts
of the executive were powerfully influenced by the
changing attitude of the South. Naturally, under
such circumstances, the government displayed little
activity and no enthusiasm in the work. In 1824
a single vessel of the Gulf squadron was occasionally
sent to the African coast to return by the route usually
followed by the slavers; no wonder that “none
of these or any other of our public ships have found
vessels engaged in the slave trade under the flag
of the United States, ... although it is known that
the trade still exists to a most lamentable extent."[23]
Indeed, all that an American slaver need do was to
run up a Spanish or a Portuguese flag, to be absolutely
secure from all attack or inquiry on the part of United
States vessels. Even this desultory method of
suppression was not regular: in 1826 “no
vessel has been despatched to the coast of Africa
for several months,"[24] and from that time until 1839
this country probably had no slave-trade police upon
the seas, except in the Gulf of Mexico. In 1839
increasing violations led to the sending of two fast-sailing
vessels to the African coast, and these were kept there
more or less regularly;[25] but even after the signing
of the treaty of 1842 the Secretary of the Navy reports:
“On the coast of Africa we have *no* squadron.
The small appropriation of the present year was believed
to be scarcely sufficient."[26] Between 1843 and 1850
the coast squadron varied from two to six vessels,
with from thirty to ninety-eight guns;[27] “but
the force habitually and actively engaged in cruizing
on the ground frequented by slavers has probably been
less by one-fourth, if we consider the size of the
ships employed and their withdrawal for purposes of
recreation and health, and the movement of the reliefs,
whose arrival does not correspond exactly with the
departure of the vessels whose term of service has
expired."[28] The reports of the navy show that in
only four of the eight years mentioned was the fleet,
at the time of report, at the stipulated size of eighty
guns; and at times it was much below this, even as
late as 1848, when only two vessels are reported on
duty along the African coast.[29] As the commanders
themselves acknowledged, the squadron was too small
and the cruising-ground too large to make joint cruising
effective.[30]

The same story comes from the Brazil station:
“Nothing effectual can be done towards stopping
the slave trade, as our squadron is at present organized,”
wrote the consul at Rio Janeiro in 1847; “when
it is considered that the Brazil station extends from
north of the equator to Cape Horn on this continent,
and includes a great part of Africa south of the equator,
on both sides of the Cape of Good Hope, it must be
admitted that one frigate and one brig is a very insufficient
force to protect American commerce, and repress the
participation in the slave trade by our own vessels."[31]
In the Gulf of Mexico cruisers were stationed most
of the time, although even here there were at times
urgent representations that the scarcity or the absence
of such vessels gave the illicit trade great license.[32]

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Owing to this general negligence of the government,
and also to its anxiety on the subject of the theoretic
Right of Search, many officials were kept in a state
of chronic deception in regard to the trade. The
enthusiasm of commanders was dampened by the lack of
latitude allowed and by the repeated insistence in
their orders on the non-existence of a Right of Search.[33]
When one commander, realizing that he could not cover
the trading-track with his fleet, requested English
commanders to detain suspicious American vessels until
one of his vessels came up, the government annulled
the agreement as soon as it reached their ears, rebuked
him, and the matter was alluded to in Congress long
after with horror.[34] According to the orders of
cruisers, only slavers with slaves actually on board
could be seized. Consequently, fully equipped
slavers would sail past the American fleet, deliberately
make all preparations for shipping a cargo, then,
when the English were not near, “sell”
the ship to a Spaniard, hoist the Spanish flag, and
again sail gayly past the American fleet with a cargo
of slaves. An English commander reported:
“The officers of the United States’ navy
are extremely active and zealous in the cause, and
no fault can be attributed to them, but it is greatly
to be lamented that this blemish should in so great
a degree nullify our endeavours."[35]

78. *Responsibility of the Government.* Not only
did the government thus negatively favor the slave-trade,
but also many conscious, positive acts must be attributed
to a spirit hostile to the proper enforcement of the
slave-trade laws. In cases of doubt, when the
law needed executive interpretation, the decision
was usually in favor of the looser construction of
the law; the trade from New Orleans to Mobile was,
for instance, declared not to be coastwise trade,
and consequently, to the joy of the Cuban smugglers,
was left utterly free and unrestricted.[36] After
the conquest of Mexico, even vessels bound to California,
by the way of Cape Horn, were allowed to clear coastwise,
thus giving our flag to “the slave-pirates of
the whole world."[37] Attorney-General Nelson declared
that the selling to a slave-trader of an American vessel,
to be delivered on the coast of Africa, was not aiding
or abetting the slave-trade.[38] So easy was it for
slavers to sail that corruption among officials was
hinted at. “There is certainly a want of
proper vigilance at Havana,” wrote Commander
Perry in 1844, “and perhaps at the ports of
the United States;” and again, in the same year,
“I cannot but think that the custom-house authorities
in the United States are not sufficiently rigid in
looking after vessels of suspicious character."[39]

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In the courts it was still next to impossible to secure
the punishment of the most notorious slave-trader.
In 1847 a consul writes: “The slave power
in this city [i.e., Rio Janeiro] is extremely great,
and a consul doing his duty needs to be supported
kindly and effectually at home. In the case of
the ‘Fame,’ where the vessel was diverted
from the business intended by her owners and employed
in the slave trade—­both of which offences
are punishable with death, if I rightly read the laws—­I
sent home the two mates charged with these offences,
for trial, the first mate to Norfolk, the second mate
to Philadelphia. What was done with the first
mate I know not. In the case of the man sent to
Philadelphia, Mr. Commissioner Kane states that a
clear prima facie case is made out, and then holds
him to bail in the sum of *one thousand dollars*,
which would be paid by any slave trader in Rio, on
the *presentation of a draft*. In all this
there is little encouragement for exertion."[40] Again,
the “Perry” in 1850 captured a slaver
which was about to ship 1,800 slaves. The captain
admitted his guilt, and was condemned in the United
States District Court at New York. Nevertheless,
he was admitted to bail of $5,000; this being afterward
reduced to $3,000, he forfeited it and escaped.
The mate was sentenced to two years in the penitentiary.[41]
Also several slavers sent home to the United States
by the British, with clear evidence of guilt, escaped
condemnation through technicalities.[42]

79. *Activity of the Slave-Trade, 1820-1850.*
The enhanced price of slaves throughout the American
slave market, brought about by the new industrial
development and the laws against the slave-trade, was
the irresistible temptation that drew American capital
and enterprise into that traffic. In the United
States, in spite of the large interstate traffic,
the average price of slaves rose from about $325 in
1840, to $360 in 1850, and to $500 in 1860.[43] Brazil
and Cuba offered similar inducements to smugglers,
and the American flag was ready to protect such pirates.
As a result, the American slave-trade finally came
to be carried on principally by United States capital,
in United States ships, officered by United States
citizens, and under the United States flag.

Executive reports repeatedly acknowledged this fact.
In 1839 “a careful revision of these laws”
is recommended by the President, in order that “the
integrity and honor of our flag may be carefully preserved."[44]
In June, 1841, the President declares: “There
is reason to believe that the traffic is on the increase,”
and advocates “vigorous efforts."[45] His message
in December of the same year acknowledges: “That
the American flag is grossly abused by the abandoned
and profligate of other nations is but too probable."[46]
The special message of 1845 explains at length that
“it would seem” that a regular policy of
evading the laws is carried on: American vessels
with the knowledge of the owners are chartered by

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notorious slave dealers in Brazil, aided by English
capitalists, with this intent.[47] The message of 1849
“earnestly” invites the attention of Congress
“to an amendment of our existing laws relating
to the African slave-trade, with a view to the effectual
suppression of that barbarous traffic. It is not
to be denied,” continues the message, “that
this trade is still, in part, carried on by means
of vessels built in the United States, and owned or
navigated by some of our citizens."[48] Governor Buchanan
of Liberia reported in 1839: “The chief
obstacle to the success of the very active measures
pursued by the British government for the suppression
of the slave-trade on the coast, is the *American
flag*. Never was the proud banner of freedom
so extensively used by those pirates upon liberty and
humanity, as at this season."[49] One well-known American
slaver was boarded fifteen times and twice taken into
port, but always escaped by means of her papers.[50]
Even American officers report that the English are
doing all they can, but that the American flag protects
the trade.[51] The evidence which literally poured
in from our consuls and ministers at Brazil adds to
the story of the guilt of the United States.[52] It
was proven that the participation of United States
citizens in the trade was large and systematic.
One of the most notorious slave merchants of Brazil
said: “I am worried by the Americans, who
insist upon my hiring their vessels for slave-trade."[53]
Minister Proffit stated, in 1844, that the “slave-trade
is almost entirely carried on under our flag, in American-built
vessels."[54] So, too, in Cuba: the British commissioners
affirm that American citizens were openly engaged in
the traffic; vessels arrived undisguised at Havana
from the United States, and cleared for Africa as
slavers after an alleged sale.[55] The American consul,
Trist, was proven to have consciously or unconsciously
aided this trade by the issuance of blank clearance
papers.[56]

The presence of American capital in these enterprises,
and the connivance of the authorities, were proven
in many cases and known in scores. In 1837 the
English government informed the United States that
from the papers of a captured slaver it appeared that
the notorious slave-trading firm, Blanco and Carballo
of Havana, who owned the vessel, had correspondents
in the United States: “at Baltimore, Messrs.
Peter Harmony and Co., in New York, Robert Barry,
Esq."[57] The slaver “Martha” of New York,
captured by the “Perry,” contained among
her papers curious revelations of the guilt of persons
in America who were little suspected.[58] The slaver
“Prova,” which was allowed to lie in the
harbor of Charleston, South Carolina, and refit, was
afterwards captured with two hundred and twenty-five
slaves on board.[59] The real reason that prevented
many belligerent Congressmen from pressing certain
search claims against England lay in the fact that
the unjustifiable detentions had unfortunately revealed
so much American guilt that it was deemed wiser to
let the matter end in talk. For instance, in 1850
Congress demanded information as to illegal searches,
and President Fillmore’s report showed the uncomfortable
fact that, of the ten American ships wrongly detained
by English men-of-war, nine were proven red-handed
slavers.[60]

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The consul at Havana reported, in 1836, that whole
cargoes of slaves fresh from Africa were being daily
shipped to Texas in American vessels, that 1,000 had
been sent within a few months, that the rate was increasing,
and that many of these slaves “can scarcely fail
to find their way into the United States.”
Moreover, the consul acknowledged that ships frequently
cleared for the United States in ballast, taking on
a cargo at some secret point.[61] When with these facts
we consider the law facilitating “recovery”
of slaves from Texas,[62] the repeated refusals to
regulate the Texan trade, and the shelving of a proposed
congressional investigation into these matters,[63]
conjecture becomes a practical certainty. It
was estimated in 1838 that 15,000 Africans were annually
taken to Texas, and “there are even grounds for
suspicion that there are other places ... where slaves
are introduced."[64] Between 1847 and 1853 the slave
smuggler Drake had a slave depot in the Gulf, where
sometimes as many as 1,600 Negroes were on hand, and
the owners were continually importing and shipping.
“The joint-stock company,” writes this
smuggler, “was a very extensive one, and connected
with leading American and Spanish mercantile houses.
Our island[65] was visited almost weekly, by agents
from Cuba, New York, Baltimore, Philadelphia, Boston,
and New Orleans.... The seasoned and instructed
slaves were taken to Texas, or Florida, overland, and
to Cuba, in sailing-boats. As no squad contained
more than half a dozen, no difficulty was found in
posting them to the United States, without discovery,
and generally without suspicion.... The Bay Island
plantation sent ventures weekly to the Florida Keys.
Slaves were taken into the great American swamps,
and there kept till wanted for the market. Hundreds
were sold as captured runaways from the Florida wilderness.
We had agents in every slave State; and our coasters
were built in Maine, and came out with lumber.
I could tell curious stories ... of this business
of smuggling Bozal negroes into the United States.
It is growing more profitable every year, and if you
should hang all the Yankee merchants engaged in it,
hundreds would fill their places."[66] Inherent probability
and concurrent testimony confirm the substantial truth
of such confessions. For instance, one traveller
discovers on a Southern plantation Negroes who can
speak no English.[67] The careful reports of the Quakers
“apprehend that many [slaves] are also introduced
into the United States."[68] Governor Mathew of the
Bahama Islands reports that “in more than one
instance, Bahama vessels with coloured crews have
been purposely wrecked on the coast of Florida, and
the crews forcibly sold.” This was brought
to the notice of the United States authorities, but
the district attorney of Florida could furnish no
information.[69]

Such was the state of the slave-trade in 1850, on
the threshold of the critical decade which by a herculean
effort was destined finally to suppress it.

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**FOOTNOTES:**

[1] Beer, *Geschichte des Welthandels
im 19^{ten}
Jahrhundert*, II. 67.

[2] A list of these inventions most
graphically illustrates
this advance:—­

1738, John Jay, fly-shuttle.
John Wyatt, spinning by rollers.
1748, Lewis Paul, carding-machine.
1760, Robert Kay, drop-box.
1769, Richard Arkwright, water-frame and
throstle.
James Watt, steam-engine.
1772, James Lees, improvements on carding-machine.
1775, Richard Arkwright, series of combinations.
1779, Samuel Compton, mule.
1785, Edmund Cartwright, power-loom.
1803-4, Radcliffe and Johnson, dressing-machine.
1817, Roberts, fly-frame.
1818, William Eaton, self-acting frame.
1825-30, Roberts, improvements on mule.

Cf. Baines, *History of
the Cotton Manufacture*, pp. 116-231; *Encyclopaedia Britannica*, 9th ed., article
“Cotton.”

 [3] Baines, *History of the Cotton Manufacture*,
p. 215. A
 bale weighed from
375 lbs. to 400 lbs.

 [4] The prices cited are from Newmarch
and Tooke, and refer to
 the London market.
The average price in 1855-60 was about
 7\_d.\_

 [5] From United States census reports.

 [6] Cf. United States census reports;
and Olmsted, *The Cotton
 Kingdom*.

 [7] Cf. United States census reports;
and Olmsted, *The Cotton
 Kingdom*.

 [8] As early as 1836 Calhoun declared
that he should ever
 regret that the
term “piracy” had been applied to the
 slave-trade in
our laws: Benton, *Abridgment of Debates*,
XII.
 718.

 [9] Governor J.H. Hammond of South
Carolina, in *Letters to
 Clarkson*,
No. 1, p. 2.

 [10] In 1826 Forsyth of Georgia attempted to
have a bill
 passed abolishing
the African agency, and providing that the
 Africans imported
be disposed of in some way that would entail
 no expense on
the public treasury: *Home Journal*, 19 Cong.
1
 sess. p. 258.
In 1828 a bill was reported to the House to
 abolish the agency
and make the Colonization Society the
 agents, if they
would agree to the terms. The bill was so
 amended as merely
to appropriate money for suppressing the
 slave-trade:
*Ibid.*, 20 Cong. 1 sess., House Bill No. 190.

 [11] *Ibid.*, pp. 121, 135; 20 Cong. 2
sess. pp. 58-9, 84,
 215.

 [12] *Congressional Globe*, 27 Cong. 3
sess. pp. 328, 331-6.

 [13] Cf. Mercer’s bill, *House
Journal*, 21 Cong. 1 sess. p.
 512; also Strange’s
two bills, *Senate Journal*, 25 Cong. 3
 sess. pp. 200,
313; 26 Cong. 1 sess., Senate Bill No. 123.

 [14] *Senate Journal*, 25 Cong. 2 sess.
pp. 297-8, 300.

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 [15] *Senate Doc*, 28 Cong. 1 sess.
IV. No. 217, p. 19; *Senate Exec.
Doc.*, 31 Cong. 2 sess. II. No. 6, pp.
3, 10, *etc*.; 33
Cong. 1 sess. VIII. No. 47, pp. 5-6; 34 Cong.
1 sess.
 XV. No. 99,
p. 80; *House Journal*, 26 Cong. 1 sess. pp.
 117-8; cf. *Ibid.*,
20 Cong. 1 sess. p. 650, *etc*.; 21 Cong. 2
 sess. p. 194;
27 Cong. 1 sess. pp. 31, 184; *House Doc.*, 29
 Cong. 1 sess.
III. No. 43, p. 11; *House Exec. Doc.*,
31 Cong.
 1 sess. III.
pt. 1, No. 5, pp. 7-8.

 [16] *Senate Journal*, 26 Cong. 1 sess.,
Senate Bill No. 335; *House Journal*,
26 Cong. 1 sess. pp. 1138, 1228, 1257.

 [17] *Statutes at Large*, III. 764.

 [18] Cf. above, Chapter VIII. p. 125.

 [19] Cf. *Report of the Secretary of the Navy*,
1827.

 [20] *Ibid.*
 [21] *House Reports*, 24 Cong. 1 sess.
I. No. 223.

 [22] This account is taken exclusively from
government
 documents:
*Amer. State Papers, Naval*, III. Nos.
339, 340,
 357, 429 E; IV.
Nos. 457 R (1 and 2), 486 H, I, p. 161 and 519
 R, 564 P, 585
P; *House Reports*, 19 Cong. 1 sess. I. No.
65; *House Doc.*,
19 Cong. 2 sess. IV. No. 69; 21 Cong. 2 sess.
I.
 No. 2, pp. 42-3,
211-8; 22 Cong. 1 sess. I. No. 2, pp. 45,
 272-4; 22 Cong.
2 sess. I. No. 2, pp. 48, 229; 23 Cong. 1
 sess. I.
No. 1, pp. 238, 269; 23 Cong. 2 sess. I. No. 2,
pp.
 315, 363; 24 Cong,
1 sess. I. No. 2, pp. 336, 378; 24 Cong. 2
 sess. I.
No. 2, pp. 450, 506; 25 Cong. 2 sess. I. No. 3,
pp.
 771, 850; 26 Cong.
1 sess. I. No. 2, pp. 534, 612; 26 Cong. 2
 sess. I.
No. 2, pp. 405, 450. It is probable that the agent
 became eventually
the United States consul and minister; I
 cannot however
cite evidence for this supposition.

 [23] *Report of the Secretary of the Navy*,
1824.

 [24] *Ibid.*, 1826.

 [25] *Ibid.*, 1839.

 [26] *Ibid.*, 1842.

 [27] *British and Foreign State Papers*,
1857-8, p. 1250.

 [28] Lord Napier to Secretary of State Cass,
Dec. 24, 1857:  *British and
Foreign State Papers*, 1857-8, p. 1249.

 [29] *Parliamentary Papers*, 1847-8, Vol.
LXIV. No. 133, *Papers Relative
to the Suppression of the Slave Trade on the
 Coast of Africa*,
p. 2.

 [30] Report of Perry: *Senate Doc.*,
28 Cong. 2 sess. IX. No.
 150, p. 118.

 [31] Consul Park at Rio Janeiro to Secretary
Buchanan, Aug.
 20, 1847:
*House Exec. Doc.*, 30 Cong. 2 sess.
VII. No. 61, p.
 7.

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 [32] Suppose “an American vessel employed
to take in negroes
 at some point
on this coast. There is no American man-of-war
 here to obtain
intelligence. What risk does she run of being
 searched?
But suppose that there is a man-of-war in port.
What
 is to secure the
master of the merchantman against her [the
 man-of-war’s
commander’s knowing all about his [the
 merchant-man’s]
intention, or suspecting it in time to be upon
 him [the merchant-man]
before he shall have run a league on
 his way to Texas?”
Consul Trist to Commander Spence: *House
 Doc.*, 27 Cong.
1 sess. No. 34, p. 41.]

 [33] A typical set of instructions was on the
following plan:
 1. You are
charged with the protection of legitimate commerce.
 2. While
the United States wishes to suppress the slave-trade,
 she will not admit
a Right of Search by foreign vessels. 3.
 You are to arrest
slavers. 4. You are to allow in no case an
 exercise of the
Right of Search or any great interruption of
 legitimate commerce.—­To
Commodore Perry, March 30, 1843:  *House Exec.
Doc.*, 35 Cong. 2 sess. IX. No. 104.

 [34] *House Reports*, 27 Cong. 3 sess.
III. No. 283, pp.
 765-8. Cf.
Benton’s speeches on the treaty of 1842.

 [35] Report of Hotham to Admiralty, April 7,
1847:  *Parliamentary
Papers*, 1847-8, Vol. LXIV. No. 133, *Papers
 Relative to the
Suppression of the Slave Trade on the Coast of
 Africa*, p.
13.

 [36] *Opinions of Attorneys-General*, III.
512.

 [37] *Tenth Annual Report of the Amer. and
Foreign Anti-Slav.
 Soc.*, May
7, 1850, p. 149.

 [38] *Opinions of Attorneys-General*, IV.
245.

 [39] *Senate Doc.*, 28 Cong. 2 sess.
IX. No. 150, pp. 108,
 132.

 [40] *House Exec. Doc.*, 30 Cong.
2 sess. VII. No. 61, p. 18.

 [41] Foote, *Africa and the American Flag*,
pp. 286-90.

 [42] *British and Foreign State Papers*,
1839-40, pp. 913-4.

 [43] Cf. United States census reports;
and Olmsted, *Cotton
 Kingdom*.

 [44] *House Journal*, 26 Cong. 1 sess.
p. 118.

 [45] *Ibid.*, 27 Cong. 1 sess. pp. 31,
184.

 [46] *Ibid.*, 27 Cong. 2 sess. pp. 14,
15, 86, 113.

 [47] *Senate Journal*, 28 Cong. 2 sess.
pp. 191, 227.

 [48] *House Exec. Doc.*, 31 Cong.
1 sess. III. pt. I. No. 5,
 p. 7.

 [49] Foote, *Africa and the American Flag*,
p. 152.

 [50] *Ibid.*, pp. 152-3.

 [51] *Ibid.*, p. 241.

 [52] Cf. *e.g*. *House Doc.*, 28 Cong.
2 sess. IV. pt. I. No.
 148; 29 Cong.
1 sess. III. No. 43; *House Exec.
Doc.*, 30
 Cong. 2 sess.
VII. No. 61; *Senate Exec. Doc.*, 30
Cong. 1
 sess. IV.
No. 28; 31 Cong. 2 sess. II. No. 6; 33 Cong.
1 sess.
 VIII. No.
47.

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 [53] Foote, *Africa and the American Flag*,
p. 218.

 [54] *Ibid.*, p. 221.

 [55] Palmerston to Stevenson: *House
Doc.*, 26 Cong. 2 sess.
 V. No. 115, p.
5. In 1836 five such slavers were known to have
 cleared; in 1837,
eleven; in 1838, nineteen; and in 1839,
 twenty-three:
*Ibid.*, pp. 220-1.

 [56] *Parliamentary Papers*, 1839, Vol.
XLIX., *Slave Trade*,
 class A, Further
Series, pp. 58-9; class B, Further Series, p.
 110; class D,
Further Series, p. 25. Trist pleaded ignorance
 of the law:
Trist to Forsyth, *House Doc.*, 26 Cong. 2 sess.
 V. No. 115.

 [57] *House Doc.*, 26 Cong. 2 sess.
V. No. 115.

 [58] Foote, *Africa and the American Flag*,
p. 290.

 [59] *House Doc.*, 26 Cong. 2 sess.
V. No. 115, pp. 121,
 163-6.

 [60] *Senate Exec. Doc.*, 31 Cong.
1 sess. XIV No. 66.

 [61] Trist to Forsyth: *House Doc.*,
26 Cong. 2 sess. V. No.
 115. “The
business of supplying the United States with
 Africans from
this island is one that must necessarily exist,”
 because “slaves
are a hundred *per cent*, or more, higher in
 the United States
than in Cuba,” and this profit “is a
 temptation which
it is not in human nature as modified by
 American institutions
to withstand”: *Ibid.*
 [62] *Statutes at Large*, V. 674.

 [63] Cf. above, p. 157, note 1.

 [64] Buxton, *The African Slave Trade and
its Remedy*, pp.
 44-5. Cf.
*2d Report of the London African Soc.*, p. 22.

 [65] *I.e*., Bay Island in the Gulf of Mexico,
near the coast of
 Honduras.

 [66] *Revelations of a Slave Smuggler*,
p. 98.

 [67] Mr. H. Moulton in *Slavery as it is*,
p. 140; cited in *Facts and Observations
on the Slave Trade* (Friends’ ed.
 1841), p. 8.

 [68] In a memorial to Congress, 1840: *House
Doc.*, 26 Cong. 1
 sess. VI.
No. 211.

 [69] *British and Foreign State Papers*,
1845-6, pp. 883, 968,
 989-90. The
governor wrote in reply: “The United States,
if
 properly served
by their law officers in the Floridas, will
 not experience
any difficulty in obtaining the requisite
 knowledge of these
illegal transactions, which, I have reason
 to believe, were
the subject of common notoriety in the
 neighbourhood
where they occurred, and of boast on the part of
 those concerned
in them”: *British and Foreign State Papers*,
 1845-6, p. 990.

\* \*
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 *Chapter XI*
THE FINAL CRISIS. 1850-1870.

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80.  The Movement against the Slave-Trade Laws. 81.  Commercial Conventions of 1855-56. 82.  Commercial Conventions of 1857-58. 83.  Commercial Convention of 1859. 84.  Public Opinion in the South. 85.  The Question in Congress. 86.  Southern Policy in 1860. 87.  Increase of the Slave-Trade from 1850 to 1860. 88.  Notorious Infractions of the Laws. 89.  Apathy of the Federal Government. 90.  Attitude of the Southern Confederacy. 91.  Attitude of the United States.
80. *The Movement against the Slave-Trade Laws.*
It was not altogether a mistaken judgment that led
the constitutional fathers to consider the slave-trade
as the backbone of slavery. An economic system
based on slave labor will find, sooner or later, that
the demand for the cheapest slave labor cannot long
be withstood. Once degrade the laborer so that
he cannot assert his own rights, and there is but one
limit below which his price cannot be reduced.
That limit is not his physical well-being, for it
may be, and in the Gulf States it was, cheaper to work
him rapidly to death; the limit is simply the cost
of procuring him and keeping him alive a profitable
length of time. Only the moral sense of a community
can keep helpless labor from sinking to this level;
and when a community has once been debauched by slavery,
its moral sense offers little resistance to economic
demand. This was the case in the West Indies
and Brazil; and although better moral stamina held
the crisis back longer in the United States, yet even
here the ethical standard of the South was not able
to maintain itself against the demands of the cotton
industry. When, after 1850, the price of slaves
had risen to a monopoly height, the leaders of the
plantation system, brought to the edge of bankruptcy
by the crude and reckless farming necessary under a
slave *regime*, and baffled, at least temporarily,
in their quest of new rich land to exploit, began
instinctively to feel that the only salvation of American
slavery lay in the reopening of the African slave-trade.

It took but a spark to put this instinctive feeling
into words, and words led to deeds. The movement
first took definite form in the ever radical State
of South Carolina. In 1854 a grand jury in the
Williamsburg district declared, “as our unanimous
opinion, that the Federal law abolishing the African
Slave Trade is a public grievance. We hold this
trade has been and would be, if re-established, a blessing
to the American people, and a benefit to the African
himself."[1] This attracted only local attention;
but when, in 1856, the governor of the State, in his
annual message, calmly argued at length for a reopening
of the trade, and boldly declared that “if we
cannot supply the demand for slave labor, then we
must expect to be supplied with a species of labor
we do not want,"[2] such words struck even Southern
ears like “a thunder clap in a calm day."[3]
And yet it needed but a few years to show that South
Carolina had merely been the first to put into words
the inarticulate thought of a large minority, if not
a majority, of the inhabitants of the Gulf States.

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81. *Commercial Conventions of 1855-56.* The
growth of the movement is best followed in the action
of the Southern Commercial Convention, an annual gathering
which seems to have been fairly representative of a
considerable part of Southern opinion. In the
convention that met at New Orleans in 1855, McGimsey
of Louisiana introduced a resolution instructing the
Southern Congressmen to secure the repeal of the slave-trade
laws. This resolution went to the Committee on
Resolutions, and was not reported.[4] In 1856, in
the convention at Savannah, W.B. Goulden of Georgia
moved that the members of Congress be requested to
bestir themselves energetically to have repealed all
laws which forbade the slave-trade. By a vote
of 67 to 18 the convention refused to debate the motion,
but appointed a committee to present at the next convention
the facts relating to a reopening of the trade.[5]
In regard to this action a pamphlet of the day said:
“There were introduced into the convention two
leading measures, *viz*.: the laying of a State
tariff on northern goods, and the reopening of the
slave-trade; the one to advance our commercial interest,
the other our agricultural interest, and which, when
taken together, as they were doubtless intended to
be, and although they have each been attacked by presses
of doubtful service to the South, are characterized
in the private judgment of politicians as one of the
completest southern remedies ever submitted to popular
action.... The proposition to revive, or more
properly to reopen, the slave trade is as yet but
imperfectly understood, in its intentions and probable
results, by the people of the South, and but little
appreciated by them. It has been received in
all parts of the country with an undefined sort of
repugnance, a sort of squeamishness, which is incident
to all such violations of moral prejudices, and invariably
wears off on familiarity with the subject. The
South will commence by enduring, and end by embracing
the project."[6] The matter being now fully before
the public through these motions, Governor Adams’s
message, and newspaper and pamphlet discussion, the
radical party pushed the project with all energy.

82. *Commercial Conventions of 1857-58.* The
first piece of regular business that came before the
Commercial Convention at Knoxville, Tennessee, August
10, 1857, was a proposal to recommend the abrogation
of the 8th Article of the Treaty of Washington, on
the slave-trade. An amendment offered by Sneed
of Tennessee, declaring it inexpedient and against
settled policy to reopen the trade, was voted down,
Alabama, Arkansas, Florida, Louisiana, Mississippi,
South Carolina, and Virginia refusing to agree to
it. The original motion then passed; and the
radicals, satisfied with their success in the first
skirmish, again secured the appointment of a committee
to report at the next meeting on the subject of reopening
the slave-trade.[7] This next meeting assembled May
10, 1858, in a Gulf State, Alabama, in the city of
Montgomery. Spratt of South Carolina, the slave-trade
champion, presented an elaborate majority report from
the committee, and recommended the following resolutions:—­

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 1. *Resolved*, That slavery
is right, and that being right,
 there can be no wrong in the
natural means to its formation.

 2. *Resolved*, That it
is expedient and proper that the foreign
 slave trade should be re-opened,
and that this Convention will
 lend its influence to any
legitimate measure to that end.
3. *Resolved*, That a committee, consisting of one from each slave State, be appointed to consider of the means, consistent with the duty and obligations of these States, for re-opening the foreign slave-trade, and that they report their plan to the next meeting of this Convention.
Yancey, from the same committee, presented a minority
report, which, though it demanded the repeal of the
national prohibitory laws, did not advocate the reopening
of the trade by the States.

Much debate ensued. Pryor of Virginia declared
the majority report “a proposition to dissolve
the Union.” Yancey declared that “he
was for disunion now. [Applause.]” He defended
the principle of the slave-trade, and said: “If
it is right to buy slaves in Virginia and carry them
to New Orleans, why is it not right to buy them in
Cuba, Brazil, or Africa, and carry them there?”
The opposing speeches made little attempt to meet
this uncomfortable logic; but, nevertheless, opposition
enough was developed to lay the report on the table
until the next convention, with orders that it be
printed, in the mean time, as a radical campaign document.
Finally the convention passed a resolution:—­

 That it is inexpedient for
any State, or its citizens, to
 attempt to re-open the African
slave-trade while that State is
 one of the United States of
America.[8]

83. *Commercial Convention of 1859.* The Convention
of 1859 met at Vicksburg, Mississippi, May 9-19, and
the slave-trade party came ready for a fray.
On the second day Spratt called up his resolutions,
and the next day the Committee on Resolutions recommended
that, *"in the opinion of this Convention, all laws,
State or Federal, prohibiting the African slave trade,
ought to be repealed."* Two minority reports accompanied
this resolution: one proposed to postpone action,
on account of the futility of the attempt at that
time; the other report recommended that, since repeal
of the national laws was improbable, nullification
by the States impracticable, and action by the Supreme
Court unlikely, therefore the States should bring
in the Africans as apprentices, a system the legality
of which “is incontrovertible.” “The
only difficult question,” it was said, “is
the future status of the apprentices after the expiration
of their term of servitude."[9] Debate on these propositions
began in the afternoon. A brilliant speech on
the resumption of the importation of slaves, says
Foote of Mississippi, “was listened to with
breathless attention and applauded vociferously.
Those of us who rose in opposition were looked upon

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by the excited assemblage present as *traitors*
to the best interests of the South, and only worthy
of expulsion from the body. The excitement at
last grew so high that personal violence was menaced,
and some dozen of the more conservative members of
the convention withdrew from the hall in which it
was holding its sittings."[10] “It was clear,”
adds De Bow, “that the people of Vicksburg looked
upon it [i.e., the convention] with some distrust."[11]
When at last a ballot was taken, the first resolution
passed by a vote of 40 to 19.[12] Finally, the 8th
Article of the Treaty of Washington was again condemned;
and it was also suggested, in the newspaper which
was the official organ of the meeting, that “the
Convention raise a fund to be dispensed in premiums
for the best sermons in favor of reopening the African
Slave Trade."[13]

84. *Public Opinion in the South.* This record
of the Commercial Conventions probably gives a true
reflection of the development of extreme opinion on
the question of reopening the slave-trade. First,
it is noticeable that on this point there was a distinct
divergence of opinion and interest between the Gulf
and the Border States, and it was this more than any
moral repugnance that checked the radicals. The
whole movement represented the economic revolt of
the slave-consuming cotton-belt against their base
of labor supply. This revolt was only prevented
from gaining its ultimate end by the fact that the
Gulf States could not get on without the active political
co-operation of the Border States. Thus, although
such hot-heads as Spratt were not able, even as late
as 1859, to carry a substantial majority of the South
with them in an attempt to reopen the trade at all
hazards, yet the agitation did succeed in sweeping
away nearly all theoretical opposition to the trade,
and left the majority of Southern people in an attitude
which regarded the reopening of the African slave-trade
as merely a question of expediency.

This growth of Southern opinion is clearly to be followed
in the newspapers and pamphlets of the day, in Congress,
and in many significant movements. The Charleston
*Standard* in a series of articles strongly advocated
the reopening of the trade; the Richmond *Examiner*,
though opposing the scheme as a Virginia paper should,
was brought to “acknowledge that the laws which
condemn the Slave-trade imply an aspersion upon the
character of the South.[14] In March, 1859, the *National
Era* said: “There can be no doubt that
the idea of reviving the African Slave Trade is gaining
ground in the South. Some two months ago we could
quote strong articles from ultra Southern journals
against the traffic; but of late we have been sorry
to observe in the same journals an ominous silence
upon the subject, while the advocates of ‘free
trade in negroes’ are earnest and active."[15]
The Savannah *Republican*, which at first declared
the movement to be of no serious intent, conceded,

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in 1859, that it was gaining favor, and that nine-tenths
of the Democratic Congressional Convention favored
it, and that even those who did not advocate a revival
demanded the abolition of the laws.[16] A correspondent
from South Carolina writes, December 18, 1859:
“The nefarious project of opening it [i.e., the
slave trade] has been started here in that prurient
temper of the times which manifests itself in disunion
schemes.... My State is strangely and terribly
infected with all this sort of thing.... One feeling
that gives a countenance to the opening of the slave
trade is, that it will be a sort of spite to the North
and defiance of their opinions."[17] The New Orleans
*Delta* declared that those who voted for the
slave-trade in Congress were men “whose names
will be honored hereafter for the unflinching manner
in which they stood up for principle, for truth, and
consistency, as well as the vital interests of the
South."[18]

85. *The Question in Congress.* Early in December,
1856, the subject reached Congress; and although the
agitation was then new, fifty-seven Southern Congressmen
refused to declare a re-opening of the slave-trade
“shocking to the moral sentiment of the enlightened
portion of mankind,” and eight refused to call
the reopening even “unwise” and “inexpedient."[19]
Three years later, January 31, 1859, it was impossible,
in a House of one hundred and ninety-nine members,
to get a two-thirds vote in order even to consider
Kilgore’s resolutions, which declared “that
no legislation can be too thorough in its measures,
nor can any penalty known to the catalogue of modern
punishment for crime be too severe against a traffic
so inhuman and unchristian."[20]

Congressmen and other prominent men hastened with
the rising tide.[21] Dowdell of Alabama declared the
repressive acts “highly offensive;” J.B.
Clay of Kentucky was “opposed to all these laws;"[22]
Seward of Georgia declared them “wrong, and
a violation of the Constitution;"[23] Barksdale of
Mississippi agreed with this sentiment; Crawford of
Georgia threatened a reopening of the trade; Miles
of South Carolina was for “sweeping away”
all restrictions;[24] Keitt of South Carolina wished
to withdraw the African squadron, and to cease to
brand slave-trading as piracy;[25] Brown of Mississippi
“would repeal the law instantly;"[26] Alexander
Stephens, in his farewell address to his constituents,
said: “Slave states cannot be made without
Africans.... [My object is] to bring clearly to your
mind the great truth that without an increase of African
slaves from abroad, you may not expect or look for
many more slave States."[27] Jefferson Davis strongly
denied “any coincidence of opinion with those
who prate of the inhumanity and sinfulness of the
trade. The interest of Mississippi,” said
he, “not of the African, dictates my conclusion.”
He opposed the immediate reopening of the trade in
Mississippi for fear of a paralyzing influx of Negroes,
but carefully added: “This conclusion,

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in relation to Mississippi, is based upon my view
of her *present* condition, *not* upon any
*general theory*. It is not supposed to
be applicable to Texas, to New Mexico, or to any *future
acquisitions* to be made south of the Rio Grande."[28]
John Forsyth, who for seven years conducted the slave-trade
diplomacy of the nation, declared, about 1860:
“But one stronghold of its [i.e., slavery’s]
enemies remains to be carried, to *complete its triumph*
and assure its welfare,—­that is the existing
prohibition of the African Slave-trade."[29] Pollard,
in his *Black Diamonds*, urged the importation
of Africans as “laborers.” “This
I grant you,” said he, “would be practically
the re-opening of the African slave trade; but ...
you will find that it very often becomes necessary
to evade the letter of the law, in some of the greatest
measures of social happiness and patriotism."[30]

86. *Southern Policy in 1860.* The matter did
not rest with mere words. During the session
of the Vicksburg Convention, an “African Labor
Supply Association” was formed, under the presidency
of J.D.B. De Bow, editor of *De Bow’s
Review*, and ex-superintendent of the seventh census.
The object of the association was “to promote
the supply of African labor."[31] In 1857 the committee
of the South Carolina legislature to whom the Governor’s
slave-trade message was referred made an elaborate
report, which declared in italics: *"The South
at large does need a re-opening of the African slave
trade."* Pettigrew, the only member who disagreed
to this report, failed of re-election. The report
contained an extensive argument to prove the kingship
of cotton, the perfidy of English philanthropy, and
the lack of slaves in the South, which, it was said,
would show a deficit of six hundred thousand slaves
by 1878.[32] In Georgia, about this time, an attempt
to expunge the slave-trade prohibition in the State
Constitution lacked but one vote of passing.[33] From
these slower and more legal movements came others
less justifiable. The long argument on the “apprentice”
system finally brought a request to the collector
of the port at Charleston, South Carolina, from E.
Lafitte & Co., for a clearance to Africa for the purpose
of importing African “emigrants.”
The collector appealed to the Secretary of the Treasury,
Howell Cobb of Georgia, who flatly refused to take
the bait, and replied that if the “emigrants”
were brought in as slaves, it would be contrary to
United States law; if as freemen, it would be contrary
to their own State law.[34] In Louisiana a still more
radical movement was attempted, and a bill passed the
House of Representatives authorizing a company to
import two thousand five hundred Africans, “indentured”
for fifteen years “at least.” The
bill lacked but two votes of passing the Senate.[35]
It was said that the *Georgian*, of Savannah,
contained a notice of an agricultural society which
“unanimously resolved to offer a premium of $25
for the best specimen of a live African imported into
the United States within the last twelve months."[36]

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It would not be true to say that there was in the
South in 1860 substantial unanimity on the subject
of reopening the slave-trade; nevertheless, there
certainly was a large and influential minority, including
perhaps a majority of citizens of the Gulf States,
who favored the project, and, in defiance of law and
morals, aided and abetted its actual realization.
Various movements, it must be remembered, gained much
of their strength from the fact that their success
meant a partial nullification of the slave-trade laws.
The admission of Texas added probably seventy-five
thousand recently imported slaves to the Southern
stock; the movement against Cuba, which culminated
in the “Ostend Manifesto” of Buchanan,
Mason, and Soule, had its chief impetus in the thousands
of slaves whom Americans had poured into the island.
Finally, the series of filibustering expeditions against
Cuba, Mexico, and Central America were but the wilder
and more irresponsible attempts to secure both slave
territory and slaves.

87. *Increase of the Slave-Trade from 1850 to 1860.*
The long and open agitation for the reopening of the
slave-trade, together with the fact that the South
had been more or less familiar with violations of the
laws since 1808, led to such a remarkable increase
of illicit traffic and actual importations in the
decade 1850-1860, that the movement may almost be
termed a reopening of the slave-trade.

In the foreign slave-trade our own officers continue
to report “how shamefully our flag has been
used;"[37] and British officers write “that
at least one half of the successful part of the slave
trade is carried on under the American flag,”
and this because “the number of American cruisers
on the station is so small, in proportion to the immense
extent of the slave-dealing coast."[38] The fitting
out of slavers became a flourishing business in the
United States, and centred at New York City.
“Few of our readers,” writes a periodical
of the day, “are aware of the extent to which
this infernal traffic is carried on, by vessels clearing
from New York, and in close alliance with our legitimate
trade; and that down-town merchants of wealth and
respectability are extensively engaged in buying and
selling African Negroes, and have been, with comparatively
little interruption, for an indefinite number of years."[39]
Another periodical says: “The number of
persons engaged in the slave-trade, and the amount
of capital embarked in it, exceed our powers of calculation.
The city of New York has been until of late [1862]
the principal port of the world for this infamous
commerce; although the cities of Portland and Boston
are only second to her in that distinction. Slave
dealers added largely to the wealth of our commercial
metropolis; they contributed liberally to the treasuries
of political organizations, and their bank accounts
were largely depleted to carry elections in New Jersey,
Pennsylvania, and Connecticut."[40] During eighteen
months of the years 1859-1860 eighty-five slavers

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are reported to have been fitted out in New York harbor,[41]
and these alone transported from 30,000 to 60,000
slaves annually.[42] The United States deputy marshal
of that district declared in 1856 that the business
of fitting out slavers “was never prosecuted
with greater energy than at present. The occasional
interposition of the legal authorities exercises no
apparent influence for its suppression. It is
seldom that one or more vessels cannot be designated
at the wharves, respecting which there is evidence
that she is either in or has been concerned in the
Traffic."[43] On the coast of Africa “it is
a well-known fact that most of the Slave ships which
visit the river are sent from New York and New Orleans."[44]

The absence of United States war-ships at the Brazilian
station enabled American smugglers to run in cargoes,
in spite of the prohibitory law. One cargo of
five hundred slaves was landed in 1852, and the *Correio
Mercantil* regrets “that it was the flag of
the United States which covered this act of piracy,
sustained by citizens of that great nation."[45] When
the Brazil trade declined, the illicit Cuban trade
greatly increased, and the British consul reported:
“Almost all the slave expeditions for some time
past have been fitted out in the United States, chiefly
at New York."[46]

88. *Notorious Infractions of the Laws.* This
decade is especially noteworthy for the great increase
of illegal importations into the South. These
became bold, frequent, and notorious. Systematic
introduction on a considerable scale probably commenced
in the forties, although with great secrecy.
“To have boldly ventured into New Orleans, with
negroes freshly imported from Africa, would not only
have brought down upon the head of the importer the
vengeance of our very philanthropic Uncle Sam, but
also the anathemas of the whole sect of philanthropists
and negrophilists everywhere. To import them for
years, however, into quiet places, evading with impunity
the penalty of the law, and the ranting of the thin-skinned
sympathizers with Africa, was gradually to popularize
the traffic by creating a demand for laborers, and
thus to pave the way for the *gradual revival of
the slave trade*. To this end, a few men,
bold and energetic, determined, ten or twelve years
ago [1848 or 1850], to commence the business of importing
negroes, slowly at first, but surely; and for this
purpose they selected a few secluded places on the
coast of Florida, Georgia and Texas, for the purpose
of concealing their stock until it could be sold out.
Without specifying other places, let me draw your
attention to a deep and abrupt pocket or indentation
in the coast of Texas, about thirty miles from Brazos
Santiago. Into this pocket a slaver could run
at any hour of the night, because there was no hindrance
at the entrance, and here she could discharge her
cargo of movables upon the projecting bluff, and again
proceed to sea inside of three hours. The live

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stock thus landed could be marched a short distance
across the main island, over a porous soil which refuses
to retain the recent foot-prints, until they were
again placed in boats, and were concealed upon some
of the innumerable little islands which thicken on
the waters of the Laguna in the rear. These islands,
being covered with a thick growth of bushes and grass,
offer an inscrutable hiding place for the ‘black
diamonds.’"[47] These methods became, however,
toward 1860, too slow for the radicals, and the trade
grew more defiant and open. The yacht “Wanderer,”
arrested on suspicion in New York and released, landed
in Georgia six months later four hundred and twenty
slaves, who were never recovered.[48] The Augusta
*Despatch* says: “Citizens of our city
are probably interested in the enterprise. It
is hinted that this is the third cargo landed by the
same company, during the last six months."[49] Two
parties of Africans were brought into Mobile with
impunity. One bark, strongly suspected of having
landed a cargo of slaves, was seized on the Florida
coast; another vessel was reported to be landing slaves
near Mobile; a letter from Jacksonville, Florida,
stated that a bark had left there for Africa to ship
a cargo for Florida and Georgia.[50] Stephen A. Douglas
said “that there was not the shadow of doubt
that the Slave-trade had been carried on quite extensively
for a long time back, and that there had been more
Slaves imported into the southern States, during the
last year, than had ever been imported before in any
one year, even when the Slave-trade was legal.
It was his confident belief, that over fifteen thousand
Slaves had been brought into this country during the
past year [1859.] He had seen, with his own eyes,
three hundred of those recently-imported, miserable
beings, in a Slave-pen in Vicksburg, Miss., and also
large numbers at Memphis, Tenn."[51] It was currently
reported that depots for these slaves existed in over
twenty large cities and towns in the South, and an
interested person boasted to a senator, about 1860,
that “twelve vessels would discharge their living
freight upon our shores within ninety days from the
1st of June last,” and that between sixty and
seventy cargoes had been successfully introduced in
the last eighteen months.[52] The New York *Tribune*
doubted the statement; but John C. Underwood, formerly
of Virginia, wrote to the paper saying that he was
satisfied that the correspondent was correct.
“I have,” he said, “had ample evidences
of the fact, that reopening the African Slave-trade
is a thing already accomplished, and the traffic is
brisk, and rapidly increasing. In fact, the most
vital question of the day is not the opening of this
trade, but its suppression. The arrival of cargoes
of negroes, fresh from Africa, in our southern ports,
is an event of frequent occurrence."[53]

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Negroes, newly landed, were openly advertised for
sale in the public press, and bids for additional
importations made. In reply to one of these,
the Mobile *Mercury* facetiously remarks:
“Some negroes who never learned to talk English,
went up the railroad the other day."[54] Congressmen
declared on the floor of the House: “The
slave trade may therefore be regarded as practically
re-established;"[55] and petitions like that from
the American Missionary Society recited the fact that
“this piratical and illegal trade—­this
inhuman invasion of the rights of men,—­this
outrage on civilization and Christianity—­this
violation of the laws of God and man—­is
openly countenanced and encouraged by a portion of
the citizens of some of the States of this Union."[56]

From such evidence it seems clear that the slave-trade
laws, in spite of the efforts of the government, in
spite even of much opposition to these extra-legal
methods in the South itself, were grossly violated,
if not nearly nullified, in the latter part of the
decade 1850-1860.

89. *Apathy of the Federal Government.* During
the decade there was some attempt at reactionary legislation,
chiefly directed at the Treaty of Washington.
June 13, 1854, Slidell, from the Committee on Foreign
Relations, made an elaborate report to the Senate,
advocating the abrogation of the 8th Article of that
treaty, on the ground that it was costly, fatal to
the health of the sailors, and useless, as the trade
had actually increased under its operation.[57] Both
this and a similar attempt in the House failed,[58]
as did also an attempt to substitute life imprisonment
for the death penalty.[59] Most of the actual legislation
naturally took the form of appropriations. In
1853 there was an attempt to appropriate $20,000.[60]
This failed, and the appropriation of $8,000 in 1856
was the first for ten years.[61] The following year
brought a similar appropriation,[62] and in 1859[63]
and 1860[64] $75,000 and $40,000 respectively were
appropriated. Of attempted legislation to strengthen
the laws there was plenty: *e.g*., propositions
to regulate the issue of sea-letters and the use of
our flag;[65] to prevent the “coolie”
trade, or the bringing in of “apprentices”
or “African laborers;"[66] to stop the coastwise
trade;[67] to assent to a Right of Search;[68] and
to amend the Constitution by forever prohibiting the
slave-trade.[69]

The efforts of the executive during this period were
criminally lax and negligent. “The General
Government did not exert itself in good faith to carry
out either its treaty stipulations or the legislation
of Congress in regard to the matter. If a vessel
was captured, her owners were permitted to bond her,
and thus continue her in the trade; and if any man
was convicted of this form of piracy, the executive
always interposed between him and the penalty of his
crime. The laws providing for the seizure of
vessels engaged in the traffic were so constructed

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as to render the duty unremunerative; and marshals
now find their fees for such services to be actually
less than their necessary expenses. No one who
bears this fact in mind will be surprised at the great
indifference of these officers to the continuing of
the slave-trade; in fact, he will be ready to learn
that the laws of Congress upon the subject had become
a dead letter, and that the suspicion was well grounded
that certain officers of the Federal Government had
actually connived at their violation."[70] From 1845
to 1854, in spite of the well-known activity of the
trade, but five cases obtained cognizance in the New
York district. Of these, Captains Mansfield and
Driscoll forfeited their bonds of $5,000 each, and
escaped; in the case of the notorious Canot, nothing
had been done as late as 1856, although he was arrested
in 1847; Captain Jefferson turned State’s evidence,
and, in the case of Captain Mathew, a *nolle prosequi*
was entered.[71] Between 1854 and 1856 thirty-two
persons were indicted in New York, of whom only thirteen
had at the latter date been tried, and only one of
these convicted.[72] These dismissals were seldom
on account of insufficient evidence. In the notorious
case of the “Wanderer,” she was arrested
on suspicion, released, and soon after she landed
a cargo of slaves in Georgia; some who attempted to
seize the Negroes were arrested for larceny, and in
spite of the efforts of Congress the captain was never
punished. The yacht was afterwards started on
another voyage, and being brought back to Boston was
sold to her former owner for about one third her value.[73]
The bark “Emily” was seized on suspicion
and released, and finally caught red-handed on the
coast of Africa; she was sent to New York for trial,
but “disappeared” under a certain slave
captain, Townsend, who had, previous to this, in the
face of the most convincing evidence, been acquitted
at Key West.[74]

The squadron commanders of this time were by no means
as efficient as their predecessors, and spent much
of their time, apparently, in discussing the Right
of Search. Instead of a number of small light
vessels, which by the reports of experts were repeatedly
shown to be the only efficient craft, the government,
until 1859, persisted in sending out three or four
great frigates. Even these did not attend faithfully
to their duties. A letter from on board one of
them shows that, out of a fifteen months’ alleged
service, only twenty-two days were spent on the usual
cruising-ground for slavers, and thirteen of these
at anchor; eleven months were spent at Madeira and
Cape Verde Islands, 300 miles from the coast and 3,000
miles from the slave market.[75] British commanders
report the apathy of American officers and the extreme
caution of their instructions, which allowed many slavers
to escape.[76]

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The officials at Washington often remained in blissful,
and perhaps willing, ignorance of the state of the
trade. While Americans were smuggling slaves
by the thousands into Brazil, and by the hundreds into
the United States, Secretary Graham was recommending
the abrogation of the 8th Article of the Treaty of
Washington;[77] so, too, when the Cuban slave-trade
was reaching unprecedented activity, and while slavers
were being fitted out in every port on the Atlantic
seaboard, Secretary Kennedy naively reports, “The
time has come, perhaps, when it may be properly commended
to the notice of Congress to inquire into the necessity
of further continuing the regular employment of a squadron
on this [i.e., the African] coast."[78] Again, in
1855, the government has “advices that the slave
trade south of the equator is entirely broken up;"[79]
in 1856, the reports are “favorable;"[80] in
1857 a British commander writes: “No vessel
has been seen here for one year, certainly; I think
for nearly three years there have been no American
cruizers on these waters, where a valuable and extensive
American commerce is carried on. I cannot, therefore,
but think that this continued absence of foreign cruizers
looks as if they were intentionally withdrawn, and
as if the Government did not care to take measures
to prevent the American flag being used to cover Slave
Trade transactions;"[81] nevertheless, in this same
year, according to Secretary Toucey, “the force
on the coast of Africa has fully accomplished its main
object."[82] Finally, in the same month in which the
“Wanderer” and her mates were openly landing
cargoes in the South, President Buchanan, who seems
to have been utterly devoid of a sense of humor, was
urging the annexation of Cuba to the United States
as the only method of suppressing the slave-trade![83]

About 1859 the frequent and notorious violations of
our laws aroused even the Buchanan government; a larger
appropriation was obtained, swift light steamers were
employed, and, though we may well doubt whether after
such a carnival illegal importations “entirely”
ceased, as the President informed Congress,[84] yet
some sincere efforts at suppression were certainly
begun. From 1850 to 1859 we have few notices of
captured slavers, but in 1860 the increased appropriation
of the thirty-fifth Congress resulted in the capture
of twelve vessels with 3,119 Africans.[85] The Act
of June 16, 1860, enabled the President to contract
with the Colonization Society for the return of recaptured
Africans; and by a long-needed arrangement cruisers
were to proceed direct to Africa with such cargoes,
instead of first landing them in this country.[86]

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90. *Attitude of the Southern Confederacy.* The
attempt, initiated by the constitutional fathers,
to separate the problem of slavery from that of the
slave-trade had, after a trial of half a century, signally
failed, and for well-defined economic reasons.
The nation had at last come to the parting of the
ways, one of which led to a free-labor system, the
other to a slave system fed by the slave-trade.
Both sections of the country naturally hesitated at
the cross-roads: the North clung to the delusion
that a territorially limited system of slavery, without
a slave-trade, was still possible in the South; the
South hesitated to fight for her logical object—­slavery
and free trade in Negroes—­and, in her moral
and economic dilemma, sought to make autonomy and
the Constitution her object. The real line of
contention was, however, fixed by years of development,
and was unalterable by the present whims or wishes
of the contestants, no matter how important or interesting
these might be: the triumph of the North meant
free labor; the triumph of the South meant slavery
and the slave-trade.

It is doubtful if many of the Southern leaders ever
deceived themselves by thinking that Southern slavery,
as it then was, could long be maintained without a
general or a partial reopening of the slave-trade.
Many had openly declared this a few years before, and
there was no reason for a change of opinion.
Nevertheless, at the outbreak of actual war and secession,
there were powerful and decisive reasons for relegating
the question temporarily to the rear. In the first
place, only by this means could the adherence of important
Border States be secured, without the aid of which
secession was folly. Secondly, while it did no
harm to laud the independence of the South and the
kingship of cotton in “stump” speeches
and conventions, yet, when it came to actual hostilities,
the South sorely needed the aid of Europe; and this
a nation fighting for slavery and the slave-trade
stood poor chance of getting. Consequently, after
attacking the slave-trade laws for a decade, and their
execution for a quarter-century, we find the Southern
leaders inserting, in both the provisional and the
permanent Constitutions of the Confederate States,
the following article:—­
The importation of negroes of the African race, from any foreign country other than the slaveholding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.
 Congress shall also have power
to prohibit the introduction of
 slaves from any State not
a member of, or Territory not
 belonging to, this Confederacy.[87]

The attitude of the Confederate government toward
this article is best illustrated by its circular of
instructions to its foreign ministers:—­

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It has been suggested to this Government, from a source of unquestioned authenticity, that, after the recognition of our independence by the European Powers, an expectation is generally entertained by them that in our treaties of amity and commerce a clause will be introduced making stipulations against the African slave trade.  It is even thought that neutral Powers may be inclined to insist upon the insertion of such a clause as a *sine qua non*.You are well aware how firmly fixed in our Constitution is the policy of this Confederacy against the opening of that trade, but we are informed that false and insidious suggestions have been made by the agents of the United States at European Courts of our intention to change our constitution as soon as peace is restored, and of authorizing the importation of slaves from Africa.  If, therefore, you should find, in your intercourse with the Cabinet to which you are accredited, that any such impressions are entertained, you will use every proper effort to remove them, and if an attempt is made to introduce into any treaty which you may be charged with negotiating stipulations on the subject just mentioned, you will assume, in behalf of your Government, the position which, under the direction of the President, I now proceed to develop.
 The Constitution of the Confederate
States is an agreement made
 between independent States.
By its terms all the powers of
 Government are separated into
classes as follows, *viz*.:—­

 1st. Such powers as the
States delegate to the General
 Government.

 2d. Such powers as the
States agree to refrain from exercising,
 although they do not delegate
them to the General Government.

 3d. Such powers as the
States, without delegating them to the
 General Government, thought
proper to exercise by direct
 agreement between themselves
contained in the Constitution.
4th.  All remaining powers of sovereignty, which not being delegated to the Confederate States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people thereof....  Especially in relation to the importation of African negroes was it deemed important by the States that no power to permit it should exist in the Confederate Government....  It will thus be seen that no power is delegated to the Confederate Government over this subject, but that it is included in the third class above referred to, of powers exercised directly by the States....  This Government unequivocally and absolutely denies its possession of any power whatever over the subject, and cannot entertain any proposition in relation to it....  The policy of the Confederacy is as fixed and immutable on this subject as the imperfection of human nature permits human resolve to be.  No additional agreements, treaties, or stipulations can commit these States to the

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prohibition of the African slave trade with more binding efficacy than those they have themselves devised.  A just and generous confidence in their good faith on this subject exhibited by friendly Powers will be far more efficacious than persistent efforts to induce this Government to assume the exercise of powers which it does not possess....  We trust, therefore, that no unnecessary discussions on this matter will be introduced into your negotiations.  If, unfortunately, this reliance should prove ill-founded, you will decline continuing negotiations on your side, and transfer them to us at home....[88]
This attitude of the conservative leaders of the South,
if it meant anything, meant that individual State
action could, when it pleased, reopen the slave-trade.
The radicals were, of course, not satisfied with any
veiling of the ulterior purpose of the new slave republic,
and attacked the constitutional provision violently.
“If,” said one, “the clause be carried
into the permanent government, our whole movement is
defeated. It will abolitionize the Border Slave
States—­it will brand our institution.
Slavery cannot share a government with Democracy,—­it
cannot bear a brand upon it; thence another revolution
... having achieved one revolution to escape democracy
at the North, it must still achieve another to escape
it at the South. That it will ultimately triumph
none can doubt."[89]

91. *Attitude of the United States.* In the North,
with all the hesitation in many matters, there existed
unanimity in regard to the slave-trade; and the new
Lincoln government ushered in the new policy of uncompromising
suppression by hanging the first American slave-trader
who ever suffered the extreme penalty of the law.[90]
One of the earliest acts of President Lincoln was
a step which had been necessary since 1808, but had
never been taken, *viz*., the unification of the
whole work of suppression into the hands of one responsible
department. By an order, dated May 2, 1861, Caleb
B. Smith, Secretary of the Interior, was charged with
the execution of the slave-trade laws,[91] and he
immediately began energetic work. Early in 1861,
as soon as the withdrawal of the Southern members
untied the hands of Congress, two appropriations of
$900,000 each were made to suppress the slave trade,
the first appropriations commensurate with the vastness
of the task. These were followed by four appropriations
of $17,000 each in the years 1863 to 1867, and two
of $12,500 each in 1868 and 1869.[92] The first work
of the new secretary was to obtain a corps of efficient
assistants. To this end, he assembled all the
marshals of the loyal seaboard States at New York,
and gave them instruction and opportunity to inspect
actual slavers. Congress also, for the first time,
offered them proper compensation.[93] The next six
months showed the effect of this policy in the fact
that five vessels were seized and condemned, and four
slave-traders were convicted and suffered the penalty
of their crimes. “This is probably the
largest number [of convictions] ever obtained, and
certainly the only ones for many years."[94]

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Meantime the government opened negotiations with Great
Britain, and the treaty of 1862 was signed June 7,
and carried out by Act of Congress, July 11.[95] Specially
commissioned war vessels of either government were
by this agreement authorized to search merchant vessels
on the high seas and specified coasts, and if they
were found to be slavers, or, on account of their
construction or equipment, were suspected to be such,
they were to be sent for condemnation to one of the
mixed courts established at New York, Sierra Leone,
and the Cape of Good Hope. These courts, consisting
of one judge and one arbitrator on the part of each
government, were to judge the facts without appeal,
and upon condemnation by them, the culprits were to
be punished according to the laws of their respective
countries. The area in which this Right of Search
could be exercised was somewhat enlarged by an additional
article to the treaty, signed in 1863. In 1870
the mixed courts were abolished, but the main part
of the treaty was left in force. The Act of July
17, 1862, enabled the President to contract with foreign
governments for the apprenticing of recaptured Africans
in the West Indies,[96] and in 1864 the coastwise
slave-trade was forever prohibited.[97] By these measures
the trade was soon checked, and before the end of the
war entirely suppressed.[98] The vigilance of the
government, however, was not checked, and as late
as 1866 a squadron of ten ships, with one hundred
and thirteen guns, patrolled the slave coast.[99] Finally,
the Thirteenth Amendment legally confirmed what the
war had already accomplished, and slavery and the
slave-trade fell at one blow.[100]

**FOOTNOTES:**

 [1] *British and Foreign State Papers*,
1854-5, p. 1156.

 [2] Cluskey, *Political Text-Book*
(14th ed.), p. 585.

 [3] *De Bow’s Review*, XXII.
223; quoted from Andrew Hunter of
 Virginia.

 [4] *Ibid.*, XVIII. 628.

 [5] *Ibid.*, XXII. 91, 102, 217,
221-2.

 [6] From a pamphlet entitled “A
New Southern Policy, or the
 Slave Trade as
meaning Union and Conservatism;” quoted in
 Etheridge’s
speech, Feb. 21, 1857: *Congressional Globe*,
34
 Cong. 3 sess.,
Appendix, p. 366.

 [7] *De Bow’s Review*, XXIII.
298-320. A motion to table the
 motion on the
8th article was supported only by Kentucky,
 Tennessee, North
Carolina, and Maryland. Those voting for
 Sneed’s
motion were Georgia, Maryland, North Carolina, and
 Tennessee.
The appointment of a slave-trade committee was at
 first defeated
by a vote of 48 to 44. Finally a similar motion
 was passed, 52
to 40.

 [8] *De Bow’s Review*, XXIV.
473-491, 579-605. The Louisiana
 delegation alone
did not vote for the last resolution, the
 vote of her delegation
being evenly divided.

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 [9] *De Bow’s Review*, XXVII.
94-235.

 [10] H.S. Foote, in *Bench and Bar of
the South and
 Southwest*,
p. 69.

 [11] *De Bow’s Review*, XXVII. 115.

 [12] *Ibid.*, p. 99. The vote was:—­
*Yea.* *Nay.*
Alabama, 5 votes. Tennessee, 12 votes.
Arkansas, 4 " Florida, 3 "
South Carolina, 4 " South Carolina, 4 "
Louisiana, 6 " Total 19
Texas, 4 "
Georgia, 10 " Virginia, Maryland, Kentucky, and
Mississippi, 7 " North Carolina did not vote; they either
Total 40 withdrew or were not represented.

 [13] Quoted in *26th Report of the Amer.
Anti-slav. Soc.*, p.
 38. The official
organ was the *True Southron*.

 [14] Quoted in *24th Report of the Amer.
Anti-slav. Soc.*, p.
 54.

 [15] Quoted in *26th Report*, *Ibid.*,
p. 43.

 [16] *27th Report*, *Ibid.*, pp. 19-20.

 [17] Letter of W.C. Preston, in the *National
Intelligencer*,
 April 3, 1863.
Also published in the pamphlet, *The African
 Slave Trade:
The Secret Purpose*, *etc*., p. 26.

 [18] Quoted in Etheridge’s speech:
*Congressional Globe*, 34
 Cong. 3 sess.
Appen., p. 366.

 [19] *House Journal*, 34 Cong. 3 sess.
pp. 105-10; *Congressional
Globe*, 34 Cong. 3 sess. pp. 123-6; Cluskey, *Political Text-Book*
(14th ed.), p. 589.

 [20] *House Journal*, 35 Cong. 2 sess.
pp. 298-9. Cf. *26th
 Report of the
Amer. Anti-slav. Soc.*, p. 45.

 [21] Cf. *Reports of the Amer. Anti-slav.
Soc.*, especially
 the 26th, pp.
43-4.

 [22] *Ibid.*, p. 43. He referred especially
to the Treaty of
 1842.

 [23] *Ibid.*; *Congressional Globe*,
35 Cong. 2 sess., Appen.,
 pp. 248-50.

 [24] *26th Report of the Amer. Anti-slav.
Soc.*, p. 44.

 [25] *Ibid.*; *27th Report*, pp. 13-4.

 [26] *26th Report*, *Ibid.*, p. 44.

 [27] Quoted in Lalor, *Cyclopaedia*, III.
733; Cairnes, *The
 Slave Power*
(New York, 1862), p. 123, note; *27th Report of
 the Amer.
Anti-slav. Soc.*, p. 15.

 [28] Quoted in Cairnes, *The Slave Power*,
p. 123, note; *27th
 Report of the
Amer. Anti-slav. Soc.*, p. 19.

 [29] *27th Report*, *Ibid.*, p. 16;
quoted from the Mobile *Register*.

 [30] Edition of 1859, pp. 63-4.

 [31] *De Bow’s Review*, XXVII. 121,
231-5.

 [32] *Report of the Special Committee*,
*etc*. (1857), pp. 24-5.

 [33] *26th Report of the Amer. Anti-slav.
Soc.*, p. 40. The
 vote was 47 to
46.

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 [34] *House Exec. Doc.*, 36 Cong.
2 sess. IV. No. 7, pp.
 632-6. For
the State law, cf. above, Chapter II. This refusal
 of Cobb’s
was sharply criticised by many Southern papers.
Cf. *26th Report
of the Amer. Anti-slav. Soc.*, p. 39.

 [35] New York *Independent*, March 11 and
April 1, 1858.

 [36] *26th Report of the Amer. Anti-slav.
Soc.*, p. 41.

 [37] Gregory to the Secretary of the Navy, June
8, 1850:  *Senate Exec.
Doc.*, 31 Cong. 1 sess. XIV. No. 66, p.
2. Cf. *Ibid.*,
31 Cong. 2 sess. II. No. 6.

 [38] Cumming to Commodore Fanshawe, Feb. 22,
1850: *Senate
 Exec. Doc.*,
31 Cong. 1 sess. XIV. No. 66, p. 8.

 [39] New York *Journal of Commerce*, 1857;
quoted in *24th
 Report of the
Amer. Anti-slav. Soc.*, p. 56.

 [40] “The Slave-Trade in New York,”
in the *Continental
 Monthly*, January,
1862, p. 87.

 [41] New York *Evening Post*; quoted in
Lalor, *Cyclopaedia*,
 III. 733.

 [42] Lalor, *Cyclopaedia*, III. 733; quoted
from a New York
 paper.

 [43] *Friends’ Appeal on behalf of the
Coloured Races* (1858),
 Appendix, p. 41;
quoted from the *Journal of Commerce*.

 [44] *26th Report of the Amer. Anti-slav.
Soc.*, pp. 53-4;
 quoted from the
African correspondent of the Boston *Journal*.
 From April, 1857,
to May, 1858, twenty-one of twenty-two
 slavers which
were seized by British cruisers proved to be
 American, from
New York, Boston, and New Orleans. Cf. *25th
 Report*, *Ibid.*,
p. 122. De Bow estimated in 1856 that forty
 slavers cleared
annually from Eastern harbors, clearing yearly
 $17,000,000:
*De Bow’s Review*, XXII. 430-1.

 [45] *Senate Exec. Doc.*, 33 Cong.
1 sess. VIII. No. 47, p.
 13.

 [46] *House Exec. Doc.*, 34 Cong.
1 sess. XII. No. 105, p. 38.

 [47] New York *Herald*, Aug. 5, 1860; quoted
in Drake, *Revelations
of a Slave Smuggler*, Introd., pp. vii.-viii.

 [48] *House Exec. Doc.*, 35 Cong.
2 sess. IX. No. 89. Cf. *26th Report
of the Amer. Anti-slav. Soc.*, pp. 45-9.

 [49] Quoted in *26th Report of the Amer.
Anti-slav. Soc.*, p.
 46.

 [50] For all the above cases, cf. *Ibid.*,
p. 49.

 [51] Quoted in *27th Report*, *Ibid.*,
p. 20. Cf. *Report of
 the Secretary
of the Navy*, 1859; *Senate Exec. Doc.*,
36
 Cong. 1 sess.
III. No. 2.

 [52] *27th Report of the Amer. Anti-slav.
Soc.*, p. 21.

 [53] Quoted in *Ibid.*

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 [54] Issue of July 22, 1860; quoted in Drake,
*Revelations of
 a Slave Smuggler*,
Introd., p. vi. The advertisement referred
 to was addressed
to the “Ship-owners and Masters of our
 Mercantile Marine,”
and appeared in the Enterprise (Miss.) *Weekly News*,
April 14, 1859. William S. Price and seventeen
 others state that
they will “pay three hundred dollars per
 head for one thousand
native Africans, between the ages of
 fourteen and twenty
years, (of sexes equal,) likely, sound,
 and healthy, to
be delivered within twelve months from this
 date, at some
point accessible by land, between Pensacola,
 Fla., and Galveston,
Texas; the contractors giving thirty
 days’ notice
as to time and place of delivery”: Quoted
in *26th Report
of the Amer. Anti-slav. Soc.*, pp. 41-2.

 [55] *Congressional Globe*, 35 Cong. 1
sess. p. 1362. Cf. the
 speech of a delegate
from Georgia to the Democratic Convention
 at Charleston,
1860: “If any of you northern democrats
will go
 home with me to
my plantation, I will show you some darkies
 that I bought
in Virginia, some in Delaware, some in Florida,
 and I will also
show you the pure African, the noblest Roman
 of them all.
I represent the African slave trade interest of
 my section:”
Lalor, *Cyclopaedia*, III. 733.

 [56] *Senate Misc. Doc.*, 36 Cong.
1 sess. No. 8.

 [57] *Senate Journal*, 34 Cong. 1-2 sess.
pp. 396, 695-8; *Senate Reports*,
34 Cong. 1 sess. I. No. 195.

 [58] *House Journal*, 31 Cong. 2 sess.
p. 64. There was still
 another attempt
by Sandidge. Cf. *26th Report of the Amer.
 Anti-Slav.
Soc.*, p. 44.

 [59] *Senate Journal*, 36 Cong. 1 sess.
p. 274; *Congressional
 Globe*, 36
Cong. 1 sess. p. 1245.

 [60] Congressional Globe, 32 Cong. 2 sess. p.
1072.

 [61] *I.e*., since 1846: *Statutes
at Large*, XI. 90.

 [62] *Ibid.*, XI. 227.

 [63] *Ibid.*, XI. 404.

 [64] *Ibid.*, XII. 21.

 [65] *E.g*., Clay’s resolutions:
*Congressional Globe*, 31 Cong.
 2 sess. pp. 304-9.
Clayton’s resolutions: *Senate Journal*,
33
 Cong. 1 sess.
p. 404; *House Journal*, 33 Cong. 1 sess. pp.
 1093, 1332-3;
*Congressional Globe*, 33 Cong. 1 sess. pp.
 1591-3, 2139.
Seward’s bill: *Senate Journal*, 33
Cong. 1
 sess. pp. 448,
451.

 [66] Mr. Blair of Missouri asked unanimous consent
in
 Congress, Dec.
23, 1858, to a resolution instructing the
 Judiciary Committee
to bring in such a bill; Houston of
 Alabama objected:
*Congressional Globe*, 35 Cong. 2 sess. p.
 198; *26th Report
of the Amer. Anti-slav. Soc.*, p. 44.

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 [67] This was the object of attack in 1851 and
1853 by
 Giddings:
*House Journal*, 32 Cong. 1 sess. p. 42; 33 Cong.
1
 sess. p. 147.
Cf. *House Journal*, 38 Cong. 1 sess. p. 46.

 [68] By Mr. Wilson, March 20, 1860: *Senate
Journal*, 36 Cong.
 1 sess. p. 274.

 [69] Four or five such attempts were made:
Dec. 12, 1860, *House Journal*,
36 Cong. 2 sess. pp. 61-2; Jan. 7, 1861, *Congressional
Globe*, 36 Cong. 2 sess. p. 279; Jan. 23, 1861, *Ibid.*,
p. 527; Feb. 1, 1861, *Ibid.*, p. 690; Feb. 27,
1861, *Ibid.*,
pp. 1243, 1259.

 [70] “The Slave-Trade in New York,”
in the *Continental
 Monthly*, January,
1862, p. 87.

 [71] New York *Herald*, July 14, 1856.

 [72] *Ibid.* Cf. *Senate Exec. Doc.*,
37 Cong. 2 sess. V. No.
 53.

 [73] *27th Report of the Amer. Anti-slav.
Soc.*, pp. 25-6. Cf. *26th Report*,
*Ibid.*, pp. 45-9.

 [74] *27th Report*, *Ibid.*, pp. 26-7.

 [75] *26th Report*, *Ibid.*, p. 54.

 [76] *British and Foreign State Papers*,
1859-60, pp. 899,
 973.

 [77] Nov. 29, 1851: *House Exec.
Doc.*, 32 Cong. 1 sess. II.
 pt. 2, No. 2,
p. 4.

 [78] Dec. 4, 1852: *House Exec.
Doc.*, 32 Cong. 2 sess. I. pt.
 2, No. 1, p. 293.

 [79] *Ibid.*, 34 Cong. 1 sess. I.
pt. 3, No. 1, p. 5.

 [80] *Ibid.*, 34 Cong. 3 sess. I.
pt. 2, No. 1, p. 407.

 [81] Commander Burgess to Commodore Wise, Whydah,
Aug. 12,
 1857: *Parliamentary
Papers*, 1857-8, vol. LXI. *Slave Trade*,
 Class A, p. 136.

 [82] *House Exec. Doc.*, 35 Cong.
1 sess. II. pt. 3, No. 2, p.
 576.

 [83] *Ibid.*, 35 Cong. 2 sess. II.
pt. 1, No. 2, pp. 14-15,
 31-33.

 [84] *Senate Exec. Doc.*, 36 Cong.
2 sess. I. No. 1, p. 24.
 The Report of
the Secretary of the Navy, 1859, contains this
 ambiguous passage:
“What the effect of breaking up the trade
 will be upon the
United States or Cuba it is not necessary to
 inquire; certainly,
under the laws of Congress and our treaty
 obligations, it
is the duty of the executive government to see
 that our citizens
shall not be engaged in it”: *Ibid.*,
36
 Cong. 1 sess.
III. No. 2, pp. 1138-9.

 [85] *Senate Exec. Doc.*, 36 Cong.
2 sess. III. pt. 1, No. 1,
 pp. 8-9.

 [86] *Statutes at Large*, XII. 40.

 [87] *Confederate States of America Statutes
at Large*, 1861,
 p. 15, Constitution,
Art. 1, sect. 9, Sec.Sec. 1, 2.

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 [88] From an intercepted circular despatch from
J.P. Benjamin,
 “Secretary
of State,” addressed in this particular instance
to
 Hon. L.Q.C.
Lamar, “Commissioner, *etc*., St. Petersburg,
 Russia,”
and dated Richmond, Jan. 15, 1863; published in the *National Intelligencer*,
March 31, 1863; cf. also the issues
 of Feb. 19, 1861,
April 2, 3, 25, 1863; also published in the
 pamphlet, *The
African Slave-Trade: The Secret Purpose*, *etc*.
 The editors vouch
for its authenticity, and state it to be in
 Benjamin’s
own handwriting.

 [89] L.W. Spratt of South Carolina, in
the *Southern Literary
 Messenger*,
June, 1861, XXXII. 414, 420. Cf. also the
 Charleston *Mercury*,
Feb. 13, 1861, and the *National
 Intelligencer*,
Feb. 19, 1861.

 [90] Captain Gordon of the slaver “Erie;”
condemned in the
 U.S. District
Court for Southern New York in 1862. Cf. *Senate
 Exec. Doc.*,
37 Cong. 2 sess. I. No. 1, p. 13.

 [91] *Ibid.*, pp. 453-4.

 [92] *Statutes at Large*, XII. 132, 219,
639; XIII. 424; XIV.
 226, 415; XV.
58, 321. The sum of $250,000 was also
 appropriated to
return the slaves on the “Wildfire”:
*Ibid.*,
 XII. 40-41.

 [93] *Statutes at Large*, XII. 368-9.

 [94] *Senate Exec. Doc.*, 37 Cong.
2 sess. I. No. 1, pp.
 453-4.

 [95] *Statutes at Large*, XII. 531.

 [96] For a time not exceeding five years:
*Ibid.*, pp. 592-3.

 [97] By section 9 of an appropriation act for
civil expenses,
 July 2, 1864:
*Ibid.*, XIII. 353.

 [98] British officers attested this: *Diplomatic
 Correspondence*,
1862, p. 285.

 [99] *Report of the Secretary of the Navy*,
1866; *House Exec.
 Doc.*, 39 Cong.
2 sess. IV. p. 12.

[100] There were some later attempts to legislate.
Sumner
 tried to repeal
the Act of 1803: *Congressional Globe*, 41
 Cong. 2 sess.
pp. 2894, 2932, 4953, 5594. Banks introduced a
 bill to prohibit
Americans owning or dealing in slaves abroad:  *House Journal*,
42 Cong. 2 sess. p. 48. For the legislation
 of the Confederate
States, cf. Mason, *Veto Power*, 2d ed.,
 Appendix C, No.
1.

\* \*
 \* \* \*
 *Chapter XII*
THE ESSENTIALS IN THE STRUGGLE.
92.  How the Question Arose. 93.  The Moral Movement. 94.  The Political Movement. 95.  The Economic Movement. 96.  The Lesson for Americans.
92. *How the Question Arose.* We have followed
a chapter of history which is of peculiar interest
to the sociologist. Here was a rich new land,
the wealth of which was to be had in return for ordinary

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manual labor. Had the country been conceived
of as existing primarily for the benefit of its actual
inhabitants, it might have waited for natural increase
or immigration to supply the needed hands; but both
Europe and the earlier colonists themselves regarded
this land as existing chiefly for the benefit of Europe,
and as designed to be exploited, as rapidly and ruthlessly
as possible, of the boundless wealth of its resources.
This was the primary excuse for the rise of the African
slave-trade to America.

Every experiment of such a kind, however, where the
moral standard of a people is lowered for the sake
of a material advantage, is dangerous in just such
proportion as that advantage is great. In this
case it was great. For at least a century, in
the West Indies and the southern United States, agriculture
flourished, trade increased, and English manufactures
were nourished, in just such proportion as Americans
stole Negroes and worked them to death. This
advantage, to be sure, became much smaller in later
times, and at one critical period was, at least in
the Southern States, almost *nil*; but energetic
efforts were wanting, and, before the nation was aware,
slavery had seized a new and well-nigh immovable footing
in the Cotton Kingdom.

The colonists averred with perfect truth that they
did not commence this fatal traffic, but that it was
imposed upon them from without. Nevertheless,
all too soon did they lay aside scruples against it
and hasten to share its material benefits. Even
those who braved the rough Atlantic for the highest
moral motives fell early victims to the allurements
of this system. Thus, throughout colonial history,
in spite of many honest attempts to stop the further
pursuit of the slave-trade, we notice back of nearly
all such attempts a certain moral apathy, an indisposition
to attack the evil with the sharp weapons which its
nature demanded. Consequently, there developed
steadily, irresistibly, a vast social problem, which
required two centuries and a half for a nation of
trained European stock and boasted moral fibre to solve.

93. *The Moral Movement.* For the solution of
this problem there were, roughly speaking, three classes
of efforts made during this time,—­moral,
political, and economic: that is to say, efforts
which sought directly to raise the moral standard
of the nation; efforts which sought to stop the trade
by legal enactment; efforts which sought to neutralize
the economic advantages of the slave-trade. There
is always a certain glamour about the idea of a nation
rising up to crush an evil simply because it is wrong.
Unfortunately, this can seldom be realized in real
life; for the very existence of the evil usually argues
a moral weakness in the very place where extraordinary
moral strength is called for. This was the case
in the early history of the colonies; and experience
proved that an appeal to moral rectitude was unheard
in Carolina when rice had become a great crop, and

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in Massachusetts when the rum-slave-traffic was paying
a profit of 100%. That the various abolition
societies and anti-slavery movements did heroic work
in rousing the national conscience is certainly true;
unfortunately, however, these movements were weakest
at the most critical times. When, in 1774 and
1804, the material advantages of the slave-trade and
the institution of slavery were least, it seemed possible
that moral suasion might accomplish the abolition
of both. A fatal spirit of temporizing, however,
seized the nation at these points; and although the
slave-trade was, largely for political reasons, forbidden,
slavery was left untouched. Beyond this point,
as years rolled by, it was found well-nigh impossible
to rouse the moral sense of the nation. Even in
the matter of enforcing its own laws and co-operating
with the civilized world, a lethargy seized the country,
and it did not awake until slavery was about to destroy
it. Even then, after a long and earnest crusade,
the national sense of right did not rise to the entire
abolition of slavery. It was only a peculiar
and almost fortuitous commingling of moral, political,
and economic motives that eventually crushed African
slavery and its handmaid, the slave-trade in America.

94. *The Political Movement.* The political efforts
to limit the slave-trade were the outcome partly of
moral reprobation of the trade, partly of motives
of expediency. This legislation was never such
as wise and powerful rulers may make for a nation,
with the ulterior purpose of calling in the respect
which the nation has for law to aid in raising its
standard of right. The colonial and national laws
on the slave-trade merely registered, from time to
time, the average public opinion concerning this traffic,
and are therefore to be regarded as negative signs
rather than as positive efforts. These signs were,
from one point of view, evidences of moral awakening;
they indicated slow, steady development of the idea
that to steal even Negroes was wrong. From another
point of view, these laws showed the fear of servile
insurrection and the desire to ward off danger from
the State; again, they often indicated a desire to
appear well before the civilized world, and to rid
the “land of the free” of the paradox of
slavery. Representing such motives, the laws
varied all the way from mere regulating acts to absolute
prohibitions. On the whole, these acts were poorly
conceived, loosely drawn, and wretchedly enforced.
The systematic violation of the provisions of many
of them led to a widespread belief that enforcement
was, in the nature of the case, impossible; and thus,
instead of marking ground already won, they were too
often sources of distinct moral deterioration.
Certainly the carnival of lawlessness that succeeded
the Act of 1807, and that which preceded final suppression
in 1861, were glaring examples of the failure of the
efforts to suppress the slave-trade by mere law.

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95. *The Economic Movement.* Economic measures
against the trade were those which from the beginning
had the best chance of success, but which were least
tried. They included tariff measures; efforts
to encourage the immigration of free laborers and
the emigration of the slaves; measures for changing
the character of Southern industry; and, finally,
plans to restore the economic balance which slavery
destroyed, by raising the condition of the slave to
that of complete freedom and responsibility.
Like the political efforts, these rested in part on
a moral basis; and, as legal enactments, they were
also themselves often political measures. They
differed, however, from purely moral and political
efforts, in having as a main motive the economic gain
which a substitution of free for slave labor promised.

The simplest form of such efforts was the revenue
duty on slaves that existed in all the colonies.
This developed into the prohibitive tariff, and into
measures encouraging immigration or industrial improvements.
The colonization movement was another form of these
efforts; it was inadequately conceived, and not altogether
sincere, but it had a sound, although in this case
impracticable, economic basis. The one great
measure which finally stopped the slave-trade forever
was, naturally, the abolition of slavery, *i.e*.,
the giving to the Negro the right to sell his labor
at a price consistent with his own welfare. The
abolition of slavery itself, while due in part to
direct moral appeal and political sagacity, was largely
the result of the economic collapse of the large-farming
slave system.

96. *The Lesson for Americans.* It may be doubted
if ever before such political mistakes as the slavery
compromises of the Constitutional Convention had such
serious results, and yet, by a succession of unexpected
accidents, still left a nation in position to work
out its destiny. No American can study the connection
of slavery with United States history, and not devoutly
pray that his country may never have a similar social
problem to solve, until it shows more capacity for
such work than it has shown in the past. It is
neither profitable nor in accordance with scientific
truth to consider that whatever the constitutional
fathers did was right, or that slavery was a plague
sent from God and fated to be eliminated in due time.
We must face the fact that this problem arose principally
from the cupidity and carelessness of our ancestors.
It was the plain duty of the colonies to crush the
trade and the system in its infancy: they preferred
to enrich themselves on its profits. It was the
plain duty of a Revolution based upon “Liberty”
to take steps toward the abolition of slavery:
it preferred promises to straightforward action.
It was the plain duty of the Constitutional Convention,
in founding a new nation, to compromise with a threatening
social evil only in case its settlement would thereby
be postponed to a more favorable time: this was

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not the case in the slavery and the slave-trade compromises;
there never was a time in the history of America when
the system had a slighter economic, political, and
moral justification than in 1787; and yet with this
real, existent, growing evil before their eyes, a
bargain largely of dollars and cents was allowed to
open the highway that led straight to the Civil War.
Moreover, it was due to no wisdom and foresight on
the part of the fathers that fortuitous circumstances
made the result of that war what it was, nor was it
due to exceptional philanthropy on the part of their
descendants that that result included the abolition
of slavery.

With the faith of the nation broken at the very outset,
the system of slavery untouched, and twenty years’
respite given to the slave-trade to feed and foster
it, there began, with 1787, that system of bargaining,
truckling, and compromising with a moral, political,
and economic monstrosity, which makes the history
of our dealing with slavery in the first half of the
nineteenth century so discreditable to a great people.
Each generation sought to shift its load upon the next,
and the burden rolled on, until a generation came
which was both too weak and too strong to bear it
longer. One cannot, to be sure, demand of whole
nations exceptional moral foresight and heroism; but
a certain hard common-sense in facing the complicated
phenomena of political life must be expected in every
progressive people. In some respects we as a nation
seem to lack this; we have the somewhat inchoate idea
that we are not destined to be harassed with great
social questions, and that even if we are, and fail
to answer them, the fault is with the question and
not with us. Consequently we often congratulate
ourselves more on getting rid of a problem than on
solving it. Such an attitude is dangerous; we
have and shall have, as other peoples have had, critical,
momentous, and pressing questions to answer.
The riddle of the Sphinx may be postponed, it may
be evasively answered now; sometime it must be fully
answered.

It behooves the United States, therefore, in the interest
both of scientific truth and of future social reform,
carefully to study such chapters of her history as
that of the suppression of the slave-trade. The
most obvious question which this study suggests is:
How far in a State can a recognized moral wrong safely
be compromised? And although this chapter of
history can give us no definite answer suited to the
ever-varying aspects of political life, yet it would
seem to warn any nation from allowing, through carelessness
and moral cowardice, any social evil to grow.
No persons would have seen the Civil War with more
surprise and horror than the Revolutionists of 1776;
yet from the small and apparently dying institution
of their day arose the walled and castled Slave-Power.
From this we may conclude that it behooves nations
as well as men to do things at the very moment when
they ought to be done.

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**APPENDIX A.**

A CHRONOLOGICAL CONSPECTUS OF COLONIAL AND STATE LEGISLATION
RESTRICTING THE AFRICAN SLAVE-TRADE. 1641-1787.
 *1641. Massachusetts: Limitations on Slavery.*
“Liberties of Forreiners & Strangers”:
91. “There shall never be any bond slaverie
villinage or Captivitie amongst vs, unles it be lawfull
Captives taken in iust warres, & such strangers as
willingly selle themselves or are sold to us.
And those shall have all the liberties & Christian
usages w^{ch} y^e law of god established in Jsraell
concerning such p/^{sons} doeth morally require.
This exempts none from servitude who shall be Judged
there to by Authoritie.”

“Capitall Laws”: 10. “If
any man stealeth aman or mankinde, he shall surely
be put to death” (marginal reference, Exodus
xxi. 16). Re-enacted in the codes of 1649, 1660,
and 1672. Whitmore, *Reprint of Colonial Laws
of 1660*, *etc*. (1889), pp. 52, 54, 71-117.
 *1642, April 3. New Netherland: Ten per
cent Duty.*
“Ordinance of the Director and Council of New
Netherland, imposing certain Import and Export Duties.”
O’Callaghan, *Laws of New Netherland* (1868),
p. 31.
 *1642, Dec. 1. Connecticut: Man-Stealing
made a Capital Offence.*
“Capitall Lawes,” No. 10. Re-enacted
in Ludlow’s code, 1650. *Colonial Records*,
I. 77.
 *1646, Nov. 4. Massachusetts: Declaration
against Man-Stealing.*
Testimony of the General Court. For text, see
above, page 37. *Colonial Records*, II. 168;
III. 84.
 *1652, April 4. New Netherland: Duty of
15 Guilders.*
“Conditions and Regulations” of Trade
to Africa. O’Callaghan, *Laws of New
Netherland*, pp. 81, 127.
 *1652, May 18-20. Rhode Island: Perpetual
Slavery Prohibited.*
For text, see above, page 40. *Colonial Records*,
I. 243.
 *1655, Aug. 6. New Netherland: Ten per
cent Export Duty.*
“Ordinance of the Director General and Council
of New Netherland, imposing a Duty on exported Negroes.”
O’Callaghan, *Laws of New Netherland*,
p. 191.
 *1664, March 12. Duke of York’s Patent:
Slavery Regulated.*
“Lawes establisht by the Authority of his Majesties
Letters patents, granted to his Royall Highnes James
Duke of Yorke and Albany; Bearing Date the 12th Day
of March in the Sixteenth year of the Raigne of our
Soveraigne Lord Kinge Charles the Second.”
First published at Long Island in 1664.

“Bond slavery”: “No Christian
shall be kept in Bond-slavery villenage or Captivity,
Except Such who shall be Judged thereunto by Authority,
or such as willingly have sould, or shall sell themselves,”
*etc*. Apprenticeship allowed. *Charter
to William Penn, and Laws of the Province of Pennsylvania*
(1879), pp. 3, 12.

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*1672, October. Connecticut: Law against
Man-Stealing.*
“The General Laws and Liberties of Conecticut

“Capital Laws”: 10. “If
any Man stealeth a Man or Man kinde, and selleth him,
or if he be found in his hand, he shall be put to death.
Exod. 21. 16.” *Laws of Connecticut*, 1672
(repr. 1865), p. 9.
 *1676, March 3. West New Jersey: Slavery
Prohibited (?).*
“The Concessions and Agreements of the Proprietors,
Freeholders and Inhabitants of the Province of West
New-Jersey, in America.”

Chap. XXIII. “That in all publick
Courts of Justice for Tryals of Causes, Civil or Criminal,
any Person or Persons, Inhabitants of the said Province,
may freely come into, and attend the said Courts, ...
that all and every Person and Persons Inhabiting the
said Province, shall, as far as in us lies, be free
from Oppression and Slavery.” Leaming and
Spicer, *Grants, Concessions*, *etc*., pp.
382, 398.
 *1688, Feb. 18. Pennsylvania: First Protest
of Friends against Slave-Trade.*
“At Monthly Meeting of Germantown Friends.”
For text, see above, pages 28-29. *Fac-simile Copy*
(1880).
 *1695, May. Maryland: 10s. Duty Act.*
“An Act for the laying an Imposition upon Negroes,
Slaves, and White Persons imported into this Province.”
Re-enacted in 1696, and included in Acts of 1699 and
1704. Bacon, *Laws*, 1695, ch. ix.; 1696,
ch. vii.; 1699, ch. xxiii.; 1704, ch. ix.
 *1696. Pennsylvania: Protest of Friends.*
“That Friends be careful not to encourage the
bringing in of any more negroes.” Bettle,
*Notices of Negro Slavery*, in *Penn. Hist.
Soc. Mem.* (1864), I. 383.
 *1698, Oct. 8. South Carolina: White Servants
Encouraged.*
“An Act for the Encouragement of the Importation
of White Servants.”

“Whereas, the great number of negroes which
of late have been imported into this Collony may endanger
the safety thereof if speedy care be not taken and
encouragement given for the importation of white servants.”

Sec. 1. L13 are to be given to any ship master
for every male white servant (Irish excepted), between
sixteen and forty years, whom he shall bring into
Ashley river; and L12 for boys between twelve and sixteen
years. Every servant must have at least four
years to serve, and every boy seven years.

Sec. 3. Planters are to take servants in proportion
of one to every six male Negroes above sixteen years.

Sec. 5. Servants are to be distributed by lot.

Sec. 8. This act to continue three years.
Cooper, *Statutes*, II. 153.
 *1699, April. Virginia: 20s. Duty
Act.*
“An act for laying an imposition upon servants
and slaves imported into this country, towards building
the Capitoll.” For three years; continued
in August, 1701, and April, 1704. Hening, *Statutes*,
III. 193, 212, 225.

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*1703, May 6. South Carolina: Duty Act.*
“An Act for the laying an Imposition on Furrs,
Skinns, Liquors and other Goods and Merchandize, Imported
into and Exported out of this part of this Province,
for the raising of a Fund of Money towards defraying
the publick charges and expenses of this Province,
and paying the debts due for the Expedition against
St. Augustine.” 10\_s.\_ on Africans and 20\_s.\_
on others. Cooper, *Statutes*, II. 201.
 *1704, October. Maryland: 20s. Duty
Act.*
“An Act imposing Three Pence per Gallon on Rum
and Wine, Brandy and Spirits; and Twenty Shillings
per Poll for Negroes; for raising a Supply to defray
the Public Charge of this Province; and Twenty Shillings
per Poll on Irish Servants, to prevent the importing
too great a Number of Irish Papists into this Province.”
Revived in 1708 and 1712. Bacon, *Laws*,
1704, ch. xxxiii.; 1708, ch. xvi.; 1712, ch. xxii.
 *1705, Jan. 12. Pennsylvania: 10s.
Duty Act.*
“An Act for Raising a Supply of Two pence half
penny per Pound & ten shillings per Head. Also
for Granting an Impost & laying on Sundry Liquors
& negroes Imported into this Province for the Support
of Governmt., & defraying the necessary Publick Charges
in the Administration thereof.” *Colonial
Records* (1852), II. 232, No. 50.
 *1705, October. Virginia: 6d. Tax
on Imported Slaves.*
“An act for raising a publick revenue for the
better support of the Government,” *etc*.
Similar tax by Act of October, 1710. Hening,
*Statutes*, III. 344, 490.
 *1705, October. Virginia: 20s. Duty
Act.*
“An act for laying an Imposition upon Liquors
and Slaves.” For two years; re-enacted
in October, 1710, for three years, and in October,
1712. *Ibid.*, III. 229, 482; IV. 30.
 *1705, Dec. 5. Massachusetts: L4 Duty
Act.*
“An act for the Better Preventing of a Spurious
and Mixt Issue,” *etc*.

Sec. 6. On and after May 1, 1706, every master
importing Negroes shall enter his number, name, and
sex in the impost office, and insert them in the bill
of lading; he shall pay to the commissioner and receiver
of the impost L4 per head for every such Negro.
Both master and ship are to be security for the payment
of the same.

Sec. 7. If the master neglect to enter the slaves,
he shall forfeit L8 for each Negro, one-half to go
to the informer and one-half to the government.

Sec. 8. If any Negro imported shall, within twelve
months, be exported and sold in any other plantation,
and a receipt from the collector there be shown, a
drawback of the whole duty will be allowed. Like
drawback will be allowed a purchaser, if any Negro
sold die within six weeks after importation. *Mass.
Province Laws, 1705-6*, ch. 10.
 *1708, February. Rhode Island: L3 Duty
Act.*
No title or text found. Slightly amended by Act
of April, 1708; strengthened by Acts of February,
1712, and July 5, 1715; proceeds disposed of by Acts
of July, 1715, October, 1717, and June, 1729. *Colonial
Records*, IV. 34, 131-5, 138, 143, 191-3, 225, 423-4.

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*1709, Sept. 24. New York: L3 Duty Act.*
“An Act for Laying a Duty on the Tonnage of
Vessels and Slaves.” A duty of L3 was laid
on slaves not imported directly from their native
country. Continued by Act of Oct. 30, 1710. *Acts
of Assembly, 1691-1718*, pp. 97, 125, 134; Laws
of New York, 1691-1773, p. 83.
 *1710, Dec. 28. Pennsylvania: 40s.
Duty Act.*
“An impost Act, laying a duty on Negroes, wine,
rum and other spirits, cyder and vessels.”
Repealed by order in Council Feb. 20, 1713. Carey
and Bioren, *Laws*, I. 82; Bettle, *Notices
of Negro Slavery*, in *Penn. Hist.
Soc. Mem.* (1864), I. 415.
 *1710. Virginia: L5 Duty Act.*
“Intended to discourage the importation”
of slaves. Title and text not found. Disallowed
(?). *Governor Spotswood to the Lords of Trade*,
in *Va. Hist. Soc. Coll.*, New
Series, I. 52.
 *1711, July-Aug. New York: Act of 1709
Strengthened.*
“An Act for the more effectual putting in Execution
an Act of General Assembly, Intituled, An Act for
Laying a Duty on the Tonnage of Vessels and Slaves.”
*Acts of Assembly, 1691-1718*, p. 134.
 *1711, December. New York: Bill to Increase
Duty.*
Bill for laying a further duty on slaves. Passed
Assembly; lost in
Council. *Doc. rel. Col. Hist. New
York*, V. 293.
 *1711. Pennsylvania: Testimony of Quakers.*
" ... the Yearly Meeting of Philadelphia, on a representation
from the Quarterly Meeting of Chester, that the buying
and encouraging the importation of negroes was still
practised by some of the members of the society, again
repeated and enforced the observance of the advice
issued in 1696, and further directed all merchants
and factors to write to their correspondents and discourage
their sending any more negroes.” Bettle,
*Notices of Negro Slavery*, in *Penn. Hist.
Soc. Mem.* (1864), I. 386.
 *1712, June 7. Pennsylvania: Prohibitive
(?) Duty Act.*
“A supplementary Act to an act, entituled, An
impost act, laying a duty on Negroes, rum,”
*etc*. Disallowed by Great Britain, 1713.
Carey and Bioren, *Laws*, I. 87, 88. Cf.
*Colonial Records* (1852), II. 553.
 *1712, June 7. Pennsylvania: Prohibitive
Duty Act.*
“An act to prevent the Importation of Negroes
and Indians into this Province.”

“Whereas Divers Plots and Insurrections have
frequently happened, not only in the Islands, but
on the Main Land of *America*, by Negroes, which
have been carried on so far that several of the Inhabitants
have been thereby barbarously Murthered, an instance
whereof we have lately had in our neighboring Colony
of *New York*. And whereas the Importation
of Indian Slaves hath given our Neighboring *Indians*
in this Province some umbrage of Suspicion and Dis-satisfaction.
For Prevention of all which for the future,

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“*Be it Enacted* ..., That from and after
the Publication of this Act, upon the Importation
of any Negro or Indian, by Land or Water, into this
Province, there shall be paid by the Importer, Owner
or Possessor thereof, the sum of *Twenty Pounds
per head*, for every Negro or Indian so imported
or brought in (except Negroes directly brought in from
the *West India Islands* before the first Day
of the Month called *August* next) unto the proper
Officer herein after named, or that shall be appointed
according to the Directions of this Act to receive
the same,” *etc*. Disallowed by Great
Britain, 1713. *Laws of Pennsylvania, collected*,
*etc*. (ed. 1714), p. 165; *Colonial Records*
(1852), II. 553; Burge, *Commentaries*, I. 737,
note; *Penn. Archives*, I. 162.
 *1713, March 11. New Jersey: L10 Duty
Act.*
“An Act for laying a Duty on Negro, Indian and
Mulatto Slaves, imported and brought into this Province.”

“*Be it Enacted* ..., That every Person
or Persons that shall hereafter Import or bring in,
or cause to be imported or brought into this Province,
any Negro Indian or Mulatto Slave or Slaves, every
such Person or Persons so importing or bringing in,
or causing to be imported or brought in, such Slave
or Slaves, shall enter with one of the Collectors
of her Majestie’s Customs of this Province, every
such Slave or Slaves, within Twenty Four Hours after
such Slave or Slaves is so Imported, and pay the Sum
of *Ten Pounds* Money as appointed by her Majesty’s
Proclamation, for each Slave so imported, or give sufficient
Security that the said Sum of *Ten Pounds*, Money
aforesaid, shall be well and truly paid within three
Months after such Slave or Slaves are so imported,
to the Collector or his Deputy of the District into
which such Slave or Slaves shall be imported, for
the use of her Majesty, her Heirs and Successors,
toward the Support of the Government of this Province.”
For seven years; violations incur forfeiture and sale
of slaves at auction; slaves brought from elsewhere
than Africa to pay L10, *etc*. *Laws and Acts
of New Jersey, 1703-1717* (ed. 1717), p. 43; *N.J.
Archives*, 1st Series, XIII. 516, 517, 520, 522,
523, 527, 532, 541.
 *1713, March 26. Great Britain and Spain:
The Assiento.*
“The Assiento, or Contract for allowing to the
Subjects of Great Britain the Liberty of importing
Negroes into the Spanish America. Signed by the
Catholick King at Madrid, the 26th Day of March, 1713.”

Art. I. “First then to procure, by
this means, a mutual and reciprocal advantage to the
sovereigns and subjects of both crowns, her British
majesty does offer and undertake for the persons, whom
she shall name and appoint, That they shall oblige
and charge themselves with the bringing into the West-Indies
of America, belonging to his catholick majesty, in
the space of the said 30 years, to commence on the

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1st day of May, 1713, and determine on the like day,
which will be in the year 1743, *viz.* 144000
negroes, *Piezas de India*, of both sexes, and
of all ages, at the rate of 4800 negroes, *Piezas
de India*, in each of the said 30 years, with this
condition, That the persons who shall go to the West-Indies
to take care of the concerns of the assiento, shall
avoid giving any offence, for in such case they shall
be prosecuted and punished in the same manner, as
they would have been in Spain, if the like misdemeanors
had been committed there.”

Art. II. Assientists to pay a duty of 33
pieces of eight (*Escudos*) for each Negro, which
should include all duties.

Art. III. Assientists to advance to his
Catholic Majesty 200,000 pieces of eight, which should
be returned at the end of the first twenty years,
*etc*. John Almon, *Treaties of Peace, Alliance,
and Commerce, between Great-Britain and other Powers*
(London, 1772), I. 83-107.
 *1713, July 13. Great Britain and Spain:
Treaty of Utrecht.*
“Treaty of Peace and Friendship between the
most serene and most potent princess Anne, by the
grace of God, Queen of Great Britain, France, and
Ireland, Defender of the Faith, &c. and the most serene
and most potent Prince Philip V the Catholick King
of Spain, concluded at Utrecht, the 2/13 Day of July,
1713.”

Art. XII. “The Catholick King doth
furthermore hereby give and grant to her Britannick
majesty, and to the company of her subjects appointed
for that purpose, as well the subjects of Spain, as
all others, being excluded, the contract for introducing
negroes into several parts of the dominions of his
Catholick Majesty in America, commonly called *el
Pacto de el Assiento de Negros*, for the space
of thirty years successively, beginning from the first
day of the month of May, in the year 1713, with the
same conditions on which the French enjoyed it, or
at any time might or ought to enjoy the same, together
with a tract or tracts of Land to be allotted by the
said Catholick King, and to be granted to the company
aforesaid, commonly called *la Compania de el Assiento*,
in some convenient place on the river of Plata, (no
duties or revenues being payable by the said company
on that account, during the time of the abovementioned
contract, and no longer) and this settlement of the
said society, or those tracts of land, shall be proper
and sufficient for planting, and sowing, and for feeding
cattle for the subsistence of those who are in the
service of the said company, and of their negroes;
and that the said negroes may be there kept in safety
till they are sold; and moreover, that the ships belonging
to the said company may come close to land, and be
secure from any danger. But it shall always be
lawful for the Catholick King, to appoint an officer
in the said place or settlement, who may take care
that nothing be done or practised contrary to his
royal interests. And all who manage the affairs

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of the said company there, or belong to it, shall
be subject to the inspection of the aforesaid officer,
as to all matters relating to the tracts of land abovementioned.
But if any doubts, difficulties, or controversies,
should arise between the said officer and the managers
for the said company, they shall be referred to the
determination of the governor of Buenos Ayres.
The Catholick King has been likewise pleased to grant
to the said company, several other extraordinary advantages,
which are more fully and amply explained in the contract
of the Assiento, which was made and concluded at Madrid,
the 26th day of the month of March, of this present
year 1713. Which contract, or *Assiento de Negros*,
and all the clauses, conditions, privileges and immunities
contained therein, and which are not contrary to this
article, are and shall be deemed, and taken to be,
part of this treaty, in the same manner as if they
had been here inserted word for word.”
John Almon, *Treaties of Peace, Alliance, and Commerce,
between Great-Britain and other Powers*, I. 168-80.
 *1714, Feb. 18. South Carolina: Duty on
American Slaves.*
“An Act for laying an additional duty on all
Negro Slaves imported into this Province from any
part of America.” Title quoted in Act of
1719, Sec.30, *q.v.
1714, Dec. 18. South Carolina: Prohibitive
Duty.*
“An additional Act to an Act entitled ’An
Act for the better Ordering and Governing Negroes
and all other Slaves.’”

Sec.9 “And *whereas*, the number of negroes
do extremely increase in this Province, and through
the afflicting providence of God, the white persons
do not proportionally multiply, by reason whereof,
the safety of the said Province is greatly endangered;
for the prevention of which for the future,

“*Be it further enacted* by the authority
aforesaid, That all negro slaves from twelve years
old and upwards, imported into this part of this Province
from any part of Africa, shall pay such additional
duties as is hereafter named, that is to say:—­that
every merchant or other person whatsoever, who shall,
six months after the ratification of this Act, import
any negro slaves as aforesaid, shall, for every such
slave, pay unto the public receiver for the time being,
(within thirty days after such importation,) the sum
of two pounds current money of this Province.”
Cooper, *Statutes*, VII. 365.
 *1715, Feb. 18. South Carolina: Duty on
American Negroes.*
“*An additional Act* to an act entitled
*an act for raising the sum of L2000, of and from
the estates real and personal of the inhabitants of
this Province, ratified in open Assembly the 18th day
of December, 1714*; and for laying an additional
duty on all Negroe slaves imported into this Province
from any part of America.” Title only given.
Grimke, *Public Laws*, p. xvi, No. 362.
 *1715, May 28. Pennsylvania: L5 Duty Act.*

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“An Act for laying a Duty on *Negroes*
imported into this province.” Disallowed
by Great Britain, 1719. *Acts and Laws of Pennsylvania,
1715*, p. 270; *Colonial Records* (1852), III.
75-6; Chalmers, *Opinions*, II. 118.
 *1715, June 3. Maryland: 20s. Duty
Act.*
“An Act laying an Imposition on Negroes ...;
and also on Irish Servants, to prevent the importing
too great a Number of Irish Papists into this Province.”
Supplemented April 23, 1735, and July 25, 1754. *Compleat
Collection of the Laws of Maryland* (ed. 1727),
p. 157; Bacon, *Laws*, 1715, ch. xxxvi.
Sec.8; 1735, ch. vi. Sec.Sec.1-3; *Acts of Assembly,
1754*, p. 10.
 *1716, June 30. South Carolina: L3 Duty
Act.*
“An Act for laying an Imposition on Liquors,
Goods and Merchandizes, Imported into and Exported
out of this Province, for the raising of a Fund of
Money towards the defraying the publick charges and
expences of the Government.” A duty of
L3 was laid on African slaves, and L30 on American
slaves. Cooper, *Statutes*, II. 649.
 *1716. New York: 5 oz. and 10 oz. plate
Duty Act.*
“An Act to Oblige all Vessels Trading into this
Colony (except such as are therein excepted) to pay
a certain Duty; and for the further Explanation and
rendring more Effectual certain Clauses in an Act of
General Assembly of this Colony, Intituled, An Act
by which a Duty is laid on Negroes, and other Slaves,
imported into this Colony.” The act referred
to is not to be found. *Acts of Assembly, 1691-1718*,
p. 224.
 *1717, June 8. Maryland: Additional 20s.
Duty Act.*
“An Act for laying an Additional Duty of Twenty
Shillings Current Money per Poll on all Irish Servants,
... also, the Additional Duty of Twenty Shillings
Current Money per Poll on all Negroes, for raising
a Fund for the Use of Publick Schools,” *etc*.
Continued by Act of 1728. *Compleat Collection of
the Laws of Maryland* (ed. 1727), p. 191; Bacon,
*Laws*, 1728, ch. viii.
 *1717, Dec. 11. South Carolina: Prohibitive
Duty.*
“A further additional Act to an Act entitled
An Act for the better ordering and governing of Negroes
and all other Slaves; and to an additional Act to
an Act entitled An Act for the better ordering and
governing of Negroes and all other Slaves.”

Sec. 3. “And *whereas*, the great
importation of negroes to this Province, in proportion
to the white inhabitants of the same, whereby the future
safety of this Province will be greatly endangered;
for the prevention whereof,

“*Be it enacted* by the authority aforesaid,
That all negro slaves of any age or condition whatsoever,
imported or otherwise brought into this Province,
from any part of the world, shall pay such additional
duties as is hereafter named, that is to say:—­that
every merchant or other person whatsoever, who shall,
eighteen months after the ratification of this Act,
import any negro slave as aforesaid, shall, for every
such slave, pay unto the public receiver for the time
being, at the time of each importation, over and above
all the duties already charged on negroes, by any
law in force in this Province, the additional sum of
forty pounds current money of this Province,”
*etc*.

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Sec. 4. This section on duties to be in force
for four years after ratification, and thence to the
end of the next session of the General Assembly.
Cooper, *Statutes*, VII. 368.
 *1718, Feb. 22. Pennsylvania: Duty Act.*
“An Act for continuing a duty on Negroes brought
into this province.” Carey and Bioren,
*Laws*, I. 118.
 *1719, March 20. South Carolina: L10 Duty
Act.*
“An Act for laying an Imposition on Negroes,
Liquors, and other Goods and Merchandizes, imported,
and exported out of this Province, for the raising
of a Fund of Money towards the defraying the Publick
Charges and Expences of this Government; as also to
Repeal several Duty Acts, and Clauses and Paragraphs
of Acts, as is herein mentioned.” This repeals
former duty acts (e.g. that of 1714), and lays a duty
of L10 on African slaves, and L30 on American slaves.
Cooper, *Statutes*, III. 56.
 *1721, Sept. 21. South Carolina: L10 Duty
Act.*
“An Act for granting to His Majesty a Duty and
Imposition on Negroes, Liquors, and other Goods and
Merchandize, imported into and exported out of this
Province.” This was a continuation of the
Act of 1719. *Ibid.*, III. 159.
 *1722, Feb. 23. South Carolina: L10 Duty
Act.*
“An Act for Granting to His Majesty a Duty and
Imposition on Negroes, Liquors, and other Goods and
Merchandizes, for the use of the Publick of this Province.”

Sec. 1. " ... on all negro slaves imported from Africa
directly, or any other place whatsoever, Spanish negroes
excepted, if above ten years of age, ten pounds; on
all negroes under ten years of age, (sucking children
excepted) five pounds,” *etc*.

Sec. 3. “And whereas, it has proved to
the detriment of some of the inhabitants of this Province,
who have purchased negroes imported here from the
Colonies of America, that they were either transported
thence by the Courts of justice, or sent off by private
persons for their ill behaviour and misdemeanours,
to prevent which for the future,

“*Be it enacted* by the authority aforesaid,
That all negroes imported in this Province from any
part of America, after the ratification of this Act,
above ten years of age, shall pay unto the Publick
Receiver as a duty, the sum of fifty pounds, and all
such negroes under the age of ten years, (sucking
children excepted) the sum of five pounds of like
current money, unless the owner or agent shall produce
a testimonial under the hand and seal of any Notary
Publick of the Colonies or plantations from whence
such negroes came last, before whom it was proved
upon oath, that the same are new negroes, and have
not been six months on shoar in any part of America,”
*etc*.

Sec. 4. “And whereas, the importation of
Spanish Indians, mustees, negroes, and mulattoes,
may be of dangerous consequence by inticing the slaves
belonging to the inhabitants of this Province to desert
with them to the Spanish settlements near us,

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“*Be it therefore enacted* That all such
Spanish negroes, Indians, mustees, or mulattoes, so
imported into this Province, shall pay unto the Publick
Receiver, for the use of this Province, a duty of one
hundred and fifty pounds, current money of this Province.”

Sec. 19. Rebate of three-fourths of the duty
allowed in case of re-exportation in six months.

Sec. 31. Act of 1721 repealed.

Sec. 36. This act to continue in force for three
years, and thence to the end of the next session of
the General Assembly, and no longer. Cooper,
*Statutes*, III. 193.
 *1722, May 12. Pennsylvania: Duty Act.*
“An Act for laying a duty on Negroes imported
into this province.” Carey and Bioren,
*Laws*, I. 165.
 *1723, May. Virginia: Duty Act.*
“An Act for laying a Duty on Liquors and Slaves.”
Title only; repealed by proclamation Oct. 27, 1724.
Hening, *Statutes*, IV. 118.
 *1723, June 18. Rhode Island: Back Duties
Collected.*
Resolve appointing the attorney-general to collect
back duties on
Negroes. *Colonial Records*, IV. 330.
 *1726, March 5. Pennsylvania: L10 Duty
Act.*
“An Act for the better regulating of Negroes
in this province.” Carey and Bioren, *Laws*,
I. 214; Bettle, *Notices of Negro Slavery*, in
*Penn. Hist. Soc. Mem.* (1864),
I. 388.
 *1726, March 5. Pennsylvania: Duty Act.*
“An Act for laying a duty on Negroes imported
into this province.” Carey and Bioren,
*Laws*, I. 213.
 *1727, February. Virginia: Prohibitive
Duty Act (?).*
“An Act for laying a Duty on Slaves imported;
and for appointing a Treasurer.” Title
only found; the duty was probably prohibitive; it was
enacted with a suspending clause, and was not assented
to by the king. Hening, *Statutes*, IV.
182.
 *1728, Aug. 31. New York: L2 and L4 Duty
Act.*
“An Act to repeal some Parts and to continue
and enforce other Parts of the Act therein mentioned,
and for granting several Duties to His Majesty, for
supporting His Government in the Colony of New York”
from Sept. 1, 1728, to Sept. 1, 1733. Same duty
continued by Act of 1732. *Laws of New York, 1691-1773*,
pp. 148, 171; *Doc. rel. Col. Hist.
New York*, VI. 32, 33, 34, 37, 38.
 *1728, Sept. 14. Massachusetts: Act of
1705 Strengthened.*
“An Act more effectually to secure the Duty
on the Importation of Negroes.” For seven
years; substantially the same law re-enacted Jan.
26, 1738, for ten years. *Mass. Province Laws,
1728-9*, ch. 16; *1738-9*, ch. 27.
 *1729, May 10. Pennsylvania: 40s.
Duty Act.*
“An Act for laying a Duty on Negroes imported
into this Province.” *Laws of Pennsylvania*
(ed. 1742), p. 354, ch. 287.
 *1732, May. Rhode Island: Repeal of Act
of 1712.*

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“Whereas, there was an act made and passed by
the General Assembly, at their session, held at Newport,
the 27th day of February, 1711 [O.S., N.S. = 1712],
entitled ’An Act for laying a duty on negro slaves
that shall be imported into this colony,’ and
this Assembly being directed by His Majesty’s
instructions to repeal the same;—­

“Therefore, be it enacted by the General Assembly
... that the said act ... be, and it is hereby repealed,
made null and void, and of none effect for the future.”
If this is the act mentioned under Act of 1708, the
title is wrongly cited; if not, the act is lost. *Colonial
Records*, IV. 471.
 *1732, May. Virginia: Five per cent Duty
Act.*
“An Act for laying a Duty upon Slaves, to be
paid by the Buyers.” For four years; continued
and slightly amended by Acts of 1734, 1736, 1738,
1742, and 1745; revived February, 1752, and continued
by Acts of November, 1753, February, 1759, November,
1766, and 1769; revived (or continued?) by Act of
February, 1772, until 1778. Hening, *Statutes*,
IV. 317, 394, 469; V. 28, 160, 318; VI. 217, 353; VII.
281; VIII. 190, 336, 530.
 *1734, November. New York: Duty Act.*
“An act to lay a duty on Negroes & a tax on
the Slaves therein mentioned during the time and for
the uses within mentioned.” The tax was
1\_s.\_ yearly per slave. *Doc. rel. Col.
Hist. New York*, VI. 38.
 *1734, Nov. 28. New York: L2 and L4 (?)
Duty Act.*
“An Act to lay a Duty on the Goods, and a Tax
on the Slaves therein mentioned, during the Time,
and for the Uses mentioned in the same.”
Possibly there were two acts this year. *Laws of
New York, 1691-1773*, p. 186; *Doc. rel.
Col. Hist. New York*, VI. 27.
 *1735. Georgia: Prohibitive Act.*
An “act for rendering the colony of Georgia
more defensible by prohibiting the importation and
use of black slaves or negroes into the same.”
W.B. Stevens, *History of Georgia*, I. 311;
[B. Martyn], *Account of the Progress of Georgia*
(1741), pp. 9-10; Prince Hoare, *Memoirs of Granville
Sharp* (London, 1820), p. 157.
 *1740, April 5. South Carolina: L100 Prohibitive
Duty Act.*
“An Act for the better strengthening of this
Province, by granting to His Majesty certain taxes
and impositions on the purchasers of Negroes imported,”
*etc*. The duty on slaves from America was
L150. Continued to 1744. Cooper, *Statutes*,
III. 556. Cf. *Abstract Evidence on Slave-Trade
before Committee of House of Commons, 1790-91* (London,
1791), p. 150.
 *1740, May. Virginia: Additional Five
per cent Duty Act.*
“An Act, for laying an additional Duty upon
Slaves, to be paid by the Buyer, for encouraging persons
to enlist in his Majesty’s service: And
for preventing desertion.” To continue until
July 1, 1744. Hening, *Statutes*, V. 92.
 *1751, June 14. South Carolina: White
Servants Encouraged.*

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“An Act for the better strengthening of this
Province, by granting to His Majesty certain Taxes
and Impositions on the purchasers of Negroes and other
slaves imported, and for appropriating the same to
the uses therein mentioned, and for granting to His
Majesty a duty on Liquors and other Goods and Merchandize,
for the uses therein mentioned, and for exempting
the purchasers of Negroes and other slaves imported
from payment of the Tax, and the Liquors and other
Goods and Merchandize from the duties imposed by any
former Act or Acts of the General Assembly of this
Province.”

“Whereas, the best way to prevent the mischiefs
that may be attended by the great importation of negroes
into this Province, will be to establish a method
by which such importation should be made a necessary
means of introducing a proportionable number of white
inhabitants into the same; therefore for the effectual
raising and appropriating a fund sufficient for the
better settling of this Province with white inhabitants,
we, his Majesty’s most dutiful and loyal subjects,
the House of Assembly now met in General Assembly,
do cheerfully give and grant unto the King’s
most excellent Majesty, his heirs and successors,
the several taxes and impositions hereinafter mentioned,
for the uses and to be raised, appropriated, paid
and applied as is hereinafter directed and appointed,
and not otherwise, and do humbly pray his most sacred
Majesty that it may be enacted,

Sec. 1. “*And be it enacted*, by his Excellency
James Glen, Esquire, Governor in chief and Captain
General in and over the Province of South Carolina,
by and with the advice and consent of his Majesty’s
honorable Council, and the House of Assembly of the
said Province, and by the authority of the same, That
from and immediately after the passing of this Act,
there shall be imposed on and paid by all and every
the inhabitants of this Province, and other person
and persons whosoever, first purchasing any negro
or other slave, hereafter to be imported, a certain
tax or sum of ten pounds current money for every such
negro and other slave of the height of four feet two
inches and upwards; and for every one under that height,
and above three feet two inches, the sum of five pounds
like money; and for all under three feet two inches,
(sucking children excepted) two pounds and ten shillings
like money, which every such inhabitant of this Province,
and other person and persons whosoever shall so purchase
or buy as aforesaid, which said sums of ten pounds
and five pounds and two pounds and ten shillings respectively,
shall be paid by such purchaser for every such slave,
at the time of his, her or their purchasing of the
same, to the public treasurer of this Province for
the time being, for the uses hereinafter mentioned,
set down and appointed, under pain of forfeiting all
and every such negroes and slaves, for which the said
taxes or impositions shall not be paid, pursuant to
the directions of this Act, to be sued for, recovered
and applied in the manner hereinafter directed.”

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Sec. 6. “*And be it further enacted* by
the authority aforesaid, That the said tax hereby
imposed on negroes and other slaves, paid or to be
paid by or on the behalf of the purchasers as aforesaid,
by virtue of this Act, shall be applied and appropriated
as followeth, and to no other use, or in any other
manner whatever, (that is to say) that three-fifth
parts (the whole into five equal parts to be divided)
of the net sum arising by the said tax, for and during
the term of five years from the time of passing this
Act, be applied and the same is hereby applied for
payment of the sum of six pounds proclamation money
to every poor foreign protestant whatever from Europe,
or other poor protestant (his Majesty’s subject)
who shall produce a certificate under the seal of any
corporation, or a certificate under the hands of the
minister and church-wardens of any parish, or the
minister and elders of any church, meeting or congregation
in Great Britain or Ireland, of the good character
of such poor protestant, above the age of twelve and
under the age of fifty years, and for payment of the
sum of three pounds like money, to every such poor
protestant under the age of twelve and above the age
of two years; who shall come into this Province within
the first three years of the said term of five years,
and settle on any part of the southern frontier lying
between Pon Pon and Savannah rivers, or in the central
parts of this Province,” *etc*. For the
last two years the bounty is L4 and L2.

Sec. 7. After the expiration of this term of
five years, the sum is appropriated to the protestants
settling anywhere in the State, and the bounty is
L2 13\_s.\_ 4\_d.\_, and L1 6\_s.\_ 8\_d.\_

Sec. 8. One other fifth of the tax is appropriated
to survey lands, and the remaining fifth as a bounty
for ship-building, and for encouraging the settlement
of ship-builders.

Sec. 14. Rebate of three-fourths of the tax allowed
in case of re-exportation of the slaves in six months.

Sec. 16. “*And be it further enacted* by
the authority aforesaid, That every person or persons
who after the passing this Act shall purchase any
slave or slaves which shall be brought or imported
into this Province, either by land or water, from
any of his Majesty’s plantations or colonies
in America, that have been in any such colony or plantation
for the space of six months; and if such slave or slaves
have not been so long in such colony or plantation,
the importer shall be obliged to make oath or produce
a proper certificate thereof, or otherwise every such
importer shall pay a further tax or imposition of fifty
pounds, over and besides the tax hereby imposed for
every such slave which he or they shall purchase as
aforesaid.” Actual settlers bringing slaves
are excepted.

Sec. 41. This act to continue in force ten years
from its passage, and thence to the end of the next
session of the General Assembly, and no longer.
Cooper, *Statutes*, III. 739.

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*1753, Dec. 12. New York: 5 oz. and 10
oz. plate Duty Act.*
“An Act for granting to His Majesty the several
Duties and Impositions, on Goods, Wares and Merchandizes
imported into this Colony, therein mentioned.”
Annually continued until 1767, or perhaps until 1774.
*Laws of New York, 1752-62*, p. 21, ch. xxvii.;
*Doc. rel. Col. Hist. New York*,
VII. 907; VIII. 452.
 *1754, February. Virginia: Additional
Five per cent Duty Act.*
“An Act for the encouragement and protection
of the settlers upon the waters of the Mississippi.”
For three years; continued in 1755 and 1763; revived
in 1772, and continued until 1778. Hening, *Statutes*,
VI. 417, 468; VII. 639; VIII. 530.
 *1754, July 25. Maryland: Additional 10s.
Duty Act.*
“An Act for his Majesty’s Service.”
Bacon, *Laws*, 1754, ch. ix.
 *1755, May. Virginia: Additional Ten per
cent Duty Act.*
“An act to explain an act, intituled, An act
for raising the sum of twenty thousand pounds, for
the protection of his majesty’s subjects, against
the insults and encroachments of the French; and for
other purposes therein mentioned.”

Sec. 10. " ... from and after the passing of this
act, there shall be levied and paid to our sovereign
lord the king, his heirs and successors, for all slaves
imported, or brought into this colony and dominion
for sale, either by land or water, from any part [port]
or place whatsoever, by the buyer, or purchaser, after
the rate of ten per centum, on the amount of each
respective purchase, over and above the several duties
already laid on slaves, imported as aforesaid, by an
act or acts of Assembly, now subsisting, and also
over and above the duty laid by” the Act of
1754. Repealed by Act of May, 1760, Sec. 11, "
... inasmuch as the same prevents the importation
of slaves, and thereby lessens the fund arising from
the duties upon slaves.” Hening, *Statutes*,
VI. 461; VII. 363. Cf. *Dinwiddie Papers*,
II. 86.
 *1756, March 22. Maryland: Additional
20s. Duty Act.*
“An Act for granting a Supply of Forty Thousand
Pounds, for his Majesty’s Service,” *etc*.
For five years. Bacon, *Laws*, 1756, ch.
v.
 *1757, April. Virginia: Additional Ten
per cent Duty Act.*
“An Act for granting an aid to his majesty for
the better protection of this colony, and for other
purposes therein mentioned.”

Sec. 22. " ... from and after the ninth day of July,
one thousand seven hundred and fifty-eight, during
the term of seven years, there shall be paid for all
slaves imported into this colony, for sale, either
by land or water, from any port or place whatsoever,
by the buyer or purchaser thereof, after the rate
of ten per centum on the amount of each respective
purchase, over and above the several duties already
laid upon slaves imported, as aforesaid, by any act
or acts of Assembly now subsisting in this colony,”
*etc*. Repealed by Act of March, 1761, Sec.
6, as being “found very inconvenient.”
Hening, *Statutes*, VII. 69, 383.

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*1759, November. Virginia: Twenty per
cent Duty Act.*
“An Act to oblige the persons bringing slaves
into this colony from Maryland, Carolina, and the
West-Indies, for their own use, to pay a duty.”

Sec. 1. " ... from and after the passing of this act,
there shall be paid ... for all slaves imported or
brought into this colony and dominion from Maryland,
North-Carolina, or any other place in America, by the
owner or importer thereof, after the rate of twenty
per centum on the amount of each respective purchase,”
*etc*. This act to continue until April 20,
1767; continued in 1766 and 1769, until 1773; altered
by Act of 1772, *q.v. Ibid.*, VII. 338;
VIII. 191, 336.
 *1760. South Carolina: Total Prohibition.*
Text not found; act disallowed by Great Britain.
Cf. Burge, *Commentaries*, I. 737, note;
W.B. Stevens, *History of Georgia*, I. 286.
 *1761, March 14. Pennsylvania: L10 Duty
Act.*
“An Act for laying a duty on Negroes and Mulattoe
slaves, imported into this province.” Continued
in 1768; repealed (or disallowed) in 1780. Carey
and Bioren, *Laws*, I. 371, 451; *Acts of Assembly*
(ed. 1782), p. 149; *Colonial Records* (1852),
VIII. 576.
 *1761, April 22. Pennsylvania: Prohibitive
Duty Act.*
“A Supplement to an act, entituled An Act for
laying a duty on Negroes and Mulattoe slaves, imported
into this province.” Continued in 1768.
Carey and Bioren, *Laws*, I. 371, 451; Bettle,
*Notices of Negro Slavery*, in *Penn.
Hist. Soc. Mem.* (1864), I. 388-9.
 *1763, Nov. 26. Maryland: Additional L2
Duty Act.*
“An Act for imposing an additional Duty of Two
Pounds per Poll on all Negroes Imported into this
Province.”

Sec. 1. All persons importing Negroes by land
or water into this province, shall at the time of
entry pay to the naval officer the sum of two pounds,
current money, over and above the duties now payable
by law, for every Negro so imported or brought in,
on forfeiture of L10 current money for every Negro
so brought in and not paid for. One half of the
penalty is to go to the informer, the other half to
the use of the county schools. The duty shall
be collected, accounted for, and paid by the naval
officers, in the same manner as former duties on Negroes.

Sec. 2. But persons removing from any other of
his Majesty’s dominions in order to settle and
reside within this province, may import their slaves
for carrying on their proper occupations at the time
of removal, duty free.

Sec. 3. Importers of Negroes, exporting the same
within two months of the time of their importation,
on application to the naval officer shall be paid
the aforesaid duty. Bacon, *Laws*, 1763,
ch. xxviii.
 *1763 (circa). New Jersey: Prohibitive
Duty Act.*
“An Act for laying a duty on Negroes and Mulatto
Slaves Imported into this Province.” Disallowed
(?) by Great Britain. *N.J. Archives*, IX.
345-6, 383, 447, 458.

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*1764, Aug. 25. South Carolina: Additional
L100 Duty Act.*
“An Act for laying an additional duty upon all
Negroes hereafter to be imported into this Province,
for the time therein mentioned, to be paid by the
first purchasers of such Negroes.” Cooper,
*Statutes*, IV 187.
 *1766, November. Virginia: Proposed Duty
Act.*
“An act for laying an additional duty upon slaves
imported into this colony.”

Sec. 1. " ... from and after the passing of this act
there shall be levied and paid ... for all slaves
imported or brought into this colony for sale, either
by land or water from any port or place whatsoever,
by the buyer or purchaser, after the rate of ten per
centum on the amount of each respective purchase over
and above the several duties already laid upon slaves
imported or brought into this colony as aforesaid,”
*etc*. To be suspended until the king’s
consent is given, and then to continue seven years.
The same act was passed again in 1769. Hening,
*Statutes*, VIII. 237, 337.
 *1766. Rhode Island: Restrictive Measure
(?).*
Title and text not found. Cf. *Digest* of
1798, under “Slave Trade;” *Public Laws
of Rhode Island* (revision of 1822), p. 441.
 *1768, Feb. 20. Pennsylvania: Re-enactment
of Acts of 1761.*
Titles only found. Dallas, *Laws*, I. 490;
*Colonial Records* (1852), IX. 472, 637, 641.
 *1769, Nov. 16. New Jersey: L15 Duty Act.*
“An Act for laying a Duty on the Purchasers
of Slaves imported into this Colony.”

“Whereas Duties on the Importation of Negroes
in several of the neighbouring Colonies hath, on Experience,
been found beneficial in the Introduction of sober,
industrious Foreigners, to settle under His Majesty’s
Allegiance, and the promoting a Spirit of Industry
among the Inhabitants in general: *In order
therefore* to promote the same good Designs in
this Government, and that such as choose to purchase
Slaves may contribute some equitable Proportion of
the publick Burdens,” *etc*. A duty
of “*Fifteen Pounds*, Proclamation Money,
is laid.” *Acts of Assembly* (Allinson,
1776), p. 315.
 *1769 (circa). Connecticut: Importation
Prohibited (?).*
Title and text not found. “Whereas, the
increase of slaves is injurious to the poor, and inconvenient,
therefore,” *etc*. Fowler, *Historical
Status of the Negro in Connecticut*, in *Local
Law*, *etc*., p. 125.
 *1770. Rhode Island: Bill to Prohibit
Importation.*
Bill to prohibit importation of slaves fails.
Arnold, *History of Rhode
Island* (1859), II. 304, 321, 337.
 *1771, April 12. Massachusetts: Bill to
Prevent Importation.*
Bill passes both houses and fails of Governor Hutchinson’s
assent. *House Journal*, pp. 211, 215, 219, 228,
234, 236, 240, 242-3.

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*1771. Maryland: Additional L5 Duty Act.*
“An Act for imposing a further additional duty
of five pounds current money per poll on all negroes
imported into this province.” For seven
years. *Laws of Maryland since 1763*: 1771,
ch. vii.; cf. 1773, sess. Nov.-Dec., ch. xiv.
 *1772, April 1. Virginia: Address to the
King.*
" ... The importation of slaves into the colonies
from the coast of Africa hath long been considered
as a trade of great inhumanity, and under its *present
encouragement*, we have too much reason to fear
*will endanger the very existence* of your majesty’s
American dominions....

“Deeply impressed with these sentiments, we
most humbly beseech your majesty to *remove all
those restraints* on your majesty’s governors
of this colony, *which inhibit their assenting to
such laws as might check so very pernicious a commerce*.”
*Journals of the House of Burgesses*, p. 131;
quoted in Tucker, *Dissertation on Slavery* (repr.
1861), p. 43.
 *1773, Feb. 26. Pennsylvania: Additional
L10 Duty Act.*
“An Act for making perpetual the act ... [of
1761] ... and laying an additional duty on the said
slaves.” Dallas, *Laws*, I. 671; *Acts
of Assembly* (ed. 1782), p. 149.
 *1774, March, June. Massachusetts: Bills
to Prohibit Importation.*
Two bills designed to prohibit the importation of
slaves fail of the governor’s assent. First
bill: *General Court Records*, XXX. 248,
264; *Mass. Archives, Domestic Relations, 1643-1774*,
IX. 457. Second bill: *General Court Records*,
XXX. 308, 322.
 *1774, June. Rhode Island: Importation
Restricted.*
“An Act prohibiting the importation of Negroes
into this Colony.”

“Whereas, the inhabitants of America are generally
engaged in the preservation of their own rights and
liberties, among which, that of personal freedom must
be considered as the greatest; as those who are desirous
of enjoying all the advantages of liberty themselves,
should be willing to extend personal liberty to others;—­

“Therefore, be it enacted ... that for the future,
no negro or mulatto slave shall be brought into this
colony; and in case any slave shall hereafter be brought
in, he or she shall be, and are hereby, rendered immediately
free, so far as respects personal freedom, and the
enjoyment of private property, in the same manner
as the native Indians.”

“Provided that the slaves of settlers and travellers
be excepted.

“Provided, also, that nothing in this act shall
extend, or be deemed to extend, to any negro or mulatto
slave brought from the coast of Africa, into the West
Indies, on board any vessel belonging to this colony,
and which negro or mulatto slave could not be disposed
of in the West Indies, but shall be brought into this
colony.

“Provided, that the owner of such negro or mulatto
slave give bond to the general treasurer of the said
colony, within ten days after such arrival in the
sum of L100, lawful money, for each and every such
negro or mulatto slave so brought in, that such negro
or mulatto slave shall be exported out of the colony,
within one year from the date of such bond; if such
negro or mulatto be alive, and in a condition to be
removed.”

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“Provided, also, that nothing in this act shall
extend, or be deemed to extend, to any negro or mulatto
slave that may be on board any vessel belonging to
this colony, now at sea, in her present voyage.”
Heavy penalties are laid for bringing in Negroes in
order to free them. *Colonial Records*, VII.
251-3.

[1784, February: “It is voted and resolved,
that the whole of the clause contained in an act of
this Assembly, passed at June session, A.D. 1774,
permitting slaves brought from the coast of Africa
into the West Indies, on board any vessel belonging
to this (then colony, now) state, and who could not
be disposed of in the West Indies, &c., be, and the
same is, hereby repealed.” *Colonial Records*,
X. 8.]
 *1774, October. Connecticut: Importation
Prohibited.*
“An Act for prohibiting the Importation of Indian,
Negro or Molatto Slaves.”

" ... no indian, negro or molatto Slave shall at any
time hereafter be brought or imported into this Colony,
by sea or land, from any place or places whatsoever,
to be disposed of, left or sold within this Colony.”
This was re-enacted in the revision of 1784, and slaves
born after 1784 were ordered to be emancipated at
the age of twenty-five. *Colonial Records*, XIV.
329; *Acts and Laws of Connecticut* (ed. 1784),
pp. 233-4.
 *1774. New Jersey: Proposed Prohibitive
Duty.*
“A Bill for laying a Duty on Indian, Negroe
and Molatto Slaves, imported into this Colony.”
Passed the Assembly, and was rejected by the Council
as “plainly” intending “an intire
Prohibition,” *etc*. *N.J. Archives*,
1st Series, VI. 222.
 *1775, March 27. Delaware: Bill to Prohibit
Importation.*
Passed the Assembly and was vetoed by the governor.
Force, *American
Archives*, 4th Series, II. 128-9.
 *1775, Nov. 23. Virginia: On Lord Dunmore’s
Proclamation.*
Williamsburg Convention to the public: “Our
Assemblies have repeatedly passed acts, laying heavy
duties upon imported Negroes, by which they meant
altogether to prevent the horrid traffick; but their
humane intentions have been as often frustrated by
the cruelty and covetousness of a set of *English*
merchants.” ... The Americans would, if
possible, “not only prevent any more Negroes
from losing their freedom, but restore it to such
as have already unhappily lost it.” This
is evidently addressed in part to Negroes, to keep
them from joining the British. *Ibid.*, III.
1387.
 *1776, June 29. Virginia: Preamble to
Frame of Government.*
Blame for the slave-trade thrown on the king.
See above, page 21. Hening, *Statutes*,
IX. 112-3.
 *1776, Aug.-Sept. Delaware: Constitution.*
“The Constitution or system of Government agreed
to and resolved upon by the Representatives in full
Convention of the Delaware State,” *etc*.

Sec. 26. “No person hereafter imported
into this State from *Africa* ought to be held
in slavery on any pretence whatever; and no Negro,
Indian, or Mulatto slave ought to be brought into
this State, for sale, from any part of the world.”
Force, *American Archives*, 5th Series, I. 1174-9.

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*1777, July 2. Vermont: Slavery Condemned.*
The first Constitution declares slavery a violation
of “natural, inherent and unalienable rights.”
*Vermont State Papers, 1779-86*, p. 244.
 *1777. Maryland: Negro Duty Maintained.*
“An Act concerning duties.”

" ... no duties imposed by act of assembly on any
article or thing imported into or exported out of
this state (except duties imposed on the importation
of negroes), shall be taken or received within two
years from the end of the present session of the general
assembly.” *Laws of Maryland since 1763*:
1777, sess. Feb.-Apr., ch. xviii.
 *1778, Sept. 7. Pennsylvania: Act to Collect
Back Duties.*
“An Act for the recovery of the duties on Negroes
and Mulattoe slaves, which on the fourth day of July,
one thousand seven hundred and seventy-six, were due
to this state,” *etc*. Dallas, *Laws*,
I. 782.
 *1778, October. Virginia: Importation
Prohibited.*
“An act for preventing the farther importation
of Slaves.

Sec. 1. “For preventing the farther importation
of slaves into this commonwealth, *Be it enacted
by the General Assembly*, That from and after the
passing of this act no slave or slaves shall hereafter
be imported into this commonwealth by sea or land,
nor shall any slaves so imported be sold or bought
by any person whatsoever.

Sec. 2. “Every person hereafter importing
slaves into this commonwealth contrary to this act
shall forfeit and pay the sum of one thousand pounds
for every slave so imported, and every person selling
or buying any such slaves shall in like manner forfeit
and pay the sum of five hundred pounds for every slave
so sold or bought,” *etc*.

Sec. 3. “*And be it farther enacted*, That
every slave imported into this commonwealth, contrary
to the true intent and meaning of this act, shall,
upon such importation become free.”

Sec. 4. Exceptions are *bona fide* settlers
with slaves not imported later than Nov. 1, 1778,
nor intended to be sold; and transient travellers.
Re-enacted in substance in the revision of October,
1785. For a temporary exception to this act,
as concerns citizens of Georgia and South Carolina
during the war, see Act of May, 1780. Hening,
*Statutes*, IX. 471; X. 307; XII. 182.
 *1779, October. Rhode Island: Slave-Trade
Restricted.*
“An Act prohibiting slaves being sold out of
the state, against their consent.” Title
only found. *Colonial Records*, VIII. 618; Arnold,
*History of Rhode Island*, II. 449.
 *1779. Vermont: Importation Prohibited.*
“An Act for securing the general privileges
of the people,” *etc*. The act abolished
slavery. *Vermont State Papers, 1779-86*, p. 287.
 *1780. Massachusetts: Slavery Abolished.*
Passage in the Constitution which was held by the
courts to abolish slavery: “Art. I.
All men are born free and equal, and have certain,
natural, essential, and unalienable rights; among which
may be reckoned the right of enjoying and defending
their lives and liberties,” *etc*. *Constitution
of Massachusetts*, Part I., Art. 1; prefixed to
*Perpetual Laws* (1789).

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*1780, March 1. Pennsylvania: Slavery
Abolished.*
“An Act for the gradual abolition of slavery.”

Sec. 5. All slaves to be registered before Nov.
1.

Sec. 10. None but slaves “registered as
aforesaid, shall, at any time hereafter, be deemed,
adjudged, or holden, within the territories of this
commonwealth, as slaves or servants for life, but as
free men and free women; except the domestic slaves
attending upon Delegates in Congress from the other
American States,” and those of travellers not
remaining over six months, foreign ministers, *etc*.,
“provided such domestic slaves be not aliened
or sold to any inhabitant,” *etc*.

Sec. 11. Fugitive slaves from other states may
be taken back.

Sec. 14. Former duty acts, *etc*., repealed.
Dallas, *Laws*, I. 838. Cf. *Penn.
Archives*, VII. 79; VIII. 720.
 *1783, April. Confederation: Slave-Trade
in Treaty of 1783.*
“To the earnest wish of Jay that British ships
should have no right under the convention to carry
into the states any slaves from any part of the world,
it being the intention of the United States entirely
to prohibit their importation, Fox answered promptly:
’If that be their policy, it never can be competent
to us to dispute with them their own regulations.’”
Fox to Hartley, June 10, 1783, in Bancroft, *History
of the Constitution*, I. 61. Cf. Sparks,
*Diplomatic Correspondence*, X. 154, June, 1783.
 *1783. Maryland: Importation Prohibited.*
“An Act to prohibit the bringing slaves into
this state.”

" ... it shall not be lawful, after the passing this
act, to import or bring into this state, by land or
water, any negro, mulatto, or other slave, for sale,
or to reside within this state; and any person brought
into this state as a slave contrary to this act, if
a slave before, shall thereupon immediately cease
to be a slave, and shall be free; provided that this
act shall not prohibit any person, being a citizen
of some one of the United States, coming into this
state, with a *bona fide* intention of settling
therein, and who shall actually reside within this
state for one year at least, ... to import or bring
in any slave or slaves which before belonged to such
person, and which slave or slaves had been an inhabitant
of some one of the United States, for the space of
three whole years next preceding such importation,”
*etc*. *Laws of Maryland since 1763*:
1783, sess. April—­June, ch. xxiii.
 *1783, Aug. 13. South Carolina: L3 and
L20 Duty Act.*
“An Act for levying and collecting certain duties
and imposts therein mentioned, in aid of the public
revenue.” Cooper, *Statutes*, IV. 576.
 *1784, February. Rhode Island: Manumission.*
“An Act authorizing the manumission of negroes,
mulattoes, and others, and for the gradual abolition
of slavery.” Persons born after March,
1784, to be free. Bill framed pursuant to a petition
of Quakers. *Colonial Records*, X. 7-8; Arnold,
*History of Rhode Island*, II. 503.

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*1784, March 26. South Carolina: L3 and
L5 Duty Act.*
“An Act for levying and collecting certain Duties,”
*etc*. Cooper, *Statutes*, IV. 607.
 *1785, April 12. New York: Partial Prohibition.*
“An Act granting a bounty on hemp to be raised
within this State, and imposing an additional duty
on sundry articles of merchandise, and for other purposes
therein mentioned.”

" ... *And be it further enacted by the authority
aforesaid*, That if any negro or other person to
be imported or brought into this State from any of
the United States or from any other place or country
after the first day of June next, shall be sold as
a slave or slaves within this State, the seller or
his or her factor or agent, shall be deemed guilty
of a public offence, and shall for every such offence
forfeit the sum of one hundred pounds lawful money
of New York, to be recovered by any person,”
*etc*.

“*And be it further enacted* ... That
every such person imported or brought into this State
and sold contrary to the true intent and meaning of
this act shall be freed.” *Laws of New York,
1785-88* (ed. 1886), pp. 120-21.
 *1785. Rhode Island: Restrictive Measure
(?).*
Title and text not found. Cf. *Public Laws
of Rhode Island* (revision of 1822), p. 441.
 *1786, March 2. New Jersey: Importation
Prohibited.*
“An Act to prevent the importation of Slaves
into the State of New Jersey, and to authorize the
Manumission of them under certain restrictions, and
to prevent the Abuse of Slaves.”

“Whereas the Principles of Justice and Humanity
require that the barbarous Custom of bringing the
unoffending African from his native Country and Connections
into a State of Slavery ought to be discountenanced,
and as soon as possible prevented; and sound Policy
also requires, in order to afford ample Support to
such of the Community as depend upon their Labour
for their daily Subsistence, that the Importation
of Slaves into this State from any other State or Country
whatsoever, ought to be prohibited under certain Restrictions;
and that such as are under Servitude in the State
ought to be protected by Law from those Exercises
of Wanton Cruelty too often practiced upon them; and
that every unnecessary Obstruction in the Way of freeing
Slaves should be removed; therefore,

Sec. 1. “*Be it Enacted by the Council and
General Assembly of this State, and it is hereby Enacted
by the Authority of the same*, That from and after
the Publication of this Act, it shall not be lawful
for any Person or Persons whatsoever to bring into
this State, either for Sale or for Servitude, any
Negro Slave brought from Africa since the Year Seventeen
Hundred and Seventy-six; and every Person offending
by bringing into this State any such Negro Slave shall,
for each Slave, forfeit and Pay the Sum of Fifty Pounds,
to be sued for and recovered with Costs by the Collector
of the Township into which such Slave shall be brought,
to be applied when recovered to the Use of the State.

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Sec. 2. “*And be it further Enacted by the
Authority aforesaid*, That if any Person shall
either bring or procure to be brought into this State,
any Negro or Mulatto Slave, who shall not have been
born in or brought from Africa since the Year above
mentioned, and either sell or buy, or cause such Negro
or Mulatto Slave to be sold or remain in this State,
for the Space of six Months, every such Person so bringing
or procuring to be brought or selling or purchasing
such Slave, not born in or brought from Africa since
the Year aforesaid, shall for every such Slave, forfeit
and pay the Sum of Twenty Pounds, to be sued for and
recovered with Costs by the Collector of the Township
into which such Slave shall be brought or remain after
the Time limited for that Purpose, the Forfeiture
to be applied to the Use of the State as aforesaid.

Sec. 3. “*Provided always, and be it further
Enacted by the Authority aforesaid*, That Nothing
in this Act contained shall be construed to prevent
any Person who shall remove into the State, to take
a settled Residence here, from bringing all his or
her Slaves without incurring the Penalties aforesaid,
excepting such Slaves as shall have been brought from
Africa since the Year first above mentioned, or to
prevent any Foreigners or others having only a temporary
Residence in this State, for the Purpose of transacting
any particular Business, or on their Travels, from
bringing and employing such Slaves as Servants, during
the Time of his or her Stay here, provided such Slaves
shall not be sold or disposed of in this State.”
*Acts of the Tenth General Assembly* (Tower Collection
of Laws).
 *1786, Oct. 30. Vermont: External Trade
Prohibited.*
“An act to prevent the sale and transportation
of Negroes and Molattoes out of this State.”
L100 penalty. *Statutes of Vermont* (ed. 1787),
p. 105.
 *1786. North Carolina: Prohibitive Duty.*
“An act to impose a duty on all slaves brought
into this state by land or water.”

“Whereas the importation of slaves into this
state is productive of evil consequences, and highly
impolitic,” *etc*. A prohibitive duty
is imposed. The exact text was not found.

Sec. 6. Slaves introduced from States which have
passed emancipation acts are to be returned in three
months; if not, a bond of L50 is to be forfeited,
and a fine of L100 imposed.

Sec. 8. Act to take effect next Feb. 1; repealed
by Act of 1790, ch. 18. Martin, *Iredell’s
Acts of Assembly*, I. 413, 492.
 *1787, Feb. 3. Delaware: Exportation Prohibited.*
“An Act to prevent the exportation of slaves,
and for other purposes.” *Laws of Delaware*
(ed. 1797), p. 884, ch. 145 b.
 *1787, March 28. South Carolina: Total
Prohibition.*
“An Act to regulate the recovery and payment
of debts and for prohibiting the importation of negroes
for the time therein mentioned.” Title
only given. Grimke, *Public Laws*, p. lxviii,
No. 1485.

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*1787, March 28. South Carolina: Importation
Prohibited.*
“An Ordinance to impose a Penalty on any person
who shall import into this State any Negroes, contrary
to the Instalment Act.”

1. “*Be it ordained*, by the honorable
the Senate and House of Representatives, met in General
Assembly, and by the authority of the same, That any
person importing or bringing into this State a negro
slave, contrary to the Act to regulate the recovery
of debts and prohibiting the importation of negroes,
shall, besides the forfeiture of such negro or slave,
be liable to a penalty of one hundred pounds, to the
use of the State, for every such negro or slave so
imported and brought in, in addition to the forfeiture
in and by the said Act prescribed.” Cooper,
*Statutes*, VII. 430.
 *1787, October. Rhode Island: Importation
Prohibited.*
“An act to prevent the slave trade and to encourage
the abolition of slavery.” This act prohibited
and censured trade under penalty of L100 for each
person and L1,000 for each vessel. Bartlett, *Index
to the Printed Acts and Resolves*, p. 333; *Narragansett
Historical Register*, II. 298-9.

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**APPENDIX B.**

A CHRONOLOGICAL CONSPECTUS OF STATE, NATIONAL, AND
INTERNATIONAL LEGISLATION.

1788-1871.
As the State statutes and Congressional reports and bills are difficult to find, the significant parts of such documents are printed in full.  In the case of national statutes and treaties, the texts may easily be found through the references. *1788, Feb. 22. New York: Slave-Trade
Prohibited.*
“An Act concerning slaves.”

“Whereas in consequence of the act directing
a revision of the laws of this State, it is expedient
that the several existing laws relative to slaves,
should be revised, and comprized in one. Therefore,
*Be it enacted*,” *etc*.

“And to prevent the further importation of slaves
into this State, *Be it further enacted by the authority
aforesaid*, That if any person shall sell as a
slave within this State any negro, or other person,
who has been imported or brought into this State,
after” June 1, 1785, “such seller, or
his or her factor or agent, making such sale, shall
be deemed guilty of a public offence, and shall for
every such offence, forfeit the sum of one hundred
pounds.... *And further*, That every person so
imported ... shall be free.” The purchase
of slaves for removal to another State is prohibited
under penalty of L100. *Laws of New York, 1785-88*
(ed. 1886), pp. 675-6.
 *1788, March 25. Massachusetts: Slave-Trade
Prohibited.*
“An Act to prevent the Slave-Trade, and for
granting Relief to the Families of such unhappy Persons
as may be kidnapped or decoyed away from this Commonwealth.”

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“Whereas by the African trade for slaves, the
lives and liberties of many innocent persons have
been from time to time sacrificed to the lust of gain:
And whereas some persons residing in this Commonwealth
may be so regardless of the rights of human kind,
as to be concerned in that unrighteous commerce:

Sec. 1. “Be it therefore enacted by the
Senate and House of Representatives, in General Court
assembled, and by the authority of the same, That no
citizen of this Commonwealth, or other person residing
within the same, shall for himself, or any other person
whatsoever, either as master, factor, supercargo,
owner or hirer, in whole or in part, of any vessel,
directly or indirectly, import or transport, or buy
or sell, or receive on board, his or their vessel,
with intent to cause to be imported or transported,
any of the inhabitants of any State or Kingdom, in
that part of the world called *Africa*, as slaves,
or as servants for term of years.” Any
person convicted of doing this shall forfeit and pay
the sum of L50 for every person received on board,
and the sum of L200 for every vessel fitted out for
the trade, “to be recovered by action of debt,
in any Court within this Commonwealth, proper to try
the same; the one moiety thereof to the use of this
Commonwealth, and the other moiety to the person who
shall prosecute for and recover the same.”

Sec. 2. All insurance on said vessels and cargo
shall be null and void; “and this act may be
given in evidence under the general issue, in any
suit or action commenced for the recovery of insurance
so made,” *etc*.

Sec. 4. “*Provided* ... That this
act do not extend to vessels which have already sailed,
their owners, factors, or commanders, for and during
their present voyage, or to any insurance that shall
have been made, previous to the passing of the same.”
*Perpetual Laws of Massachusetts, 1780-89* (ed.
1789), p. 235.
 *1788, March 29. Pennsylvania: Slave-Trade
Prohibited.*
“An Act to explain and amend an act, entituled,
’An Act for the gradual abolition of slavery.’”

Sec. 2. Slaves brought in by persons intending
to settle shall be free.

Sec. 3. " ... no negro or mulatto slave, or servant
for term of years,” except servants of congressmen,
consuls, *etc*., “shall be removed out of
this state, with the design and intention that the
place of abode or residence of such slave or servant
shall be thereby altered or changed, or with the design
and intention that such slave or servant, if a female,
and pregnant, shall be detained and kept out of this
state till her delivery of the child of which she
is or shall be pregnant, or with the design and intention
that such slave or servant shall be brought again
into this state, after the expiration of six months
from the time of such slave or servant having been
first brought into this state, without his or her
consent, if of full age, testified upon a private
examination, before two Justices of the peace of the
city or county in which he or she shall reside, or,
being under the age of twenty-one years, without his
or her consent, testified in manner aforesaid, and
also without the consent of his or her parents,”
*etc*. Penalty for every such offence, L75.

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Sec. 5. " ... if any person or persons shall build,
fit, equip, man, or otherwise prepare any ship or
vessel, within any port of this state, or shall cause
any ship or other vessel to sail from any port of this
state, for the purpose of carrying on a trade or traffic
in slaves, to, from, or between Europe, Asia, Africa
or America, or any places or countries whatever, or
of transporting slaves to or from one port or place
to another, in any part or parts of the world, such
ship or vessel, her tackle, furniture, apparel, and
other appurtenances, shall be forfeited to the commonwealth....
And, moreover, all and every person and persons so
building, fitting out,” *etc*., shall forfeit
L1000. Dallas, *Laws*, II. 586.
 *1788, October. Connecticut: Slave-Trade
Prohibited.*
“An Act to prevent the Slave-Trade.”
 *"Be it enacted by the Governor, Council and Representatives
in General Court assembled, and by the Authority of
the same*, That no Citizen or Inhabitant of this
State, shall for himself, or any other Person, either
as Master, Factor, Supercargo, Owner or Hirer, in Whole,
or in Part, of any Vessel, directly or indirectly,
import or transport, or buy or sell, or receive on
board his or her Vessel, with Intent to cause to be
imported or transported, any of the Inhabitants of
any Country in Africa, as Slaves or Servants, for
Term of Years; upon Penalty of *Fifty Pounds*,
for every Person so received on board, as aforesaid;
and of *Five Hundred Pounds* for every such Vessel
employed in the Importation or Transportation aforesaid;
to be recovered by Action, Bill, Plaint or Information;
the one Half to the Plaintiff, and the other Half to
the Use of this State.” And all insurance
on vessels and slaves shall be void. This act
to be given as evidence under general issue, in any
suit commenced for recovery of such insurance.

" ... if any Person shall kidnap ... any free Negro,”
*etc*., inhabitant of this State, he shall forfeit
L100. Every vessel clearing for the coast of
Africa or any other part of the world, and suspected
to be in the slave-trade, must give bond in L1000.
Slightly amended in 1789. *Acts and Laws of Connecticut*
(ed. 1784), pp. 368-9, 388.
 *1788, Nov. 4. South Carolina: Temporary
Prohibition.*
“An Act to regulate the Payment and Recovery
of Debts, and to prohibit the Importation of Negroes,
for the Time therein limited.”

Sec. 16. “No negro or other slave shall
be imported or brought into this State either by land
or water on or before the first of January, 1793,
under the penalty of forfeiting every such slave or
slaves to any person who will sue or inform for the
same; and under further penalty of paying L100 to
the use of the State for every such negro or slave
so imported or brought in: *Provided*, That
nothing in this prohibition contained shall extend
to such slaves as are now the property of citizens
of the United States, and at the time of passing this
act shall be within the limits of the said United
States.

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Sec. 17. “All former instalment laws, and
an ordinance imposing a penalty on persons importing
negroes into this State, passed the 28th day of March
1787, are hereby repealed.” Grimke, *Public
Laws*, p. 466.
 *1789, Feb. 3. Delaware: Slave-Trade Prohibited.*
“*An additional Supplementary* ACT *to
an act, intituled*, An act to prevent the exportation
of slaves, and for other purposes.”

“Whereas it is inconsistent with that spirit
of general liberty which pervades the constitution
of this state, that vessels should be fitted out,
or equipped, in any of the ports thereof, for the purpose
of receiving and transporting the natives of Africa
to places where they are held in slavery; or that
any acts should be deemed lawful, which tend to encourage
or promote such iniquitous traffic among us:

Sec. 1. “*Be it therefore enacted by the General
Assembly of Delaware*, That if any owner or owners,
master, agent, or factor, shall fit out, equip, man,
or otherwise prepare, any ship or vessel within any
port or place in this state, or shall cause any ship,
or other vessel, to sail from any port or place in
this state, for the purpose of carrying on a trade
or traffic in slaves, to, from, or between, Europe,
Asia, Africa, or America, or any places or countries
whatever, or of transporting slaves to, or from, one
port or place to another, in any part or parts of
the world; such ship or vessel, her tackle, furniture,
apparel, and other appurtenances, shall be forfeited
to this state.... And moreover, all and every
person and persons so fitting out ... any ship or vessel
... shall severally forfeit and pay the sum of Five
Hundred Pounds;” one-half to the state, and
one-half to the informer.

Sec. 2. “*And whereas* it has been found
by experience, that the act, intituled, *An act
to prevent the exportation of slaves, and for other
purposes*, has not produced all the good effects
expected therefrom,” any one exporting a slave
to Maryland, Virginia, North Carolina, South Carolina,
Georgia, or the West Indies, without license, shall
forfeit L100 for each slave exported and L20 for each
attempt.

Sec. 3. Slaves to be tried by jury for capital
offences. *Laws of Delaware* (ed. 1797), p. 942,
ch. 194 b.
 *1789, May 13. Congress (House): Proposed
Duty on Slaves Imported.*
A tax of $10 per head on slaves imported, moved by
Parker of Virginia. After debate, withdrawn.
*Annals of Cong.*, 1 Cong. 1 sess. pp. 336-42.
 *1789, Sept. 19. Congress (House): Bill
to Tax Slaves Imported.*
A committee under Parker of Virginia reports, “a
bill concerning the importation of certain persons
prior to the year 1808.” Read once and
postponed until next session. *House Journal*
(repr. 1826), 1 Cong. 1 sess. I. 37, 114; *Annals
of Cong.*, 1 Cong. 1 sess., pp. 366, 903.
 *1790, March 22. Congress (House): Declaration
of Powers.*

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See above, pages 82-83.
 *1790, March 22. New York: Amendment of
Act of 1788.*
“An Act to amend the act entitled ‘An
act concerning slaves.’”

“Whereas many inconveniences have arisen from
the prohibiting the exporting of slaves from this
State. Therefore

“*Be it enacted* ..., That where any slave
shall hereafter be convicted of a crime under the
degree of a capital offence, in the supreme court,
or the court of oyer and terminer, and general gaol
delivery, or a court of general sessions of the peace
within this State, it shall and may be lawful to and
for the master or mistress to cause such slave to be
transported out of this State,” *etc*. *Laws
of New York, 1789-96* (ed. 1886), p. 151.
 *1792, May. Connecticut: Act of 1788 Strengthened.*
“An Act in addition to an Act, entitled ’An
Act to prevent the Slave Trade.’”

This provided that persons directly or indirectly
aiding or assisting in slave-trading should be fined
L100. All notes, bonds, mortgages, *etc*.,
of any kind, made or executed in payment for any slave
imported contrary to this act, are declared null and
void. Persons removing from the State might carry
away their slaves. *Acts and Laws of Connecticut*
(ed. 1784), pp. 412-3.
 *1792, Dec. 17. Virginia: Revision of
Acts.*
“An Act to reduce into one, the several acts
concerning slaves, free negroes, and mulattoes.”

Sec. 1. “*Be it enacted* ..., That no persons
shall henceforth be slaves within this commonwealth,
except such as were so on the seventeenth day of October,”
1785, “and the descendants of the females of
them.”

Sec. 2. “Slaves which shall hereafter be
brought into this commonwealth, and kept therein one
whole year together, or so long at different times
as shall amount to one year, shall be free.”

Sec. 4. “*Provided*, That nothing in this
act contained, shall be construed to extend to those
who may incline to remove from any of the United States
and become citizens of this, if within sixty days after
such removal, he or she shall take the following oath
before some justice of the peace of this commonwealth:
’*I, A.B., do swear, that my removal into
the state of Virginia, was with no intent of evading
the laws for preventing the further importation of
slaves, nor have I brought with me any slaves, with
an intention of selling them, nor have any of the
slaves which I have brought with me, been imported
from Africa, or any of the West India islands, since
the first day of November*,’” 1778,
*etc*.

Sec. 53. This act to be in force immediately.
*Statutes at Large of Virginia, New Series*,
I. 122.
 *1792, Dec. 21. South Carolina: Importation
Prohibited until 1795.*
“An Act to prohibit the importation of Slaves
from Africa, or other places beyond sea, into this
State, for two years; and also to prohibit the importation
or bringing in Slaves, or Negroes, Mulattoes, Indians,
Moors or Mestizoes, bound for a term of years, from
any of the United States, by land or by water.”

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“Whereas, it is deemed inexpedient to increase
the number of slaves within this State, in our present
circumstances and situation;

Sec. 1. “*Be it therefore enacted* ...,
That no slave shall be imported into this State from
Africa, the West India Islands, or other place beyond
sea, for and during the term of two years, commencing
from the first day of January next, which will be
in the year of our Lord one thousand seven hundred
and ninety-three.”

Sec. 2. No slaves, Negroes, Indians, *etc*.,
bound for a term of years, to be brought in from any
of the United States or bordering countries.
Settlers may bring their slaves. Cooper, *Statutes*,
VII. 431.
 *1793, Dec. 19. Georgia: Importation Prohibited.*
“An act to prevent the importation of negroes
into this state from the places herein mentioned.”
Title only. Re-enacted (?) by the Constitution
of 1798. Marbury and Crawford, *Digest*,
p. 442; Prince, *Digest*, p. 786.
 *1794, North Carolina: Importation Prohibited.*
“An act to prevent the further importation and
bringing of slaves and indented servants of colour
into this state.”

Sec. 1. “*Be it enacted* ..., That from
and after the first day of May next, no slave or indented
servant of colour shall be imported or brought into
this state by land or water; nor shall any slave or
indented servant of colour, who may be imported or
brought contrary to the intent and meaning of this
act, be bought, sold or hired by any person whatever.”

Sec. 2. Penalty for importing, L100 per slave;
for buying or selling, the same.

Sec. 4. Persons removing, travelling, *etc*.,
are excepted. The act was amended slightly in
1796. Martin, *Iredell’s Acts of Assembly*,
II. 53, 94.
 *1794, March 22. United States Statute:
Export Slave-Trade Forbidden.*
“An Act to prohibit the carrying on the Slave
Trade from the United States to any foreign place
or country.” *Statutes at Large*, I. 347.
For proceedings in Congress, see *Senate Journal*
(repr. 1820), 3 Cong. 1 sess. II. 51; *House
Journal* (repr. 1826), 3 Cong. 1 sess. II.
76, 84, 85, 96, 98, 99, 100; *Annals of Cong.*,
3 Cong. 1 sess. pp. 64, 70, 72.
 *1794, Dec. 20. South Carolina: Act of
1792 Extended.*
“An Act to revive and extend an Act entitled
’An Act to prohibit the importation of Slaves
from Africa, or other places beyond Sea, into this
State, for two years; and also, to prohibit the importation
or bringing in of Negro Slaves, Mulattoes, Indians,
Moors or Mestizoes, bound for a term of years, from
any of the United States, by Land or Water.’”

Sec. 1. Act of 1792 extended until Jan. 1, 1797.

Sec. 2. It shall not be lawful hereafter to import
slaves, free Negroes, *etc*., from the West Indies,
any part of America outside the United States, “or
from other parts beyond sea.” Such slaves
are to be forfeited and sold; the importer to be fined
L50; free Negroes to be re-transported. Cooper,
*Statutes*, VII. 433.

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*1795. North Carolina: Act against West
Indian Slaves.*
“An act to prevent any person who may emigrate
from any of the West India or Bahama islands, or the
French, Dutch or Spanish settlements on the southern
coast of America, from bringing slaves into this state,
and also for imposing certain restrictions on free
persons of colour who may hereafter come into this
state.” Penalty, L100 for each slave over
15 years of age. *Laws of North Carolina* (revision
of 1819), I. 786.
 *1796. Maryland: Importation Prohibited.*
“An Act relating to Negroes, and to repeal the
acts of assembly therein mentioned.”

“*Be it enacted* ..., That it shall not
be lawful, from and after the passing of this act,
to import or bring into this state, by land or water,
any negro, mulatto or other slave, for sale, or to
reside within this state; and any person brought into
this state as a slave contrary to this act, if a slave
before, shall thereupon immediately cease to be the
property of the person or persons so importing or bringing
such slave within this state, and shall be free.”

Sec. 2. Any citizen of the United States, coming
into the State to take up *bona fide* residence,
may bring with him, or within one year import, any
slave which was his property at the time of removal,
“which slaves, or the mother of which slaves,
shall have been a resident of the United States, or
some one of them, three whole years next preceding
such removal.”

Sec. 3. Such slaves cannot be sold within three
years, except by will, *etc*. In 1797, “A
Supplementary Act,” *etc*., slightly amended
the preceding, allowing guardians, executors, *etc*.,
to import the slaves of the estate. Dorsey, *Laws*,
I. 334, 344.
 *1796, Dec. 19. South Carolina: Importation
Prohibited until 1799.*
“An Act to prohibit the importation of Negroes,
until the first day of January, one thousand seven
hundred and ninety-nine.”

“Whereas, it appears to be highly impolitic
to import negroes from Africa, or other places beyond
seas,” *etc*. Extended by acts of Dec.
21, 1798, and Dec. 20, 1800, until Jan. 1, 1803.
Cooper, *Statutes*, VII. 434, 436.
 *1797, Jan. 18. Delaware: Codification
of Acts.*
“An Act concerning Negro and Mulatto slaves.”

Sec. 5. " ... any Negro or Mulatto slave, who hath
been or shall be brought into this state contrary
to the intent and meaning of [the act of 1787]; and
any Negro or Mulatto slave who hath been or shall be
exported, or sold with an intention for exportation,
or carried out for sale from this state, contrary
to the intent and meaning of [the act of 1793], shall
be, and are hereby declared free; any thing in this
act to the contrary notwithstanding.” *Laws
of Delaware* (ed. 1797), p. 1321, ch. 124 c.
 *1798, Jan. 31. Georgia: Importation Prohibited.*

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“An act to prohibit the further importation
of slaves into this state.”

Sec. 1. " ... six months after the passing of this
act, it shall be unlawful for any person or persons
to import into this state, from Africa or elsewhere,
any negro or negroes of any age or sex.”
Every person so offending shall forfeit for the first
offence the sum of $1,000 for every negro so imported,
and for every subsequent offence the sum of $1,000,
one half for the use of the informer, and one half
for the use of the State.

Sec. 2. Slaves not to be brought from other States
for sale after three months.

Sec. 3. Persons convicted of bringing slaves
into this State with a view to sell them, are subject
to the same penalties as if they had sold them.
Marbury and Crawford, *Digest*, p. 440.
 *1798, March 14. New Jersey: Slave-Trade
Prohibited.*
“An Act respecting slaves.”

Sec. 12. “*And be it enacted*, That from
and after the passing of this act, it shall not be
lawful for any person or persons whatsoever, to bring
into this state, either for sale or for servitude,
any negro or other slave whatsoever.” Penalty,
$140 for each slave; travellers and temporary residents
excepted.

Sec. 17. Any persons fitting out vessels for
the slave-trade shall forfeit them. Paterson,
*Digest*, p. 307.
 *1798, April 7. United States Statute:
Importation into Mississippi Territory Prohibited.*
“An Act for an amicable settlement of limits
with the state of Georgia, and authorizing the establishment
of a government in the Mississippi territory.”
*Statutes at Large*, I. 549. For proceedings
in Congress, see *Annals of Cong.*, 5 Cong. 2
sess. pp. 511, 512, 513, 514, 515, 532, 533, 1235,
1249, 1277-84, 1296, 1298-1312, 1313, 1318.
 *1798, May 30. Georgia: Constitutional
Prohibition.*
Constitution of Georgia:—­

Art. IV Sec. 11. “There shall be no
future importation of slaves into this state from
Africa, or any foreign place, after the first day of
October next. The legislature shall have no power
to pass laws for the emancipation of slaves, without
the consent of each of their respective owners previous
to such emancipation. They shall have no power
to prevent emigrants, from either of the United States
to this state, from bringing with them such persons
as may be deemed slaves, by the laws of any one of
the United States.” Marbury and Crawford,
*Digest*, p. 30.
 *1800, May 10. United States Statute:
Americans Forbidden to Trade from one Foreign Country
to Another.*
“An Act in addition to the act intituled ’An
act to prohibit the carrying on the Slave Trade from
the United States to any foreign place or country.’”
*Statutes at Large*, II. 70. For proceedings
in Congress, see *Senate Journal* (repr. 1821),
6 Cong. 1 sess. III. 72, 77, 88, 92.
 *1800, Dec. 20. South Carolina: Slaves
and Free Negroes Prohibited.*

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“An Act to prevent Negro Slaves and other persons
of Colour, from being brought into or entering this
State.” Supplemented Dec. 19, 1801, and
amended Dec. 18, 1802. Cooper, *Statutes*,
VII. 436, 444, 447.
 *1801, April 8. New York: Slave-Trade
Prohibited.*
“An Act concerning slaves and servants.”

" ... *And be it further enacted*, That no slave
shall hereafter be imported or brought into this State,
unless the person importing or bringing such slave
shall be coming into this State with intent to reside
permanently therein and shall have resided without
this State, and also have owned such slave at least
during one year next preceding the importing or bringing
in of such slave,” *etc*. A certificate,
sworn to, must be obtained; any violation of this
act or neglect to take out such certificate will result
in freedom to the slave. Any sale or limited
transfer of any person hereafter imported to be a public
offence, under penalty of $250, and freedom to the
slave transferred. The export of slaves or of
any person freed by this act is forbidden, under penalty
of $250 and freedom to the slave. Transportation
for crime is permitted. Re-enacted with amendments
March 31, 1817. *Laws of New York, 1801* (ed.
1887), pp. 547-52; *Laws of New York, 1817* (ed.
1817), p. 136.
 *1803, Feb. 28. United States Statute:
Importation into States Prohibiting Forbidden.*
“An Act to prevent the importation of certain
persons into certain states, where, by the laws thereof,
their admission is prohibited.” *Statutes
at Large*, II. 205. For copy of the proposed
bill which this replaced, see *Annals of Cong.*,
7 Cong. 2 sess. p. 467. For proceedings in Congress,
see *House Journal* (repr. 1826), 7 Cong. 2 sess.
IV 304, 324, 347; *Senate Journal* (repr. 1821),
7 Cong. 2 sess. III. 267, 268, 269-70, 273, 275,
276, 279.
 *1803, Dec. 17. South Carolina: African
Slaves Admitted.*
“An Act to alter and amend the several Acts
respecting the importation or bringing into this State,
from beyond seas, or elsewhere, Negroes and other
persons of colour; and for other purposes therein mentioned.”

Sec. 1. Acts of 1792, 1794, 1796, 1798, 1800,
1802, hereby repealed.

Sec. 2. Importation of Negroes from the West
Indies prohibited.

Sec. 3. No Negro over fifteen years of age to
be imported from the United States except under certificate
of good character.

Sec. 5. Negroes illegally imported to be forfeited
and sold, *etc*. Cooper, *Statutes*,
VII. 449.
 *1804.* [*Denmark.*
Act of 1792 abolishing the slave-trade goes into effect.]
 *1804, Feb. 14. Congress (House): Proposed
Censure of South Carolina.*
Representative Moore of South Carolina offered the
following resolution, as a substitute to Mr. Bard’s
taxing proposition of Jan. 6:—­

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“*Resolved*, That this House receive with
painful sensibility information that one of the Southern
States, by a repeal of certain prohibitory laws, have
permitted a traffic unjust in its nature, and highly
impolitic in free Governments.” Ruled out
of order by the chairman of the Committee of the Whole.
*Annals of Cong.*, 8 Cong. 1 sess. p. 1004.
 *1804, Feb. 15. Congress (House): Proposed
Duty.*
“*Resolved*, That a tax of ten dollars
be imposed on every slave imported into any part of
the United States.”

“*Ordered*, That a bill, or bills, be brought
in, pursuant to the said resolution,” *etc*.
Feb. 16 “a bill laying a duty on slaves imported
into the United States” was read, but was never
considered. *House Journal* (repr. 1826), 8 Cong.
1 sess. IV 523, 578, 580, 581-2, 585; *Annals
of Cong.*, 8 Cong. 1 sess. pp. 820, 876, 991, 1012,
1020, 1024-36.
 *1804, March 26. United States Statute:
Slave-Trade Limited.*
“An Act erecting Louisiana into two territories,”
*etc*. Acts of 1794 and 1803 extended to Louisiana.
*Statutes at Large*, II. 283. For proceedings
in Congress, see *Annals of Cong.*, 8 Cong. 1
sess. pp. 106, 211, 223, 231, 233-4, 238, 255, 1038,
1054-68, 1069-79, 1128-30, 1185-9.
 *1805, Feb. 15. Massachusetts: Proposed
Amendment.*
“*Resolve requesting the Governor to transmit
to the Senators and Representatives in Congress, and
the Executives of the several States this Resolution,
as an amendment to the Constitution of the United
States, respecting Slaves.*” June 8, Governor’s
message; Connecticut answers that it is inexpedient;
Maryland opposes the proposition. *Massachusetts
Resolves*, February, 1805, p. 55; June, 1805, p.
18. See below, March 3, 1805.
 *1805, March 2. United States Statute:
Slave-Trade to Orleans Territory Permitted.*
“An Act further providing for the government
of the territory of Orleans.”

Sec. 1. A territorial government erected similar
to Mississippi, with same rights and privileges.

Sec. 5. 6th Article of Ordinance of 1787, on slaves,
not to extend to this territory.
 *Statutes at Large*, II. 322. For proceedings
in Congress, see *Annals of Cong.*, 8 Cong. 2
sess. pp. 28, 30, 45-6, 47, 48, 54, 59-61, 69, 727-8,
871-2, 957, 1016-9, 1020-1, 1201, 1209-10, 1211.
Cf. *Statutes at Large*, II. 331; *Annals of
Cong.*, 8 Cong. 2 sess., pp. 50, 51, 52, 57, 68,
69, 1213, 1215. In *Journals*, see Index,
Senate Bills Nos. 8, 11.
 *1805, March 3. Congress (House): Massachusetts
Proposition to Amend Constitution.*

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Mr. Varnum of Massachusetts presented the resolution
of the Legislature of Massachusetts, “instructing
the Senators, and requesting the Representatives in
Congress, from the said State, to take all legal and
necessary steps, to use their utmost exertions, as
soon as the same is practicable, to obtain an amendment
to the Federal Constitution, so as to authorize and
empower the Congress of the United States to pass a
law, whenever they may deem it expedient, to prevent
the further importation of slaves from any of the
West India Islands, from the coast of Africa, or elsewhere,
into the United States, or any part thereof.”
A motion was made that Congress have power to prevent
further importation; it was read and ordered to lie
on the table. *House Journal* (repr. 1826), 8
Cong. 2 sess. V 171; *Annals of Cong.*, 8
Cong. 2 sess. pp. 1221-2. For the original resolution,
see *Massachusetts Resolves*, May, 1802, to March,
1806, Vol. II. A. (State House ed., p. 239.)
 *1805, Dec. 17. Congress (Senate): Proposition
to Prohibit Importation.*
A “bill to prohibit the importation of certain
persons therein described into any port or place within
the jurisdiction of the United States, from and after”
Jan. 1, 1808, was read twice and postponed. *Senate
Journal* (repr. 1821), 9 Cong. 1 sess. IV.
10-11; *Annals of Cong.*, 9 Cong. 1 sess. pp.
20-1.
 *1806, Jan. 20. Congress (House): Vermont
Proposed Amendment.*
“Mr. Olin, one of the Representatives from the
State of Vermont, presented to the House certain resolutions
of the General Assembly of the said State, proposing
an article of amendment to the Constitution of the
United States, to prevent the further importation of
slaves, or people of color, from any of the West India
Islands, from the coast of Africa, or elsewhere, into
the United States, or any part thereof; which were
read, and ordered to lie on the table.”
No further mention found. *House Journal* (repr.
1826), 9 Cong. 1 sess. V 238; *Annals of Cong.*,
9 Cong. 1 sess. pp. 343-4.
 *1806, Jan. 25. Virginia: Imported Slaves
to be Sold.*
“An Act to amend the several laws concerning
slaves.”

Sec. 5. If the jury before whom the importer
is brought “shall find that the said slave or
slaves were brought into this commonwealth, and have
remained therein, contrary to the provisions of this
act, the court shall make an order, directing him,
her or them to be delivered to the overseers of the
poor, to be by them sold for cash and applied as herein
directed.”

Sec. 8. Penalty for bringing slaves, $400 per
slave; the same for buying or hiring, knowingly, such
a slave.

Sec. 16. This act to take effect May 1, 1806.
*Statutes at Large of Virginia*, New Series,
III. 251.
 *1806, Jan. 27. Congress (House): Bill
to Tax Slaves Imported.*
“A Bill laying a duty on slaves imported into
any of the United States.” Finally dropped.
*House Journal* (repr. 1826), 8 Cong. 2 sess.
V. 129; *Ibid.*, 9 Cong. 1 sess. V. 195,
223, 240, 242, 243-4, 248, 260, 262, 264, 276-7, 287,
294, 305, 309, 338; *Annals of Cong.*, 9 Cong.
1 sess. pp. 273, 274, 346, 358, 372, 434, 442-4, 533.

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*1806, Feb. 4. Congress (House): Proposition
to Prohibit Slave-Trade after 1807.*
Mr. Bidwell moved that the following section be added
to the bill for taxing slaves imported,—­that
any ship so engaged be forfeited. The proposition
was rejected, yeas, 17, nays, 86 (?). *Annals of
Cong.*, 9 Cong. 1 sess. p. 438.
 *1806, Feb. 10. Congress (House): New
Hampshire Proposed Amendment.*
“Mr. Tenney ... presented to the House certain
resolutions of the Legislature of the State of New
Hampshire, ’proposing an amendment to the Constitution
of the United States, so as to authorize and empower
Congress to pass a law, whenever they may deem it expedient,
to prevent the further importation of slaves,’
or people of color, into the United States, or any
part thereof.” Read and laid on the table.
*House Journal* (repr. 1826), 9 Cong. 1 sess.
V. 266; *Annals of Cong.*, 9 Cong. 1 sess. p.
448.
 *1806, Feb. 17. Congress (House): Proposition
on Slave-Trade.*
The committee on the slave-trade reported a resolution:—­

“*Resolved*, That it shall not be lawful
for any person or persons, to import or bring into
any of the Territories of the United States, any slave
or slaves that may hereafter be imported into the United
States.” *House Journal*, 9 Cong. 1 sess.
V 264, 278, 308, 345-6; *House Reports*, 9 Cong.
1 sess. II. Feb. 17, 1806; *Annals of Cong.*,
9 Cong. 1 sess. pp. 472-3.
 *1806, April 7. Congress (Senate): Maryland
Proposed Amendment.*
“Mr. Wright communicated a resolution of the
legislature of the state of Maryland instructing their
Senators and Representatives in Congress to use their
utmost exertions to obtain an amendment to the constitution
of the United States to prevent the further importation
of slaves; whereupon, Mr. Wright submitted the following
resolutions for the consideration of the Senate....

“*Resolved*, That the migration or importation
of slaves into the United States, or any territory
thereof, be prohibited after the first day of January,
1808.” Considered April 10, and further
consideration postponed until the first Monday in
December next. *Senate Journal* (repr. 1821),
9 Cong. 1 sess. IV. 76-7, 79; *Annals of Cong.*,
9 Cong. 1 sess. pp. 229, 232.
 *1806, Dec. 2. President Jefferson’s
Message.*
See above, pages 97-98. *House Journal* (repr.
1826), 9 Cong. 2 sess. V. 468.
 *1806, Dec. 15. Congress (House): Proposition
on Slave-Trade.*
“A bill to prohibit the importation or bringing
of slaves into the United States, *etc*.,”
after Dec. 31, 1807. Finally merged into Senate
bill. *Ibid.*, House Bill No. 148.
 *1806, Dec. 17. Congress (House): Sloan’s
Proposition.*
Proposition to amend the House bill by inserting after
the article declaring the forfeiture of an illegally
imported slave, “And such person or slave shall
be entitled to his freedom.” Lost. *Annals
of Cong.*, 9 Cong. 2 sess. pp. 167-77, 180-89.

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*1806, Dec. 29. Congress (House): Sloan’s
Second Proposition.*
Illegally imported Africans to be either freed, apprenticed,
or returned to Africa. Lost; Jan. 5, 1807, a
somewhat similar proposition was also lost. *Ibid.*,
pp. 226-8, 254.
 *1806, Dec. 31. Great Britain: Rejected
Treaty.*
“Treaty of amity, commerce, and navigation,
between His Britannic Majesty and the United States
of America.”

“Art. XXIV. The high contracting parties
engage to communicate to each other, without delay,
all such laws as have been or shall be hereafter enacted
by their respective Legislatures, as also all measures
which shall have been taken for the abolition or limitation
of the African slave trade; and they further agree
to use their best endeavors to procure the co-operation
of other Powers for the final and complete abolition
of a trade so repugnant to the principles of justice
and humanity.” *Amer. State Papers, Foreign*,
III. 147, 151.
 *1807, March 25. [England: Slave-Trade Abolished.*
“An Act for the Abolition of the Slave Trade.”
*Statute 47 George III.*, 1 sess. ch. 36.]
 *1807, Jan. 7. Congress (House): Bidwell’s
Proposition.*
“Provided, that no person shall be sold as a
slave by virtue of this act.” Offered as
an amendment to Sec. 3 of House bill; defeated 60 to
61, Speaker voting. A similar proposition was
made Dec. 23, 1806. *House Journal* (repr. 1826),
9 Cong. 2 sess. V. 513-6. Cf. *Annals of
Cong.*, 9 Cong. 2 sess. pp. 199-203, 265-7.
 *1807, Feb. 9. Congress (House): Section
Seven of House Bill.*
Sec. 7 of the bill reported to the House by the committee
provided that all Negroes imported should be conveyed
whither the President might direct and there be indentured
as apprentices, or employed in whatever way the President
might deem best for them and the country; provided
that no such Negroes should be indentured or employed
except in some State in which provision is now made
for the gradual abolition of slavery. Blank spaces
were left for limiting the term of indenture.
The report was never acted on. *Annals of Cong.*,
9 Cong. 2 sess. pp. 477-8.
 *1807, March 2. United States Statute:
Importation Prohibited.*
“An Act to prohibit the importation of Slaves
into any port or place within the jurisdiction of
the United States, from and after the first day of
January, in the year of our Lord one thousand eight
hundred and eight.” Bills to amend Sec.
8, so as to make less ambiguous the permit given to
the internal traffic, were introduced Feb. 27 and Nov.
27. *Statutes at Large*, II. 426. For proceedings
in Senate, see *Senate Journal* (repr. 1821),
9 Cong. 1-2 sess. IV. 11, 112, 123, 124, 132,
133, 150, 158, 164, 165, 167, 168; *Annals of Cong.*,
9 Cong. 2 sess. pp. 16, 19, 23, 33, 36, 45, 47, 68,
69, 70, 71, 79, 87, 93. For proceedings in House,
see *House Journal* (repr. 1826), 9 Cong. 2 sess.
V. 470, 482, 488, 490, 491, 496, 500, 504, 510, 513-6,
517, 540, 557, 575, 579, 581, 583-4, 585, 592, 594,
610, 613-4, 616, 623, 638, 640; 10 Cong. 1 sess.
VI. 27, 50; *Annals of Cong.*, 9 Cong. 2 sess.
pp. 167, 180, 200, 220, 231, 254, 264, 270.

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*1808, Feb. 23. Congress (Senate): Proposition
to Amend Constitution.*
“Agreeably to instructions from the legislature
of the state of Pennsylvania to their Senators in
Congress, Mr. Maclay submitted the following resolution,
which was read for consideration:—­

“*Resolved* ..., That the Constitution
of the United States be so altered and amended, as
to prevent the Congress of the United States, and
the legislatures of any state in the Union, from authorizing
the importation of slaves.” No further
mention. *Senate Journal* (repr. 1821), 10 Cong.
1 sess. IV. 235; *Annals of Cong.*, 10 Cong.
1 sess. p. 134. For the full text of the instructions,
see *Amer. State Papers, Miscellaneous*,
I. 716.
 *1810, Dec. 5. President Madison’s Message.*
“Among the commercial abuses still committed
under the American flag, ... it appears that American
citizens are instrumental in carrying on a traffic
in enslaved Africans, equally in violation of the laws
of humanity, and in defiance of those of their own
country. The same just and benevolent motives
which produced the interdiction in force against this
criminal conduct, will doubtless be felt by Congress,
in devising further means of suppressing the evil.”
*House Journal* (repr. 1826), 11 Cong. 3 sess.
VII. 435.
 *1811, Jan. 15. United States Statute:
Secret Act and Joint Resolution against Amelia Island
Smugglers.
Statutes at Large*, III. 471 ff.
 *1815, March 29. [France: Abolition of Slave-Trade.*
Napoleon on his return from Elba decrees the abolition
of the slave-trade. Decree re-enacted in 1818
by the Bourbon dynasty. *British and Foreign State
Papers*, 1815-16, p. 196, note; 1817-18, p. 1025.]
 *1815, Feb. 18. Great Britain: Treaty
of Ghent.*
“Treaty of peace and amity. Concluded December
24, 1814; Ratifications exchanged at Washington February
17, 1815; Proclaimed February 18, 1815.”

Art. X. “Whereas the traffic in slaves
is irreconcilable with the principles of humanity
and justice, and whereas both His Majesty and the
United States are desirous of continuing their efforts
to promote its entire abolition, it is hereby agreed
that both the contracting parties shall use their
best endeavors to accomplish so desirable an object.”
*U.S. Treaties and Conventions* (ed. 1889),
p. 405.
 *1815, Dec. 8. Alabama and Mississippi Territory:
Act to Dispose of Illegally Imported Slaves.*
“An Act concerning Slaves brought into this
Territory, contrary to the Laws of the United States.”
Slaves to be sold at auction, and the proceeds to
be divided between the territorial treasury and the
collector or informer. Toulmin, *Digest of the
Laws of Alabama*, p. 637; *Statutes of Mississippi
digested*, *etc*. (ed. 1816), p. 389.
 *1816, Nov. 18. North Carolina: Act to
Dispose of Illegally Imported Slaves.*

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“An act to direct the disposal of negroes, mulattoes
and persons of colour, imported into this state, contrary
to the provisions of an act of the Congress of the
United States, entitled ’an act to prohibit the
importation of slaves into any port or place, within
the jurisdiction of the United States, from and after
the first day of January, in the year of our Lord
one thousand eight hundred and eight.’”

Sec. 1. Every slave illegally imported after
1808 shall be sold for the use of the State.

Sec. 2. The sheriff shall seize and sell such
slave, and pay the proceeds to the treasurer of the
State.

Sec. 3. If the slave abscond, the sheriff may
offer a reward not exceeding one-fifth of the value
of the slave. *Laws of North Carolina, 1816*,
ch. xii. p. 9; *Laws of North Carolina* (revision
of 1819), II. 1350.
 *1816, Dec. 3. President Madison’s Message.*
“The United States having been the first to
abolish, within the extent of their authority, the
transportation of the natives of Africa into slavery,
by prohibiting the introduction of slaves, and by punishing
their citizens participating in the traffick, cannot
but be gratified at the progress, made by concurrent
efforts of other nations, towards a general suppression
of so great an evil. They must feel, at the same
time, the greater solicitude to give the fullest efficacy
to their own regulations. With that view, the
interposition of Congress appears to be required by
the violations and evasions which, it is suggested,
are chargeable on unworthy citizens, who mingle in
the slave trade under foreign flags, and with foreign
ports; and by collusive importations of slaves into
the United States, through adjoining ports and territories.
I present the subject to Congress, with a full assurance
of their disposition to apply all the remedy which
can be afforded by an amendment of the law. The
regulations which were intended to guard against abuses
of a kindred character, in the trade between the several
States, ought also to be rendered more effectual for
their humane object.” *House Journal*,
14 Cong. 2 sess. pp. 15-6.
 *1817, Feb. 11. Congress (House): Proposed
Joint Resolution.*
“Joint Resolution for abolishing the traffick
in Slaves, and the Colinization [*sic*] of the
Free People of Colour of the United States.”

“*Resolved*, ... That the President
be, and he is hereby authorized to consult and negotiate
with all the governments where ministers of the United
States are, or shall be accredited, on the means of
effecting an entire and immediate abolition of the
traffick in slaves. And, also, to enter into
a convention with the government of Great Britain,
for receiving into the colony of Sierra Leone, such
of the free people of colour of the United States
as, with their own consent, shall be carried thither....

“*Resolved*, That adequate provision shall
hereafter be made to defray any necessary expenses
which may be incurred in carrying the preceding resolution
into effect.” Reported on petition of the
Colonization Society by the committee on the President’s
Message. No further record. *House Journal*,
14 Cong. 2 sess. pp. 25-7, 380; *House Doc.*,
14 Cong. 2 sess. No. 77.

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*1817, July 28. [Great Britain and Portugal:
First Concession of Right of Search.*
“By this treaty, ships of war of each of the
nations might visit merchant vessels of both, if suspected
of having slaves on board, acquired by illicit traffic.”
This “related only to the trade north of the
equator; for the slave-trade of Portugal within the
regions of western Africa, to the south of the equator,
continued long after this to be carried on with great
vigor.” Woolsey, *International Law*
(1874), Sec. 197, pp. 331-2; *British and Foreign
State Papers*, 1816-17, pp. 85-118.]
 *1817, Sept. 23. [Great Britain and Spain:
Abolition of Trade North of Equator.*
“By the treaty of Madrid, ... Great Britain
obtained from Spain, for the sum of four hundred thousand
pounds, the immediate abolition of the trade north
of the equator, its entire abolition after 1820, and
the concession of the same mutual right of search,
which the treaty with Portugal had just established.”
Woolsey, *International Law* (1874), Sec. 197,
p. 332; *British and Foreign State Papers*, 1816-17,
pp. 33-74.]
 *1817, Dec. 2. President Monroe’s Message
on Amelia Island, etc.*
“A just regard for the rights and interests
of the United States required that they [i.e., the
Amelia Island and Galveston pirates] should be suppressed,
and orders have been accordingly issued to that effect.
The imperious considerations which produced this measure
will be explained to the parties whom it may, in any
degree, concern.” *House Journal*, 15 Cong.
1 sess. p. 11.
 *1817, Dec. 19. Georgia: Act to Dispose
of Illegally Imported Slaves.*
“An Act for disposing of any such negro, mulatto,
or person of color, who has been or may hereafter
be imported or brought into this State in violation
of an act of the United States, entitled an act to
prohibit the importation of slaves,” *etc*.

Sec. 1. The governor by agent shall receive such
Negroes, and,

Sec. 2. sell them, or,

Sec. 3. give them to the Colonization Society to be
transported, on condition that the Society reimburse
the State for all expense, and transport them at their
own cost. Prince, *Digest*, p. 793.
 *1818, Jan. 10. Congress (House): Bill
to Supplement Act of 1807.*
Mr. Middleton, from the committee on so much of the
President’s Message as related to the illicit
introduction of slaves into the United States from
Amelia Island, reported a bill in addition to former
acts prohibiting the introduction of slaves into the
United States. This was read twice and committed;
April 1 it was considered in Committee of the Whole;
Mr. Middleton offered a substitute, which was ordered
to be laid on table and to be printed; it became the
Act of 1819. See below, March 3, 1819. *House
Journal*, 15 Cong. 1 sess. pp. 131, 410.
 *1818, Jan. 13. President Monroe’s Special
Message.*

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“I have the satisfaction to inform Congress,
that the establishment at Amelia Island has been suppressed,
and without the effusion of blood. The papers
which explain this transaction, I now lay before Congress,”
*etc*. *Ibid.*, pp. 137-9.
 *1818, Feb. 9. Congress (Senate): Bill
to Register (?) Slaves.*
“A bill respecting the transportation of persons
of color, for sale, or to be held to labor.”
Passed Senate, dropped in House; similar bill Dec.
9, 1818, also dropped in House. *Senate Journal*,
15 Cong. 1 sess. pp. 147, 152, 157, 165, 170, 188,
201, 203, 232, 237; 15 Cong. 2 sess. pp. 63, 74, 77,
202, 207, 285, 291, 297; *House Journal*, 15 Cong.
1 sess. p. 332; 15 Cong. 2 sess. pp. 303, 305, 316.
 *1818, April 4. Congress (House): Proposition
to Amend Constitution.*
Mr. Livermore’s resolution:—­

“No person shall be held to service or labour
as a slave, nor shall slavery be tolerated in any
state hereafter admitted into the Union, or made one
of the United States of America.” Read,
and on the question, “Will the House consider
the same?” it was determined in the negative.
*House Journal*, 15 Cong. 1 sess. pp. 420-1; *Annals
of Cong.*, 15 Cong. 1 sess. pp. 1675-6.
 *1818, April 20. United States Statute:
Act in Addition to Act of 1807.*
“An Act in addition to ’An act to prohibit
the introduction [importation] of slaves into any
port or place within the jurisdiction of the United
States, from and after the first day of January, in
the year of our Lord one thousand eight hundred and
eight,’ and to repeal certain parts of the same.”
*Statutes at Large*, III. 450. For proceedings
in Congress, see *Senate Journal*, 15 Cong. 1
sess. pp. 243, 304, 315, 333, 338, 340, 348, 377,
386, 388, 391, 403, 406; *House Journal*, 15
Cong. 1 sess. pp. 450, 452, 456, 468, 479, 484, 492,505.
 *1818, May 4. [Great Britain and Netherlands:
Treaty.*
Right of Search granted for the suppression of the
slave-trade. *British and Foreign State Papers*,
1817-18, pp. 125-43.]
 *1818, Dec. 19. Georgia: Act of 1817 Reinforced.*
No title found. “*Whereas* numbers of African
slaves have been illegally introduced into the State,
in direct violation of the laws of the United States
and of this State, *Be it therefore enacted*,”
*etc*. Informers are to receive one-tenth
of the net proceeds from the sale of illegally imported
Africans, “*Provided*, nothing herein contained
shall be so construed as to extend farther back than
the year 1817.” Prince, *Digest*,
p. 798.
 *1819, Feb. 8. Congress (Senate): Bill
in Addition to Former Acts.*
“A bill supplementary to an act, passed the
2d day of March, 1807, entitled,” *etc*.
Postponed. *Senate Journal*, 15 Cong. 2 sess.
pp. 234, 244, 311-2, 347.
 *1819, March 3. United States Statute:
Cruisers Authorized, etc.*

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“An Act in addition to the Acts prohibiting
the slave trade.” *Statutes at Large*,
III. 532. For proceedings in Congress, see *Senate
Journal*, 15 Cong. 2 sess. pp. 338, 339, 343, 345,
350, 362; *House Journal*, 15 Cong. 2 sess. pp.
9-19, 42-3, 150, 179, 330, 334, 341, 343, 352.
 *1819, Dec. 7. President Monroe’s Message.*
“Due attention has likewise been paid to the
suppression of the slave trade, in compliance with
a law of the last session. Orders have been given
to the commanders of all our public ships to seize
all vessels navigated under our flag, engaged in that
trade, and to bring them in, to be proceeded against,
in the manner prescribed by that law. It is hoped
that these vigorous measures, supported by like acts
by other nations, will soon terminate a commerce so
disgraceful to the civilized world.” *House
Journal*, 16 Cong, 1 sess. p. 18.
 *1820, Jan. 19. Congress (House): Proposed
Registry of Slaves.*
“On motion of Mr. Cuthbert,

“Resolved, That the Committee on the Slave Trade
be instructed to enquire into the expediency of establishing
a registry of slaves, more effectually to prevent
the importation of slaves into the United States,
or the territories thereof.” No further
mention. *Ibid.*, p. 150.
 *1820, Feb. 5. Congress (House): Proposition
on Slave-Trade.*
“Mr. Meigs submitted the following preamble
and resolution:

“Whereas, slavery in the United States is an
evil of great and increasing magnitude; one which
merits the greatest efforts of this nation to remedy:
Therefore,

“Resolved, That a committee be appointed to
enquire into the expediency of devoting the public
lands as a fund for the purpose of,

“1st, Employing a naval force competent to the
annihilation of the slave trade;

“2dly, The emancipation of slaves in the United
States; and,

“3dly, Colonizing them in such way as shall
be conducive to their comfort and happiness, in Africa,
their mother country.” Read, and, on motion
of Walker of North Carolina, ordered to lie on the
table. Feb. 7, Mr. Meigs moved that the House
now consider the above-mentioned resolution, but it
was decided in the negative. Feb. 18, he made
a similar motion and proceeded to discussion, but
was ruled out of order by the Speaker. He appealed,
but the Speaker was sustained, and the House refused
to take up the resolution. No further record appears.
*Ibid.*, pp. 196, 200, 227.
 *1820, Feb. 23. Massachusetts: Slavery
in Western Territory.
"Resolve respecting Slavery":—­*
“The Committee of both Houses, who were appointed
to consider ’what measures it may be proper
for the Legislature of this Commonwealth to adopt,
in the expression of their sentiments and views, relative
to the interesting subject, now before Congress, of
interdicting slavery in the New States, which may
be admitted into the Union, beyond the River Mississippi,’
respectfully submit the following report: ...

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“Nor has this question less importance as to
its influence on the slave trade. Should slavery
be further permitted, an immense new market for slaves
would be opened. It is well known that notwithstanding
the strictness of our laws, and the vigilance of the
government, thousands are now annually imported from
Africa,” *etc*. *Massachusetts Resolves*,
May, 1819, to February, 1824, pp. 147-51.
 *1820, May 12. Congress (House): Resolution
for Negotiation.*
“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 negociate with all the governments where ministers
of the United States are or shall be accredited, on
the means of effecting an entire and immediate abolition
of the slave trade.” Passed House, May
12, 1820; lost in Senate, May 15, 1820. *House Journal*,
16 Cong. 1 sess. pp. 497, 518, 520-21, 526; *Annals
of Cong.*, 16 Cong. 1 sess. pp. 697-700.
 *1820, May 15. United States Statute:
Slave-Trade made Piracy.*
“An act to continue in force ’An act to
protect the commerce of the United States, and punish
the crime of piracy,’ and also to make further
provisions for punishing the crime of piracy.”
Continued by several statutes until passage of the
Act of 1823, *q.v. Statutes at Large*, III.
600. For proceedings in Congress, see *Senate
Journal*, 16 Cong. 1 sess. pp. 238, 241, 268, 286-7,
314, 331, 346, 350, 409, 412, 417, 422, 424, 425;
*House Journal*, 16 Cong. 1 sess. pp. 453, 454,
494, 518, 520, 522, 537, 539, 540, 542. There
was also a House bill, which was dropped: cf.
*House Journal*, 16 Cong. 1 sess. pp. 21, 113,
280, 453, 494.
 *1820, Nov. 14. President Monroe’s Message.*
“In execution of the law of the last session,
for the suppression of the slave trade, some of our
public ships have also been employed on the coast
of Africa, where several captures have already been
made of vessels engaged in that disgraceful traffic.”
*Senate Journal*, 16 Cong. 2 sess. pp. 16-7.
 *1821, Feb. 15. Congress (House): Meigs’s
Resolution.*
Mr. Meigs offered in modified form the resolutions
submitted at the last session:—­

“Whereas slavery, in the United States, is an
evil, acknowledged to be of great and increasing magnitude,
... therefore,

“Resolved, That a committee be appointed to
inquire into the expediency of devoting five hundred
million acres of the public lands, next west of the
Mississippi, as a fund for the purpose of, in the

“*First place*; Employing a naval force,
competent to the annihilation of the slave trade,”
*etc*. Question to consider decided in the
affirmative, 63 to 50; laid on the table, 66 to 55.
*House Journal*, 16 Cong. 2 sess. p. 238; *Annals
of Cong.*, 16 Cong. 2 sess. pp. 1168-70.
 *1821, Dec. 3. President Monroe’s Message.*

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“Like success has attended our efforts to suppress
the slave trade. Under the flag of the United
States, and the sanction of their papers, the trade
may be considered as entirely suppressed; and, if any
of our citizens are engaged in it, under the flag
and papers of other powers, it is only from a respect
to the rights of those powers, that these offenders
are not seized and brought home, to receive the punishment
which the laws inflict. If every other power should
adopt the same policy, and pursue the same vigorous
means for carrying it into effect, the trade could
no longer exist.” *House Journal*, 17 Cong.
1 sess. p. 22.
 *1822, April 12. Congress (House): Proposed
Resolution.*
“*Resolved*, 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 slave trade.” *House Reports*,
17 Cong. 1 sess. II. No. 92, p. 4; *Annals
of Cong.*, 17 Cong. 1 sess. p. 1538.
 *1822, June 18. Mississippi: Act on Importation,
etc.*
“An act, to reduce into one, the several acts,
concerning slaves, free negroes, and mulattoes.”

Sec. 2. Slaves born and resident in the United
States, and not criminals, may be imported.

Sec. 3. No slave born or resident outside the
United States shall be brought in, under penalty of
$1,000 per slave. Travellers are excepted. *Revised
Code of the Laws of Mississippi* (Natchez, 1824),
p. 369.
 *1822, Dec. 3. President Monroe’s Message.*
“A cruise has also been maintained on the coast
of Africa, when the season would permit, for the suppression
of the slave-trade; and orders have been given to
the commanders of all our public ships to seize our
own vessels, should they find any engaged in that trade,
and to bring them in for adjudication.” *House
Journal*, 17 Cong. 2 sess. pp. 12, 21.
 *1823, Jan. 1. Alabama: Act to Dispose
of Illegally Imported Slaves.*
“An Act to carry into effect the laws of the
United States prohibiting the slave trade.”

Sec. 1. “*Be it enacted*, ... That
the Governor of this state be ... authorized and required
to appoint some suitable person, as the agent of the
state, to receive all and every slave or slaves or
persons of colour, who may have been brought into
this state in violation of the laws of the United
States, prohibiting the slave trade: *Provided*,
that the authority of the said agent is not to extend
to slaves who have been condemned and sold.”

Sec. 2. The agent must give bonds.

Sec. 3. “*And be it further enacted*, That
the said slaves, when so placed in the possession
of the state, as aforesaid, shall be employed on such
public work or works, as shall be deemed by the Governor
of most value and utility to the public interest.”

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Sec. 4. A part may be hired out to support those
employed in public work.

Sec. 5. “*And be it further enacted*, That
in all cases in which a decree of any court having
competent authority, shall be in favor of any or claimant
or claimants, the said slaves shall be truly and faithfully,
by said agent, delivered to such claimant or claimants:
but in case of their condemnation, they shall be sold
by such agent for cash to the highest bidder, by giving
sixty days notice,” *etc*. *Acts of the
Assembly of Alabama, 1822* (Cahawba, 1823), p.
62.
 *1823, Jan. 30. United States Statute:
Piracy Act made Perpetual.*
“An Act in addition to ’An act to continue
in force “An act to protect the commerce of
the United States, and punish the crime of piracy,"’”
*etc*. *Statutes at Large*, III. 510-14, 721,
789. For proceedings in Congress, see *Senate
Journal*, 17 Cong. 2 sess. pp. 61, 64, 70, 83, 98,
101, 106, 110, 111, 122, 137; *House Journal*,
17 Cong. 2 sess. pp. 73, 76, 156, 183, 189.
 *1823, Feb. 10. Congress (House): Resolution
on Slave-Trade.*
Mr. Mercer offered the following resolution:—­

“Resolved, That the President of the United
States be requested to enter upon, and to prosecute,
from time to time, such negotiations with the several
maritime powers of Europe and America, as he may deem
expedient, for the effectual abolition of the African
slave trade, and its ultimate denunciation as piracy,
under the law of nations, by the consent of the civilized
world.” Agreed to Feb. 28; passed Senate.
*House Journal*, 17 Cong. 2 sess. pp. 212, 280-82;
*Annals of Cong.*, 17 Cong. 2 sess. pp. 928,
1147-55.
 *1823, March 3. United States Statute:
Appropriation.*
“An Act making appropriations for the support
of the navy,” *etc*.

“To enable the President of the United States
to carry into effect the act” of 1819, $50,000.
*Statutes at Large*, III. 763, 764
 *1823. President: Proposed Treaties.*
Letters to various governments in accordance with
the resolution of 1823: April 28, to Spain; May
17, to Buenos Ayres; May 27, to United States of Colombia;
Aug. 14, to Portugal. See above, Feb. 10, 1823.
*House Doc.*, 18 Cong. 1 sess. VI. No.
119.
 *1823, June 24. Great Britain: Proposed
Treaty.*
Adams, March 31, proposes that the trade be made piracy.
Canning, April 8, reminds Adams of the treaty of Ghent
and asks for the granting of a mutual Right of Search
to suppress the slave-trade. The matter is further
discussed until June 24. Minister Rush is empowered
to propose a treaty involving the Right of Search,
*etc*. This treaty was substantially the one
signed (see below, March 13, 1824), differing principally
in the first article.

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“Article I. The two high contracting Powers,
having each separately, by its own laws, subjected
their subjects and citizens, who may be convicted
of carrying on the illicit traffic in slaves on the
coast of Africa, to the penalties of piracy, do hereby
agree to use their influence, respectively, with the
other maritime and civilized nations of the world,
to the end that the said African slave trade may be
recognized, and declared to be, piracy, under the law
of nations.” *House Doc.*, 18 Cong, 1 sess.
VI. No. 119.
 *1824, Feb. 6. Congress (House): Proposition
to Amend Constitution.*
Mr. Abbot’s resolution on persons of color:—­

“That no part of the constitution of the United
States ought to be construed, or shall be construed
to authorize the importation or ingress of any person
of color into any one of the United States, contrary
to the laws of such state.” Read first
and second time and committed to the Committee of
the Whole. *House Journal*, 18 Cong. 1 sess. p.
208; *Annals of Cong.*, 18 Cong. 1 sess. p. 1399.
 *1824, March 13. Great Britain: Proposed
Treaty of 1824.*
“The Convention:”—­

Art. I. “The commanders and commissioned
officers of each of the two high contracting parties,
duly authorized, under the regulations and instructions
of their respective Governments, to cruize on the coasts
of Africa, of America, and of the West Indies, for
the suppression of the slave trade,” shall have
the power to seize and bring into port any vessel
owned by subjects of the two contracting parties, found
engaging in the slave-trade. The vessel shall
be taken for trial to the country where she belongs.

Art. II. Provides that even if the vessel
seized does not belong to a citizen or citizens of
either of the two contracting parties, but is chartered
by them, she may be seized in the same way as if she
belonged to them.

Art. III. Requires that in all cases where
any vessel of either party shall be boarded by any
naval officer of the other party, on suspicion of
being concerned in the slave-trade, the officer shall
deliver to the captain of the vessel so boarded a
certificate in writing, signed by the naval officer,
specifying his rank, *etc*., and the object of his
visit. Provision is made for the delivery of
ships and papers to the tribunal before which they
are brought.

Art. IV. Limits the Right of Search, recognized
by the Convention, to such investigation as shall
be necessary to ascertain the fact whether the said
vessel is or is not engaged in the slave-trade.
No person shall be taken out of the vessel so visited
unless for reasons of health.

Art. V. Makes it the duty of the commander of
either nation, having captured a vessel of the other
under the treaty, to receive unto his custody the
vessel captured, and send or carry it into some port
of the vessel’s own country for adjudication,
in which case triplicate declarations are to be signed,
*etc*.

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Art. VI. Provides that in cases of capture
by the officer of either party, on a station where
no national vessel is cruising, the captor shall either
send or carry his prize to some convenient port of
its own country for adjudication, *etc*.

Art. VII. Provides that the commander and
crew of the captured vessel shall be proceeded against
as pirates, in the ports to which they are brought,
*etc*.

Art. VIII. Confines the Right of Search,
under this treaty, to such officers of both parties
as are especially authorized to execute the laws of
their countries in regard to the slave-trade.
For every abusive exercise of this right, officers
are to be personally liable in costs and damages,
*etc*.

Art. IX. Provides that the government of
either nation shall inquire into abuses of this Convention
and of the laws of the two countries, and inflict
on guilty officers the proper punishment.

Art. X. Declares that the right, reciprocally
conceded by this treaty, is wholly and exclusively
founded on the consideration that the two nations
have by their laws made the slave-trade piracy, and
is not to be taken to affect in any other way the
rights of the parties, *etc*.; it further engages
that each power shall use its influence with all other
civilized powers, to procure from them the acknowledgment
that the slave-trade is piracy under the law of nations.

Art. XI. Provides that the ratifications
of the treaty shall be exchanged at London within
twelve months, or as much sooner as possible.
Signed by Mr. Rush, Minister to the Court of St. James,
March 13, 1824.

The above is a synopsis of the treaty as it was laid
before the Senate. It was ratified by the Senate
with certain conditions, one of which was that the
duration of this treaty should be limited to the pleasure
of the two parties on six months’ notice; another
was that the Right of Search should be limited to
the African and West Indian seas: *i.e*., the
word “America” was struck out. This
treaty as amended and passed by the Senate (cf. above,
p. 141) was rejected by Great Britain. A counter
project was suggested by her, but not accepted (cf.
above, p. 144). The striking out of the word
“America” was declared to be the insuperable
objection. *Senate Doc.*, 18 Cong. 2 sess.
I. No. 1, pp. 15-20; *Niles’s Register*,
3rd Series, XXVI. 230-2. For proceedings in Senate,
see *Amer. State Papers, Foreign*, V. 360-2.
 *1824, March 31. [Great Britain: Slave-Trade
made Piracy.*
“An Act for the more effectual Suppression of
the *African* Slave Trade.”

Any person engaging in the slave-trade “shall
be deemed and adjudged guilty of Piracy, Felony and
Robbery, and being convicted thereof shall suffer
Death without Benefit of Clergy, and Loss of Lands,
Goods and Chattels, as Pirates, Felons and Robbers
upon the Seas ought to suffer,” *etc*. *Statute
5 George IV.*, ch. 17; *Amer. State Papers,
Foreign*, V. 342.]

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*1824, April 16. Congress (House): Bill
to Suppress Slave-Trade.*
“Mr. Govan, from the committee to which was
referred so much of the President’s Message
as relates to the suppression of the Slave Trade,
reported a bill respecting the slave trade; which was
read twice, and committed to a Committee of the Whole.”

Sec. 1. Provided a fine not exceeding $5,000,
imprisonment not exceeding 7 years, and forfeiture
of ship, for equipping a slaver even for the foreign
trade; and a fine not exceeding $3,000, and imprisonment
not exceeding 5 years, for serving on board any slaver.
*Annals of Cong.*, 18 Cong. 1 sess. pp. 2397-8;
*House Journal*, 18 Cong. 1 sess. pp. 26, 180,
181, 323, 329, 356, 423.
 *1824, May 21. President Monroe’s Message
on Treaty of 1824.
Amer. State Papers, Foreign*, V. 344-6.
 *1824, Nov. 6. [Great Britain and Sweden: Treaty.*
Right of Search granted for the suppression of the
slave-trade. *British and Foreign State Papers*,
1824-5, pp. 3-28.]
 *1824, Nov. 6. Great Britain: Counter
Project of 1825.*
Great Britain proposes to conclude the treaty as amended
by the Senate, if the word “America” is
reinstated in Art. I. (Cf. above, March 13, 1824.)
February 16, 1825, the House Committee favors this
project; March 2, Addington reminds Adams of this
counter proposal; April 6, Clay refuses to reopen
negotiations on account of the failure of the Colombian
treaty. *Amer. State Papers, Foreign*, V.
367; *House Reports*, 18 Cong. 2 sess. I.
No. 70; *House Doc.*, 19 Cong. 1 sess. I.
No. 16.
 *1824, Dec. 7. President Monroe’s Message.*
“It is a cause of serious regret, that no arrangement
has yet been finally concluded between the two Governments,
to secure, by joint co-operation, the suppression
of the slave trade. It was the object of the
British Government, in the early stages of the negotiation,
to adopt a plan for the suppression, which should
include the concession of the mutual right of search
by the ships of war of each party, of the vessels
of the other, for suspected offenders. This was
objected to by this Government, on the principle that,
as the right of search was a right of war of a belligerant
towards a neutral power, it might have an ill effect
to extend it, by treaty, to an offence which had been
made comparatively mild, to a time of peace.
Anxious, however, for the suppression of this trade,
it was thought adviseable, in compliance with a resolution
of the House of Representatives, founded on an act
of Congress, to propose to the British Government
an expedient, which should be free from that objection,
and more effectual for the object, by making it piratical....
A convention to this effect was concluded and signed,
in London,” on the 13th of March, 1824, “by
plenipotentiaries duly authorized by both Governments,
to the ratification of which certain obstacles have
arisen, which are not yet entirely removed.”
[For the removal of which, the documents relating
to the negotiation are submitted for the action of
Congress]....

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“In execution of the laws for the suppression
of the slave trade, a vessel has been occasionally
sent from that squadron to the coast of Africa, with
orders to return thence by the usual track of the slave
ships, and to seize any of our vessels which might
be engaged in that trade. None have been found,
and, it is believed, that none are thus employed.
It is well known, however, that the trade still exists
under other flags.” *House Journal*, 18
Cong. 2 sess. pp. 11, 12, 19, 27, 241; *House Reports*,
18 Cong. 2 sess. I. No. 70; Gales and Seaton,
*Register of Debates*, I. 625-8, and Appendix,
p. 2 ff.
 *1825, Feb. 21. United States of Colombia:
Proposed Treaty.*
The President sends to the Senate a treaty with the
United States of Colombia drawn, as United States
Minister Anderson said, similar to that signed at
London, with the alterations made by the Senate.
March 9, 1825, the Senate rejects this treaty. *Amer.
State Papers, Foreign*, V. 729-35.
 *1825, Feb. 28. Congress (House): Proposed
Resolution on Slave-Trade.*
Mr. Mercer laid on the table the following resolution:—­

“*Resolved*, That the President of the
United States be requested to enter upon, and prosecute
from time to time, such negotiations with the several
maritime powers of Europe and America, as he may deem
expedient for the effectual abolition of the slave
trade, and its ultimate denunciation, as piracy, under
the law of nations, by the consent of the civilized
world.” The House refused to consider the
resolution. *House Journal*, 18 Cong. 2 sess.
p. 280; Gales and Seaton, *Register of Debates*,
I. 697, 736.
 *1825, March 3. Congress (House): Proposed
Resolution against Right of Search.*
“Mr. Forsyth submitted the following resolution:

“*Resolved*, That while this House anxiously
desires that the Slave Trade should be, universally,
denounced as Piracy, and, as such, should be detected
and punished under the law of nations, it considers
that it would be highly inexpedient to enter into
engagements with any foreign power, by which *all*
the merchant vessels of the United States would be
exposed to the inconveniences of any regulation of
search, from which any merchant vessels of that foreign
power would be exempted.” Resolution laid
on the table. *House Journal*, 18 Cong. 2 sess.
pp. 308-9; Gales and Seaton, *Register of Debates*,
I. 739.
 *1825, Dec. 6. President Adams’s Message.*
“The objects of the West India Squadron have
been, to carry into execution the laws for the suppression
of the African Slave Trade: for the protection
of our commerce against vessels of piratical character....
These objects, during the present year, have been
accomplished more effectually than at any former period.
The African Slave Trade has long been excluded from
the use of our flag; and if some few citizens of our
country have continued to set the laws of the Union,
as well as those of nature and humanity, at defiance,
by persevering in that abominable traffic, it has
been only by sheltering themselves under the banners
of other nations, less earnest for the total extinction
of the trade than ours.” *House Journal*,
19 Cong. 1 sess. pp. 20, 96, 296-7, 305, 323, 329,
394-5, 399, 410, 414, 421, 451, 640.

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*1826, Feb. 14. Congress (House): Proposition
to Repeal Parts of Act of 1819.*
“Mr. Forsyth submitted the following resolutions,
*viz*.:

1. “*Resolved*, That it is expedient to
repeal so much of the act of the 3d March, 1819, entitled,
’An act in addition to the acts prohibiting
the slave trade,’ as provides for the appointment
of agents on the coast of Africa.

2. “*Resolved*, That it is expedient so
to modify the said act of the 3d of March, 1819, as
to release the United States from all obligation to
support the negroes already removed to the coast of
Africa, and to provide for such a disposition of those
taken in slave ships who now are in, or who may be,
hereafter, brought into the United States, as shall
secure to them a fair opportunity of obtaining a comfortable
subsistence, without any aid from the public treasury.”
Read and laid on the table. *Ibid.*, p. 258.
 *1826, March 14. United States Statute:
Appropriation.*
“An Act making appropriations for the support
of the navy,” *etc*.

“For the agency on the coast of Africa, for
receiving the negroes,” *etc*., $32,000.
*Statutes at Large*, IV. 140, 141.
 *1827, March 2. United States Statute:
Appropriation.*
“An Act making appropriations for the support
of the Navy,” *etc*.

“For the agency on the coast of Africa,”
*etc*., $56,710. *Ibid.*, W. 206, 208.
 *1827, March 11. Texas: Introduction of
Slaves Prohibited.*
Constitution of the State of Coahuila and Texas.
Preliminary Provisions:—­

Art. 13. “From and after the promulgation
of the constitution in the capital of each district,
no one shall be born a slave in the state, and after
six months the introduction of slaves under any pretext
shall not be permitted.” *Laws and Decrees
of Coahuila and Texas* (Houston, 1839), p. 314.
 *1827, Sept. 15. Texas: Decree against
Slave-Trade.*
“The Congress of the State of Coahuila and Texas
decrees as follows:”

Art. 1. All slaves to be registered.

Art. 2, 3. Births and deaths to be recorded.

Art. 4. “Those who introduce slaves, after
the expiration of the term specified in article 13
of the Constitution, shall be subject to the penalties
established by the general law of the 13th of July,
1824.” *Ibid.*, pp. 78-9.
 *1828, Feb. 25. Congress (House): Proposed
Bill to Abolish African Agency, etc.*
“Mr. McDuffie, from the Committee of Ways and
Means, ... reported the following bill:

“A bill to abolish the Agency of the United
States on the Coast of Africa, to provide other means
of carrying into effect the laws prohibiting the slave
trade, and for other purposes.” This bill
was amended so as to become the act of May 24, 1828
(see below). *House Reports*, 21 Cong. 1 sess.
III. No. 348, p. 278.

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*1828, May 24. United States Statute:
Appropriation.*
“An Act making an appropriation for the suppression
of the slave trade.” *Statutes at Large*,
IV. 302; *House Journal*, 20 Cong. 1 sess., House
Bill No. 190.
 *1829, Jan. 28. Congress (House): Bill
to Amend Act of 1807.*
The Committee on Commerce reported “a bill (No.
399) to amend an act, entitled ‘An act to prohibit
the importation of slaves,’” *etc*.
Referred to Committee of the Whole. *House Journal*,
20 Cong. 2 sess. pp. 58, 84, 215. Cf. *Ibid.*,
20 Cong. 1 sess. pp. 121, 135.
 *1829, March 2. United States Statute:
Appropriation.*
“An Act making additional appropriations for
the support of the navy,” *etc*.

“For the reimbursement of the marshal of Florida
for expenses incurred in the case of certain Africans
who were wrecked on the coast of the United States,
and for the expense of exporting them to Africa,”
$16,000. *Statutes at Large*, IV. 353, 354.
 *1830, April 7. Congress (House): Resolution
against Slave-Trade.*
Mr. Mercer reported the following resolution:—­

“*Resolved*, That the President of the
United States be requested to consult and negotiate
with all the Governments where Ministers of the United
States are, or shall be accredited, on the means of
effecting an entire and immediate abolition of the
African slave trade; and especially, on the expediency,
with that view, of causing it to be universally denounced
as piratical.” Referred to Committee of
the Whole; no further action recorded. *House Journal*,
21 Cong. 1 sess. p. 512.
 *1830, April 7. Congress (House): Proposition
to Amend Act of March 3, 1819.*
Mr. Mercer, from the committee to which was referred
the memorial of the American Colonization Society,
and also memorials, from the inhabitants of Kentucky
and Ohio, reported with a bill (No. 412) to amend “An
act in addition to the acts prohibiting the slave
trade,” passed March 3, 1819. Read twice
and referred to Committee of the Whole. *Ibid.
1830, May 31. Congress (Statute): Appropriation.*
“An Act making a re-appropriation of a sum heretofore
appropriated for the suppression of the slave trade.”
*Statutes at Large*, IV. 425; *Senate Journal*,
21 Cong. 1 sess. pp. 359, 360, 383; *House Journal*,
21 Cong. 1 sess. pp. 624, 808-11.
 *1830. [Brazil: Prohibition of Slave-Trade.*
Slave-trade prohibited under severe penalties.]
 *1831, 1833. [Great Britain and France: Treaty
Granting Right of Search.*
Convention between Great Britain and France granting
a mutual limited Right of Search on the East and West
coasts of Africa, and on the coasts of the West Indies
and Brazil. *British and Foreign State Papers*,
1830-1, p. 641 ff; 1832-3, p. 286 ff.]

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*1831, Feb. 16. Congress (House): Proposed
Resolution on Slave-Trade.*
“Mr. Mercer moved to suspend the rule of the
House in regard to motions, for the purpose of enabling
himself to submit a resolution requesting the Executive
to enter into negotiations with the maritime Powers
of Europe, to induce them to enact laws declaring
the African slave trade piracy, and punishing it as
such.” The motion was lost. Gales and
Seaton, *Register of Debates*, VII. 726.
 *1831, March 2. United States Statute:
Appropriation.*
“An Act making appropriations for the naval
service,” *etc*.

“For carrying into effect the acts for the suppression
of the slave trade,” *etc*., $16,000. *Statutes
at Large*, IV. 460, 462.
 *1831, March 3. Congress (House): Resolution
as to Treaties.*
“Mr. Mercer moved to suspend the rule to enable
him to submit the following resolution:

“*Resolved*, That the President of the
United States be requested to renew, and to prosecute
from time to time, such negotiations with the several
maritime powers of Europe and America as he may deem
expedient for the effectual abolition of the African
slave trade, and its ultimate denunciation as piracy,
under the laws of nations, by the consent of the civilized
world.” The rule was suspended by a vote
of 108 to 36, and the resolution passed, 118 to 32.
*House Journal*, 21 Cong. 2 sess. pp. 426-8.
 *1833, Feb. 20. United States Statute:
Appropriation.*
“An Act making appropriations for the naval
service,” *etc*.

" ... for carrying into effect the acts for the suppression
of the slave trade,” *etc*., $5,000. *Statutes
at Large*, IV. 614, 615.
 *1833, August. Great Britain and France:
Proposed Treaty with the United States.*
British and French ministers simultaneously invited
the United States to accede to the Convention just
concluded between them for the suppression of the
slave-trade. The Secretary of State, Mr. M’Lane,
deferred answer until the meeting of Congress, and
then postponed negotiations on account of the irritable
state of the country on the slave question. Great
Britain had proposed that “A reciprocal right
of search ... be conceded by the United States, limited
as to place, and subject to specified restrictions.
It is to be employed only in repressing the Slave
Trade, and to be exercised under a written and specific
authority, conferred on the Commander of the visiting
ship.” In the act of accession, “it
will be necessary that the right of search should be
extended to the coasts of the United States,”
and Great Britain will in turn extend it to the British
West Indies. This proposal was finally refused,
March 24, 1834, chiefly, as stated, because of the
extension of the Right of Search to the coasts of
the United States. This part was waived by Great
Britain, July 7, 1834. On Sept. 12 the French
Minister joined in urging accession. On Oct.
4, 1834, Forsyth states that the determination has
“been definitely formed, not to make the United
States a party to any Convention on the subject of
the Slave Trade.” *Parliamentary Papers*,
1835, Vol. LI., *Slave Trade*, Class B.,
pp. 84-92.

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*1833, Dec. 23. Georgia: Slave-Trade Acts
Amended.*
“An Act to reform, amend, and consolidate the
penal laws of the State of Georgia.”

13th Division. “Offences relative to Slaves":—­

Sec. 1. “If any person or persons shall
bring, import, or introduce into this State, or aid
or assist, or knowingly become concerned or interested,
in bringing, importing, or introducing into this State,
either by land or by water, or in any manner whatever,
any slave or slaves, each and every such person or
persons so offending, shall be deemed principals in
law, and guilty of a high misdemeanor, and ... on
conviction, shall be punished by a fine not exceeding
five hundred dollars each, for each and every slave,
... and imprisonment and labor in the penitentiary
for any time not less than one year, nor longer than
four years.” Residents, however, may bring
slaves for their own use, but must register and swear
they are not for sale, hire, mortgage, *etc*.

Sec. 6. Penalty for knowingly receiving such
slaves, $500. Slightly amended Dec. 23, 1836,
*e.g*., emigrants were allowed to hire slaves out,
*etc*.; amended Dec. 19, 1849, so as to allow importation
of slaves from “any other slave holding State
of this Union.” Prince, *Digest*, pp.
619, 653, 812; Cobb, *Digest*, II. 1018.
 *1834, Jan. 24. United States Statute:
Appropriation.*
“An Act making appropriations for the naval
service,” *etc*.

“For carrying into effect the acts for the suppression
of the slave trade,” *etc*., $5,000. *Statutes
at Large*, IV. 670, 671.
 *1836, March 17. Texas: African Slave-Trade
Prohibited.*
Constitution of the Republic of Texas: General
Provisions:—­

Sec. 9. All persons of color who were slaves
for life before coming to Texas shall remain so.
“Congress shall pass no laws to prohibit emigrants
from bringing their slaves into the republic with them,
and holding them by the same tenure by which such
slaves were held in the United States; ... the importation
or admission of Africans or negroes into this republic,
excepting from the United States of America, is forever
prohibited, and declared to be piracy.” *Laws
of the Republic of Texas* (Houston, 1838), I. 19.
 *1836, Dec. 21. Texas: Slave-Trade made
Piracy.*
“An Act supplementary to an act, for the punishment
of Crimes and Misdemeanors.”

Sec. 1. “*Be it enacted* ..., That if any
person or persons shall introduce any African negro
or negroes, contrary to the true intent and meaning
of the ninth section of the general provisions of
the constitution, ... except such as are from the
United States of America, and had been held as slaves
therein, be considered guilty of piracy; and upon conviction
thereof, before any court having cognizance of the
same, shall suffer death, without the benefit of clergy.”

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Sec. 2. The introduction of Negroes from the
United States of America, except of those legally
held as slaves there, shall be piracy. *Ibid.*,
I. 197. Cf. *House Doc.*, 27 Cong. 1 sess.
No. 34, p. 42.
 *1837, March 3. United States Statute:
Appropriation.*
“An Act making appropriations for the naval
service,” *etc*.

“For carrying into effect the acts for the suppression
of the slave trade,” *etc*., $11,413.57.
*Statutes at Large*, V. 155, 157.
 *1838, March 19. Congress (Senate): Slave-Trade
with Texas, etc.*
“Mr. Morris submitted the following motion for
consideration:

“*Resolved*, That the Committee on the
Judiciary be instructed to inquire whether the present
laws of the United States, on the subject of the slave
trade, will prohibit that trade being carried on between
citizens of the United States and citizens of the Republic
of Texas, either by land or by sea; and whether it
would be lawful in vessels owned by citizens of that
Republic, and not lawful in vessels owned by citizens
of this, or lawful in both, and by citizens of both
countries; and also whether a slave carried from the
United States into a foreign country, and brought
back, on returning into the United States, is considered
a free person, or is liable to be sent back, if demanded,
as a slave, into that country from which he or she
last came; and also whether any additional legislation
by Congress is necessary on any of these subjects.”
March 20, the motion of Mr. Walker that this resolution
“lie on the table,” was determined in the
affirmative, 32 to 9. *Senate Journal*, 25 Cong.
2 sess. pp. 297-8, 300.
 *1839, Feb. 5. Congress (Senate): Bill
to Amend Slave-Trade Acts.*
“Mr. Strange, on leave, and in pursuance of
notice given, introduced a bill to amend an act entitled
an act to prohibit the importation of slaves into
any port in the jurisdiction of the United States;
which was read twice, and referred to the Committee
on Commerce.” March 1, the Committee was
discharged from further consideration of the bill.
*Congressional Globe*, 25 Cong. 3 sess. p. 172;
*Senate Journal*, 25 Cong. 3 sess. pp. 200, 313.
 *1839, Dec. 24. President Van Buren’s
Message.*
“It will be seen by the report of the Secretary
of the navy respecting the disposition of our ships
of war, that it has been deemed necessary to station
a competent force on the coast of Africa, to prevent
a fraudulent use of our flag by foreigners.

“Recent experience has shown that the provisions
in our existing laws which relate to the sale and
transfer of American vessels while abroad, are extremely
defective. Advantage has been taken of these defects
to give to vessels wholly belonging to foreigners,
and navigating the ocean, an apparent American ownership.
This character has been so well simulated as to afford
them comparative security in prosecuting the slave
trade, a traffic emphatically denounced in our statutes,
regarded with abhorrence by our citizens, and of which
the effectual suppression is nowhere more sincerely
desired than in the United States. These circumstances
make it proper to recommend to your early attention
a careful revision of these laws, so that ... the
integrity and honor of our flag may be carefully preserved.”
*House Journal*, 26 Cong. 1 sess. pp. 117-8.

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*1840, Jan. 3. Congress (Senate): Bill
to Amend Act of 1807.*
“Agreeably to notice, Mr. Strange asked and
obtained leave to bring in a bill (Senate, No. 123)
to amend an act entitled ’An act to prohibit
the importation of slaves into any port or place within
the jurisdiction of the United States from and after
the 1st day of January, in the year 1808,’ approved
the 2d day of March, 1807; which was read the first
and second times, by unanimous consent, and referred
to the Committee on the Judiciary.” Jan.
8, it was reported without amendment; May 11, it was
considered, and, on motion by Mr. King, “*Ordered*,
That it lie on the table.” *Senate Journal*,
26 Cong. 1 sess. pp. 73, 87, 363.
 *1840, May 4. Congress (Senate): Bill
on Slave-Trade.*
“Mr. Davis, from the Committee on Commerce,
reported a bill (Senate, No. 335) making further provision
to prevent the abuse of the flag of the United States,
and the use of unauthorized papers in the foreign
slavetrade, and for other purposes.” This
passed the Senate, but was dropped in the House. *Ibid.*,
pp. 356, 359, 440, 442; *House Journal*, 26 Cong.
1 sess. pp. 1138, 1228, 1257.
 *1841, June 1. Congress (House): President
Tyler’s Message.*
“I shall also, at the proper season, invite
your attention to the statutory enactments for the
suppression of the slave trade, which may require
to be rendered more efficient in their provisions.
There is reason to believe that the traffic is on
the increase. Whether such increase is to be
ascribed to the abolition of slave labor in the British
possessions in our vicinity, and an attendant diminution
in the supply of those articles which enter into the
general consumption of the world, thereby augmenting
the demand from other quarters, ... it were needless
to inquire. The highest considerations of public
honor, as well as the strongest promptings of humanity,
require a resort to the most vigorous efforts to suppress
the trade.” *House Journal*, 27 Cong. 1
sess. pp. 31, 184.
 *1841, Dec. 7. President Tyler’s Message.*
Though the United States is desirous to suppress the
slave-trade, she will not submit to interpolations
into the maritime code at will by other nations.
This government has expressed its repugnance to the
trade by several laws. It is a matter for deliberation
whether we will enter upon treaties containing mutual
stipulations upon the subject with other governments.
The United States will demand indemnity for all depredations
by Great Britain.

“I invite your attention to existing laws for
the suppression of the African slave trade, and recommend
all such alterations as may give to them greater force
and efficacy. That the American flag is grossly
abused by the abandoned and profligate of other nations
is but too probable. Congress has, not long since,
had this subject under its consideration, and its
importance well justifies renewed and anxious attention.”
*House Journal*, 27 Cong. 2 sess. pp. 14-5, 86,
113.

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*1841, Dec. 20. [Great Britain, Austria, Russia,
Prussia, and France: Quintuple Treaty.]* *British
and Foreign State Papers*, 1841-2, p. 269 ff.
 *1842, Feb. 15. Right of Search: Cass’s
Protest.*
Cass writes to Webster, that, considering the fact
that the signing of the Quintuple Treaty would oblige
the participants to exercise the Right of Search denied
by the United States, or to make a change in the hitherto
recognized law of nations, he, on his own responsibility,
addressed the following protest to the French Minister
of Foreign Affairs, M. Guizot:—­

“LEGATION
OF THE UNITED STATES,
“PARIS,
FEBRUARY 13, 1842.

“SIR: The recent signature of a treaty,
having for its object the suppression of the African
slave trade, by five of the powers of Europe, and
to which France is a party, is a fact of such general
notoriety that it may be assumed as the basis of any
diplomatic representations which the subject may fairly
require.”

The United States is no party to this treaty.
She denies the Right of Visitation which England asserts.
[Quotes from the presidential message of Dec. 7, 1841.]
This principle is asserted by the treaty.

" ... The moral effect which such a union of
five great powers, two of which are eminently maritime,
but three of which have perhaps never had a vessel
engaged in that traffic, is calculated to produce upon
the United States, and upon other nations who, like
them, may be indisposed to these combined movements,
though it may be regretted, yet furnishes no just
cause of complaint. But the subject assumes another
aspect when they are told by one of the parties that
their vessels are to be forcibly entered and examined,
in order to carry into effect these stipulations.
Certainly the American Government does not believe
that the high powers, contracting parties to this
treaty, have any wish to compel the United States,
by force, to adopt their measures to its provisions,
or to adopt its stipulations ...; and they will see
with pleasure the prompt disavowal made by yourself,
sir, in the name of your country, ... of any intentions
of this nature. But were it otherwise, ...
They would prepare themselves with apprehension, indeed,
but without dismay—­with regret, but with
firmness—­for one of those desperate struggles
which have sometimes occurred in the history of the
world.”

If, as England says, these treaties cannot be executed
without visiting United States ships, then France
must pursue the same course. It is hoped, therefore,
that his Majesty will, before signing this treaty,
carefully examine the pretensions of England and their
compatibility with the law of nations and the honor
of the United States. *Senate Doc.*, 27 Cong.
3 sess. II. No. 52, and IV. No. 223;
29 Cong. 1 sess. VIII. No. 377, pp. 192-5.
 *1842, Feb. 26. Mississippi: Resolutions
on Creole Case.*
The following resolutions were referred to the Committee
on Foreign Affairs in the United States Congress,
House of Representatives, May 10, 1842:

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“Whereas, the right of search has never been
yielded to Great Britain,” and the brig Creole
has not been surrendered by the British authorities,
*etc*., therefore,

Sec. 1. “*Be it resolved by the Legislature
of the State of Mississippi*, That ... the right
of search cannot be conceded to Great Britain without
a manifest servile submission, unworthy a free nation....

Sec. 2. “*Resolved*, That any attempt to
detain and search our vessels, by British cruisers,
should be held and esteemed an unjustifiable outrage
on the part of the Queen’s Government; and that
any such outrage, which may have occurred since Lord
Aberdeen’s note to our envoy at the Court of
St. James, of date October thirteen, eighteen hundred
and forty-one, (if any,) may well be deemed, by our
Government, just cause of war.”

Sec. 3. “*Resolved*, That the Legislature
of the State, in view of the late murderous insurrection
of the slaves on board the Creole, their reception
in a British port, the absolute connivance at their
crimes, manifest in the protection extended to them
by the British authorities, most solemnly declare
their firm conviction that, if the conduct of those
authorities be submitted to, compounded for by the
payment of money, or in any other manner, or atoned
for in any mode except by the surrender of the actual
criminals to the Federal Government, and the delivery
of the other identical slaves to their rightful owner
or owners, or his or their agents, the slaveholding
States would have most just cause to apprehend that
the American flag is powerless to protect American
property; that the Federal Government is not sufficiently
energetic in the maintenance and preservation of their
peculiar rights; and that these rights, therefore,
are in imminent danger.”

Sec. 4. *Resolved*, That restitution should be
demanded “at all hazards.” *House Doc.*,
27 Cong. 2 sess. IV. No. 215.
 *1842, March 21. Congress (House): Giddings’s
Resolutions.*
Mr. Giddings moved the following resolutions:—­

Sec. 5. “*Resolved*, That when a ship belonging
to the citizens of any State of this Union leaves
the waters and territory of such State, and enters
upon the high seas, the persons on board cease to be
subject to the slave laws of such State, and therefore
are governed in their relations to each other by,
and are amenable to, the laws of the United States.”

Sec. 6. *Resolved*, That the slaves in the brig
Creole are amenable only to the laws of the United
States.

Sec. 7. *Resolved*, That those slaves by resuming
their natural liberty violated no laws of the United
States.

Sec. 8. *Resolved*, That all attempts to re-enslave
them are unconstitutional, *etc*.

Moved that these resolutions lie on the table; defeated,
53 to 125. Mr. Giddings withdrew the resolutions.
Moved to censure Mr. Giddings, and he was finally
censured. *House Journal*, 27 Cong. 2 sess. pp.
567-80.

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*1842, May 10. Congress (House): Remonstrance
of Mississippi against Right of Search.*
“Mr. Gwin presented resolutions of the Legislature
of the State of Mississippi, against granting the
right of search to Great Britain for the purpose of
suppressing the African slave trade; urging the Government
to demand of the British Government redress and restitution
in relation to the case of the brig Creole and the
slaves on board.” Referred to the Committee
on Foreign Affairs. *House Journal*, 27 Cong.
2 sess. p. 800.
 *1842, Aug. 4. United States Statute:
Appropriation.*
“An Act making appropriations for the naval
service,” *etc*.

“For carrying into effect the acts for the suppression
of the slave trade,” *etc*. $10,543.42. *Statutes
at Large*, V. 500, 501.
 *1842, Nov. 10. Joint-Cruising Treaty with
Great Britain.*
“Treaty to settle and define boundaries; for
the final suppression of the African slave-trade;
and for the giving up of criminals fugitive from justice.
Concluded August 9, 1842; ratifications exchanged at
London October 13, 1842; proclaimed November 10, 1842.”
Articles VIII., and IX. Ratified by the Senate
by a vote of 39 to 9, after several unsuccessful attempts
to amend it. *U.S. Treaties and Conventions*
(1889), pp. 436-7; *Senate Exec. Journal*,
VI. 118-32.
 *1842, Dec. 7. President Tyler’s Message.*
The treaty of Ghent binds the United States and Great
Britain to the suppression of the slave-trade.
The Right of Search was refused by the United States,
and our Minister in France for that reason protested
against the Quintuple Treaty; his conduct had the approval
of the administration. On this account the eighth
article was inserted, causing each government to keep
a flotilla in African waters to enforce the laws.
If this should be done by all the powers, the trade
would be swept from the ocean. *House Journal*,
27 Cong. 3 sess. pp. 16-7.
 *1843, Feb. 22. Congress (Senate): Appropriation
Opposed.*
Motion by Mr. Benton, during debate on naval appropriations,
to strike out appropriation “for the support
of Africans recaptured on the coast of Africa or elsewhere,
and returned to Africa by the armed vessels of the
United States, $5,000.” Lost; similar proposition
by Bagby, lost. Proposition to strike out appropriation
for squadron, lost. March 3, bill becomes a law,
with appropriation for Africans, but without that
for squadron. *Congressional Globe*, 27 Cong.
3 sess. pp. 328, 331-6; *Statutes at Large*,
V. 615.
 *1845, Feb. 20. President Tyler’s Special
Message to Congress.*
Message on violations of Brazilian slave-trade laws
by Americans. *House Journal*, 28 Cong. 2 sess.
pp. 425, 463; *House Doc.*, 28 Cong. 2 sess.
IV. No. 148. Cf. *Ibid.*, 29 Cong. 1
sess. III. No. 43.
 *1846, Aug. 10. United States Statute:
Appropriation.*

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“For carrying into effect the acts for the suppression
of the slave trade, including the support of recaptured
Africans, and their removal to their country, twenty-five
thousand dollars.” *Statutes at Large*,
IX. 96.
 *1849, Dec. 4. President Taylor’s Message.*
“Your attention is earnestly invited to an amendment
of our existing laws relating to the African slave-trade,
with a view to the effectual suppression of that barbarous
traffic. It is not to be denied that this trade
is still, in part, carried on by means of vessels built
in the United States, and owned or navigated by some
of our citizens.” *House Exec. Doc.*,
31 Cong. 1 sess. III. No. 5, pp. 7-8.
 *1850, Aug. 1. Congress (House): Bill
for War Steamers.*
“A bill (House, No. 367) to establish a line
of war steamers to the coast of Africa for the suppression
of the slave trade and the promotion of commerce and
colonization.” Read twice, and referred
to Committee of the Whole. *House Journal*, 31
Cong. 1 sess. pp. 1022, 1158, 1217.
 *1850, Dec. 16. Congress (House): Treaty
of Washington.*
“Mr. Burt, by unanimous consent, introduced
a joint resolution (No. 28) ’to terminate the
eighth article of the treaty between the United States
and Great Britain concluded at Washington the ninth
day of August, 1842.’” Read twice, and
referred to the Committee on Naval Affairs. *Ibid.*,
31 Cong. 2 sess. p. 64.
 *1851, Jan. 22. Congress (Senate): Resolution
on Sea Letters.*
“The following resolution, submitted by Mr.
Clay the 20th instant, came up for consideration:—­

“*Resolved*, That the Committee on Commerce
be instructed to inquire into the expediency of making
more effectual provision by law to prevent the employment
of American vessels and American seamen in the African
slave trade, and especially as to the expediency of
granting sea letters or other evidence of national
character to American vessels clearing out of the
ports of the empire of Brazil for the western coast
of Africa.” Agreed to. *Congressional
Globe*, 31 Cong. 2 sess. pp. 304-9; *Senate Journal*,
31 Cong. 2 sess. pp. 95, 102-3.
 *1851, Feb. 19. Congress (Senate): Bill
on Slave-Trade.*
“A bill (Senate, No. 472) concerning the intercourse
and trade of vessels of the United States with certain
places on the eastern and western coasts of Africa,
and for other purposes.” Read once. *Senate
Journal*, 31 Cong. 2 sess. pp. 42, 45, 84, 94, 159,
193-4; *Congressional Globe*, 31 Cong. 2 sess.
pp. 246-7.
 *1851, Dec. 3. Congress (House): Bill
to Amend Act of 1807.*
Mr. Giddings gave notice of a bill to repeal Sec.Sec.
9 and 10 of the act to prohibit the importation of
slaves, *etc*. from and after Jan. 1, 1808. *House
Journal*, 32 Cong. 1 sess. p. 42. Cf. *Ibid.*,
33 Cong. 1 sess. p. 147.

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*1852, Feb. 5. Alabama: Illegal Importations.*
By code approved on this date:—­

Sec.Sec. 2058-2062. If slaves have been imported
contrary to law, they are to be sold, and one fourth
paid to the agent or informer and the residue to the
treasury. An agent is to be appointed to take
charge of such slaves, who is to give bond. Pending
controversy, he may hire the slaves out. Ormond,
*Code of Alabama*, pp. 392-3.
 *1853, March 3. Congress (Senate): Appropriation
Proposed.*
A bill making appropriations for the naval service
for the year ending June 30, 1854. Mr. Underwood
offered the following amendment:—­

“For executing the provisions of the act approved
3d of March, 1819, entitled ‘An act in addition
to the acts prohibiting the slave trade,’ $20,000.”
Amendment agreed to, and bill passed. It appears,
however, to have been subsequently amended in the
House, and the appropriation does not stand in the
final act. *Congressional Globe*, 32 Cong. 2 sess.
p. 1072; *Statutes at Large*, X. 214.
 *1854, May 22. Congress (Senate): West
India Slave-Trade.*
Mr. Clayton presented the following resolution, which
was unanimously agreed to:—­

“*Resolved*, That the Committee on Foreign
Relations be instructed to inquire into the expediency
of providing by law for such restrictions on the power
of American consuls residing in the Spanish West India
islands to issue sea letters on the transfer of American
vessels in those islands, as will prevent the abuse
of the American flag in protecting persons engaged
in the African slave trade.” June 26, 1854,
this committee reported “a bill (Senate, No.
416) for the more effectual suppression of the slave-trade
in American built vessels.” Passed Senate,
postponed in House. *Senate Journal*, 33 Cong.
1 sess. pp. 404, 457-8, 472-3, 476; *House Journal*,
33 Cong. 1 sess. pp. 1093, 1332-3; *Congressional
Globe*, 33 Cong. 1 sess. pp. 1257-61, 1511-3, 1591-3,
2139.
 *1854, May 29. Congress (Senate): Treaty
of Washington.
Resolved*, “that, in the opinion of the
Senate, it is expedient, and in conformity with the
interests and sound policy of the United States, that
the eighth article of the treaty between this government
and Great Britain, of the 9th of August, 1842, should
be abrogated.” Introduced by Slidell, and
favorably reported from Committee on Foreign Relations
in Executive Session, June 13, 1854. *Senate Journal*,
34 Cong. 1-2 sess. pp. 396, 695-8; *Senate Reports*,
34 Cong. 1 sess. I. No. 195.
 *1854, June 21. Congress (Senate): Bill
Regulating Navigation.*
“Mr. Seward asked and obtained leave to bring
in a bill (Senate, No. 407) to regulate navigation
to the coast of Africa in vessels owned by citizens
of the United States, in certain cases; which was read
and passed to a second reading.” June 22,
ordered to be printed. *Senate Journal*, 33 Cong.
1 sess. pp. 448, 451; *Congressional Globe*, 33
Cong. 1 sess. pp. 1456, 1461, 1472.

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*1854, June 26. Congress (Senate): Bill
to Suppress Slave-Trade.*
“A bill for the more effectual suppression of
the slave trade in American built vessels.”
See references to May 22, 1854, above.
 *1856, June 23. Congress (House): Proposition
to Amend Act of 1818.*
Notice given of a bill to amend the Act of April 20,
1818. *House Journal*, 34 Cong. 1 sess.
II. 1101.
 *1856, Aug. 18. United States Statute:
Appropriation.*
To carry out the Act of March 3, 1819, and subsequent
acts, $8,000. *Statutes at Large*, XI. 90.
 *1856, Nov. 24. South Carolina: Governor’s
Message.*
Governor Adams, in his annual message to the legislature,
said:—­

“It is apprehended that the opening of this
trade [*i.e.*, the slave-trade] will lessen the
value of slaves, and ultimately destroy the institution.
It is a sufficient answer to point to the fact, that
unrestricted immigration has not diminished the value
of labor in the Northwestern section of the confederacy.
The cry there is, want of labor, notwithstanding capital
has the pauperism of the old world to press into its
grinding service. If we cannot supply the demand
for slave labor, then we must expect to be supplied
with a species of labor we do not want, and which
is, from the very nature of things, antagonistic to
our institutions. It is much better that our drays
should be driven by slaves—­that our factories
should be worked by slaves—­that our hotels
should be served by slaves—­that our locomotives
should be manned by slaves, than that we should be
exposed to the introduction, from any quarter, of
a population alien to us by birth, training, and education,
and which, in the process of time, must lead to that
conflict between capital and labor, ’which makes
it so difficult to maintain free institutions in all
wealthy and highly civilized nations where such institutions
as ours do not exist.’ In all slaveholding
States, true policy dictates that the superior race
should direct, and the inferior perform all menial
service. Competition between the white and black
man for this service, may not disturb Northern sensibility,
but it does not exactly suit our latitude.” *South
Carolina House Journal*, 1856, p. 36; Cluskey,
*Political Text-Book*, 14 edition, p. 585.
 *1856, Dec. 15. Congress (House): Reopening
of Slave-Trade.*
“*Resolved*, That this House of Representatives
regards all suggestions and propositions of every
kind, by whomsoever made, for a revival of the African
slave trade, as shocking to the moral sentiment of
the enlightened portion of mankind; and that any action
on the part of Congress conniving at or legalizing
that horrid and inhuman traffic would justly subject
the government and citizens of the United States to
the reproach and execration of all civilized and Christian
people throughout the world.” Offered by
Mr. Etheridge; agreed to, 152 to 57. *House Journal*,
34 Cong. 3 sess. pp. 105-11; *Congressional Globe*,
34 Cong. 3 sess. pp. 123-5, and Appendix, pp. 364-70.

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*1856, Dec. 15. Congress (House): Reopening
of Slave-Trade.*
“*Resolved*, That it is inexpedient to
repeal the laws prohibiting the African slave trade.”
Offered by Mr. Orr; not voted upon. *Congressional
Globe*, 34 Cong. 3 sess. p. 123.
 *1856, Dec. 15. Congress (House): Reopening
of Slave-Trade.*
“*Resolved*, That it is inexpedient, unwise,
and contrary to the settled policy of the United States,
to repeal the laws prohibiting the African slave trade.”
Offered by Mr. Orr; agreed to, 183 to 8. *House Journal*,
34 Cong. 3 sess. pp. 111-3; *Congressional Globe*,
34 Cong. 3 sess. pp. 125-6.
 *1856, Dec. 15. Congress (House): Reopening
of Slave-Trade.*
“*Resolved*, That the House of Representatives,
expressing, as they believe, public opinion both North
and South, are utterly opposed to the reopening of
the slave trade.” Offered by Mr. Boyce;
not voted upon. *Congressional Globe*, 34 Cong.
3 sess. p. 125.
 *1857. South Carolina: Report of Legislative
Committee.*
Special committee of seven on the slave-trade clause
in the Governor’s message report: majority
report of six members, favoring the reopening of the
African slave-trade; minority report of Pettigrew,
opposing it. *Report of the Special Committee*,
*etc*., published in 1857.
 *1857, March 3. United States Statute:
Appropriation.*
To carry out the Act of March 3, 1819, and subsequent
acts, $8,000. *Statutes at Large*, XI. 227; *House
Journal*, 34 Cong. 3 sess. p. 397. Cf. *House
Exec. Doc.*, 34 Cong. 3 sess. IX.
No. 70.
 *1858, March (?). Louisiana: Bill to Import
Africans.*
Passed House; lost in Senate by two votes. Cf.
*Congressional Globe*, 35
Cong. 1 sess. p. 1362.
 *1858, Dec. 6. President Buchanan’s Message.*
“The truth is, that Cuba in its existing colonial
condition, is a constant source of injury and annoyance
to the American people. It is the only spot in
the civilized world where the African slave trade is
tolerated; and we are bound by treaty with Great Britain
to maintain a naval force on the coast of Africa,
at much expense both of life and treasure, solely
for the purpose of arresting slavers bound to that
island. The late serious difficulties between
the United States and Great Britain respecting the
right of search, now so happily terminated, could
never have arisen if Cuba had not afforded a market
for slaves. As long as this market shall remain
open, there can be no hope for the civilization of
benighted Africa....

“It has been made known to the world by my predecessors
that the United States have, on several occasions,
endeavored to acquire Cuba from Spain by honorable
negotiation. If this were accomplished, the last
relic of the African slave trade would instantly disappear.
We would not, if we could, acquire Cuba in any other
manner. This is due to our national character....
This course we shall ever pursue, unless circumstances
should occur, which we do not now anticipate, rendering
a departure from it clearly justifiable, under the
imperative and overruling law of self-preservation.”
*House Exec. Doc.*, 35 Cong. 2 sess.
II. No. 2, pp. 14-5. See also *Ibid.*,
pp. 31-3.

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*1858, Dec. 23. Congress (House): Resolution
on Slave-Trade.*
On motion of Mr. Farnsworth,

“*Resolved*, That the Committee on Naval
Affairs be requested to inquire and report to this
House if any, and what, further legislation is necessary
on the part of the United States to fully carry out
and perform the stipulations contained in the eighth
article of the treaty with Great Britain (known as
the ‘Ashburton treaty’) for the suppression
of the slave trade.” *House Journal*, 35
Cong. 2 sess. pp. 115-6.
 *1859, Jan. 5. Congress (Senate): Resolution
on Slave-Trade.*
On motion of Mr. Seward, Dec. 21, 1858,

“*Resolved*, That the Committee on the
Judiciary inquire whether any amendments to existing
laws ought to be made for the suppression of the African
slave trade.” *Senate Journal*, 35 Cong.
2 sess. pp. 80, 108, 115.
 *1859, Jan. 13. Congress (Senate): Bill
on Slave-Trade.*
Mr. Seward introduced “a bill (Senate, No. 510)
in addition to the acts which prohibit the slave trade.”
Referred to committee, reported, and dropped. *Ibid.*,
pp. 134, 321.
 *1859, Jan. 31. Congress (House): Reopening
of Slave-Trade.*
“Mr. Kilgore moved that the rules be suspended,
so as to enable him to submit the following preamble
and resolutions, viz:

“Whereas the laws prohibiting the African slave
trade have become a topic of discussion with newspaper
writers and political agitators, many of them boldly
denouncing these laws as unwise in policy and disgraceful
in their provisions, and insisting on the justice and
propriety of their repeal, and the revival of the
odious traffic in African slaves; and whereas recent
demonstrations afford strong reasons to apprehend that
said laws are to be set at defiance, and their violation
openly countenanced and encouraged by a portion of
the citizens of some of the States of this Union;
and whereas it is proper in view of said facts that
the sentiments of the people’s representatives
in Congress should be made public in relation thereto:
Therefore—­

“*Resolved*, That while we recognize no
right on the part of the federal government, or any
other law-making power, save that of the States wherein
it exists, to interfere with or disturb the institution
of domestic slavery where it is established or protected
by State legislation, we do hold that Congress has
power to prohibit the foreign traffic, and that no
legislation can be too thorough in its measures, nor
can any penalty known to the catalogue of modern punishment
for crime be too severe against a traffic so inhuman
and unchristian.

“*Resolved*, That the laws in force against
said traffic are founded upon the broadest principles
of philanthropy, religion, and humanity; that they
should remain unchanged, except so far as legislation
may be needed to render them more efficient; that
they should be faithfully and promptly executed by
our government, and respected by all good citizens.

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“*Resolved*, That the Executive should
be sustained and commended for any proper efforts
whenever and wherever made to enforce said laws, and
to bring to speedy punishment the wicked violators
thereof, and all their aiders and abettors.”

Failed of the two-thirds vote necessary to suspend
the rules—­the vote being 115 to 84—­and
was dropped. *House Journal*, 35 Cong. 2 sess.
pp. 298-9.
 *1859, March 3. United States Statute:
Appropriation.*
To carry out the Act of March 3, 1819, and subsequent
acts, and to pay expenses already incurred, $75,000.
*Statutes at Large*, XI. 404.
 *1859, Dec. 19. President Buchanan’s
Message.*
“All lawful means at my command have been employed,
and shall continue to be employed, to execute the
laws against the African slave trade. After a
most careful and rigorous examination of our coasts,
and a thorough investigation of the subject, we have
not been able to discover that any slaves have been
imported into the United States except the cargo by
the Wanderer, numbering between three and four hundred.
Those engaged in this unlawful enterprise have been
rigorously prosecuted, but not with as much success
as their crimes have deserved. A number of them
are still under prosecution. [Here follows a history
of our slave-trade legislation.]

“These acts of Congress, it is believed, have,
with very rare and insignificant exceptions, accomplished
their purpose. For a period of more than half
a century there has been no perceptible addition to
the number of our domestic slaves.... Reopen
the trade, and it would be difficult to determine
whether the effect would be more deleterious on the
interests of the master, or on those of the native
born slave, ...” *Senate Exec. Doc.*,
36 Cong. 1 sess. I. No. 2, pp. 5-8.
 *1860, March 20. Congress (Senate): Proposed
Resolution.*
“Mr. Wilson submitted the following resolution;
which was considered, by unanimous consent, and agreed
to:—­

“*Resolved*, That the Committee on the
Judiciary be instructed to inquire into the expediency
of so amending the laws of the United States in relation
to the suppression of the African slave trade as to
provide a penalty of imprisonment for life for a participation
in such trade, instead of the penalty of forfeiture
of life, as now provided; and also an amendment of
such laws as will include in the punishment for said
offense all persons who fit out or are in any way connected
with or interested in fitting out expeditions or vessels
for the purpose of engaging in such slave trade.”
*Senate Journal*, 36 Cong. 1 sess. p. 274.
 *1860, March 20. Congress (Senate): Right
of Search.*
“Mr. Wilson asked, and by unanimous consent
obtained, leave to bring in a joint resolution (Senate,
No. 20) to secure the right of search on the coast
of Africa, for the more effectual suppression of the
African slave trade.” Read twice, and referred
to Committee on Foreign Relations. *Ibid.*

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*1860, March 20. Congress (Senate): Steam
Vessels for Slave-Trade.*
“Mr. Wilson asked, and by unanimous consent
obtained, leave to bring in a bill (Senate, No. 296)
for the construction of five steam screw sloops-of-war,
for service on the African coast.” Read
twice, and referred to Committee on Naval Affairs;
May 23, reported with an amendment. *Ibid.*,
pp. 274, 494-5.
 *1860 March 26. Congress (House): Proposed
Resolutions.*
“Mr. Morse submitted ... the following resolutions;
which were read and committed to the Committee of
the Whole House on the state of the Union, viz:

“*Resolved*, That for the more effectual
suppression of the African slave trade the treaty
of 1842 ..., requiring each country to keep *eighty*
guns on the coast of Africa for that purpose, should
be so changed as to require a specified and sufficient
number of small steamers and fast sailing brigs or
schooners to be kept on said coast....

“*Resolved*, That as the African slave
trade appears to be rapidly increasing, some effective
mode of identifying the nationality of a vessel on
the coast of Africa suspected of being in the slave
trade or of wearing false colors should be immediately
adopted and carried into effect by the leading maritime
nations of the earth; and that the government of the
United States has thus far, by refusing to aid in
establishing such a system, shown a strange neglect
of one of the best means of suppressing said trade.

“*Resolved*, That the African slave trade
is against the moral sentiment of mankind and a crime
against human nature; and that as the most highly
civilized nations have made it a criminal offence or
piracy under their own municipal laws, it ought at
once and without hesitation to be declared a crime
by the code of international law; and that ... the
President be requested to open negotiations on this
subject with the leading powers of Europe.”
... *House Journal*, 36 Cong. 1 sess. I.
588-9.
 *1860, April 16. Congress (Senate): Bill
on Slave-Trade.*
“Mr. Wilson asked, and by unanimous consent
obtained, leave to bring in a bill (Senate, No. 408)
for the more effectual suppression of the slave trade.”
Bill read twice, and ordered to lie on the table; May
21, referred to Committee on the Judiciary, and printed.
*Senate Journal*, 36 Cong. 1 sess. pp. 394, 485;
*Congressional Globe*, 36 Cong. 1 sess. pp. 1721,
2207-11.
 *1860, May 21. Congress (House): Buyers
of Imported Negroes.*
“Mr. Wells submitted the following resolution,
and debate arising thereon, it lies over under the
rule, viz:

“*Resolved*, That the Committee on the
Judiciary be instructed to report forthwith a bill
providing that any person purchasing any negro or other
person imported into this country in violation of the
laws for suppressing the slave trade, shall not by
reason of said purchase acquire any title to said
negro or person; and where such purchase is made with
a knowledge that such negro or other person has been
so imported, shall forfeit not less than one thousand
dollars, and be punished by imprisonment for a term
not less than six months.” *House Journal*,
36 Cong. 1 sess. II. 880.

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*1860, May 26. United States Statute:
Appropriation.*
To carry out the Act of March 3, 1819, and subsequent
acts, $40,000. *Statutes at Large*, XII. 21.
 *1860, June 16. United States Statute:
Additional Act to Act of 1819.*
“An Act to amend an Act entitled ’An Act
in addition to the Acts Prohibiting the Slave Trade.’”
*Ibid.*, XII. 40-1; *Senate Journal*, 36
Cong. 1 sess., Senate Bill No. 464.
 *1860, July 11. Great Britain: Proposed
Co-operation.*
Lord John Russell suggested for the suppression of
the trade:—­

“1st. A systematic plan of cruising on
the coast of Cuba by the vessels of Great Britain,
Spain, and the United States.

“2d. Laws of registration and inspection
in the Island of Cuba, by which the employment of
slaves, imported contrary to law, might be detected
by the Spanish authorities.

“3d. A plan of emigration from China, regulated
by the agents of European nations, in conjunction
with the Chinese authorities.” President
Buchanan refused to co-operate on this plan. *House
Exec. Doc.*, 36 Cong. 2 sess. IV.
No. 7, pp. 441-3, 446-8.
 *1860, Dec. 3. President Buchanan’s Message.*
“It is with great satisfaction I communicate
the fact that since the date of my last annual message
not a single slave has been imported into the United
States in violation of the laws prohibiting the African
slave trade. This statement is founded upon a
thorough examination and investigation of the subject.
Indeed, the spirit which prevailed some time since
among a portion of our fellow-citizens in favor of
this trade seems to have entirely subsided.”
*Senate Exec. Doc.*, 36 Cong. 2 sess.
I. No. 1, p. 24.
 *1860, Dec. 12. Congress (House): Proposition
to Amend Constitution.*
Mr. John Cochrane’s resolution:—­

“The migration or importation of slaves into
the United States or any of the Territories thereof,
from any foreign country, is hereby prohibited.”
*House Journal*, 36 Cong. 2 sess. pp. 61-2; *Congressional
Globe*, 36 Cong. 2 sess. p. 77.
 *1860, Dec. 24. Congress (Senate): Bill
on Slave-Trade.*
“Mr. Wilson asked, and by unanimous consent
obtained, leave to bring in a bill (Senate, No. 529)
for the more effectual suppression of the slave trade.”
Read twice, and referred to Committee on the Judiciary;
not mentioned again. *Senate Journal*, 36 Cong.
2 sess. p. 62; *Congressional Globe*, 36 Cong.
2 sess. p. 182.
 *1861, Jan. 7. Congress (House): Proposition
to Amend Constitution.*
Mr. Etheridge’s resolution:—­

Sec. 5. “The migration or importation of
persons held to service or labor for life, or a term
of years, into any of the States, or the Territories
belonging to the United States, is perpetually prohibited;
and Congress shall pass all laws necessary to make
said prohibition effective.” *Congressional
Globe*, 36 Cong. 2 sess. p. 279.

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*1861, Jan. 23. Congress (House): Proposition
to Amend Constitution.*
Resolution of Mr. Morris of Pennsylvania:—­“Neither
Congress nor a Territorial Legislature shall make
any law respecting slavery or involuntary servitude,
except as a punishment for crime; but Congress may
pass laws for the suppression of the African slave
trade, and the rendition of fugitives from service
or labor in the States.” Mr. Morris asked
to have it printed, that he might at the proper time
move it as an amendment to the report of the select
committee of thirty-three. It was ordered to
be printed. *Ibid.*, p. 527.
 *1861, Feb. 1. Congress (House): Proposition
to Amend Constitution.*
Resolution of Mr. Kellogg of Illinois:—­

Sec. 16. “The migration or importation
of persons held to service or involuntary servitude
into any State, Territory, or place within the United
States, from any place or country beyond the limits
of the United States or Territories thereof, is forever
prohibited.” Considered Feb. 27, 1861,
and lost. *Ibid.*, pp. 690, 1243, 1259-60.
 *1861, Feb. 8. Confederate States of America:
Importation Prohibited.*
Constitution for the Provisional Government of the
Confederate States of America, Article I. Section
7:—­

“1. The importation of African negroes
from any foreign country other than the slave-holding
States of the United States, is hereby forbidden;
and Congress are required to pass such laws as shall
effectually prevent the same.

“2. The Congress shall also have power
to prohibit the introduction of slaves from any State
not a member of this Confederacy.” March
11, 1861, this article was placed in the permanent
Constitution. The first line was changed so as
to read “negroes of the African race.”
*C.S.A. Statutes at Large, 1861-2*, pp.
3, 15.
 *1861, Feb. 9. Confederate States of America:
Statutory Prohibition.*
“*Be it enacted by the Confederate States
of America in Congress assembled*, That all the
laws of the United States of America in force and
in use in the Confederate States of America on the
first day of November last, and not inconsistent with
the Constitution of the Confederate States, be and
the same are hereby continued in force until altered
or repealed by the Congress.” *Ibid.*, p.
27.
 *1861, Feb. 19. United States Statute:
Appropriation.*
To supply deficiencies in the fund hitherto appropriated
to carry out the Act of March 3, 1819, and subsequent
acts, $900,000. *Statutes at Large*, XII. 132.
 *1861, March 2. United States Statute:
Appropriation.*
To carry out the Act of March 3, 1819, and subsequent
acts, and to provide compensation for district attorneys
and marshals, $900,000. *Ibid.*, XII. 218-9.
 *1861, Dec. 3. President Lincoln’s Message.*

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“The execution of the laws for the suppression
of the African slave trade has been confided to the
Department of the Interior. It is a subject of
gratulation that the efforts which have been made for
the suppression of this inhuman traffic have been
recently attended with unusual success. Five
vessels being fitted out for the slave trade have
been seized and condemned. Two mates of vessels
engaged in the trade, and one person in equipping
a vessel as a slaver, have been convicted and subjected
to the penalty of fine and imprisonment, and one captain,
taken with a cargo of Africans on board his vessel,
has been convicted of the highest grade of offence
under our laws, the punishment of which is death.”
*Senate Exec. Doc.*, 37 Cong. 2 sess.
I. No. 1, p. 13.
 *1862, Jan. 27. Congress (Senate): Bill
on Slave-Trade.*
“Agreeably to notice Mr. Wilson, of Massachusetts,
asked and obtained leave to bring in a bill (Senate,
No. 173), for the more effectual suppression of the
slave trade.” Read twice, and referred to
Committee on the Judiciary; Feb. 11, 1863, reported
adversely, and postponed indefinitely. *Senate Journal*,
37 Cong. 2 sess. p. 143; 37 Cong. 3 sess. pp. 231-2.
 *1862, March 14. United States Statute:
Appropriation.*
For compensation to United States marshals, district
attorneys, *etc*., for services in the suppression
of the slave-trade, so much of the appropriation of
March 2, 1861, as may be expedient and proper, not
exceeding in all $10,000. *Statutes at Large*,
XII. 368-9.
 *1862, March 25. United States Statute:
Prize Law.*
“An Act to facilitate Judicial Proceedings in
Adjudications upon Captured Property, and for the
better Administration of the Law of Prize.”
Applied to captures under the slave-trade law. *Ibid.*,
XII. 374-5; *Congressional Globe*, 37 Cong. 2
sess., Appendix, pp. 346-7.
 *1862, June 7. Great Britain: Treaty of
1862.*
“Treaty for the suppression of the African slave
trade. Concluded at Washington April 7, 1862;
ratifications exchanged at London May 20, 1862; proclaimed
June 7, 1862.” Ratified unanimously by the
Senate. *U.S. Treaties and Conventions*
(1889), pp. 454-66. See also *Senate Exec.
Journal*, XII. pp. 230, 231, 240, 254, 391, 400,
403.
 *1862, July 11. United States Statute:
Treaty of 1862 Carried into Effect.*
“An Act to carry into Effect the Treaty between
the United States and her Britannic Majesty for the
Suppression of the African Slave-Trade.” *Statutes
at Large*, XII. 531; *Senate Journal* and *House
Journal*, 37 Cong. 2 sess., Senate Bill No. 352.
 *1862, July 17. United States Statute:
Former Acts Amended.*
“An Act to amend an Act entitled ’An Act
to amend an Act entitled “An Act in Addition
to the Acts prohibiting the Slave Trade."’”
*Statutes at Large*, XII. 592-3; *Senate Journal*
and *House Journal*, 37 Cong. 2 sess., Senate
Bill No. 385.

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*1863, Feb. 4. United States Statute:
Appropriation.*
To carry out the treaty with Great Britain, proclaimed
July 11, 1862, $17,000. *Statutes at Large*,
XII. 639.
 *1863, March 3. Congress: Joint Resolution.*
“Joint Resolution respecting the Compensation
of the Judges and so forth, under the Treaty with
Great Britain and other Persons employed in the Suppression
of the Slave Trade.” *Statutes at Large*,
XII. 829.
 *1863, April 22. Great Britain: Treaty
of 1862 Amended.*
“Additional article to the treaty for the suppression
of the African slave trade of April 7, 1862.”
Concluded February 17, 1863; ratifications exchanged
at London April 1, 1863; proclaimed April 22, 1863.

Right of Search extended. *U.S. Treaties and
Conventions* (1889), pp. 466-7.
 *1863, Dec. 17. Congress (House): Resolution
on Coastwise Slave-Trade.*
Mr. Julian introduced a bill to repeal portions of
the Act of March 2, 1807, relative to the coastwise
slave-trade. Read twice, and referred to Committee
on the Judiciary. *Congressional Globe*, 38 Cong.
1 sess. p. 46.
 *1864, July 2. United States Statute:
Coastwise Slave-Trade Prohibited Forever.*
Sec. 9 of Appropriation Act repeals Sec.Sec. 8 and
9 of Act of 1807. *Statutes at Large*, XIII.
353.
 *1864, Dec. 7. Great Britain: International
Proposition.*
“The crime of trading in human beings has been
for many years branded by the reprobation of all civilized
nations. Still the atrocious traffic subsists,
and many persons flourish on the gains they have derived
from that polluted source.

“Her Majesty’s government, contemplating,
on the one hand, with satisfaction the unanimous abhorrence
which the crime inspires, and, on the other hand,
with pain and disgust the slave-trading speculations
which still subist [*sic*], have come to the conclusion
that no measure would be so effectual to put a stop
to these wicked acts as the punishment of all persons
who can be proved to be guilty of carrying slaves
across the sea. Her Majesty’s government,
therefore, invite the government of the United States
to consider whether it would not be practicable, honorable,
and humane—­

“1st. To make a general declaration, that
the governments who are parties to it denounce the
slave trade as piracy.

“2d. That the aforesaid governments should
propose to their legislatures to affix the penalties
of piracy already existing in their laws—­provided,
only, that the penalty in this case be that of death—­to
all persons, being subjects or citizens of one of the
contracting powers, who shall be convicted in a court
which takes cognizance of piracy, of being concerned
in carrying human beings across the sea for the purpose
of sale, or for the purpose of serving as slaves, in
any country or colony in the world.” Signed,
 “RUSSELL.”

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Similar letters were addressed to France, Spain, Portugal,
Austria, Prussia, Italy, Netherlands, and Russia.
*Diplomatic Correspondence*, 1865, pt. ii. pp.
4, 58-9, *etc*.
 *1865, Jan. 24. United States Statute:
Appropriation.*
To carry out the treaty with Great Britain, proclaimed
July 11, 1862, $17,000. *Statutes at Large*,
XIII. 424.
 *1866, April 7. United States Statute:
Compensation to Marshals, etc.*
For additional compensation to United States marshals,
district attorneys, *etc*., for services in the
suppression of the slave-trade, so much of the appropriation
of March 2, 1861, as may be expedient and proper,
not exceeding in all $10,000; and also so much as may
be necessary to pay the salaries of judges and the
expenses of mixed courts. *Ibid.*, XIV. 23.
 *1866, July 25. United States Statute:
Appropriation.*
To carry out the treaty with Great Britain, proclaimed
July 11, 1862, $17,000. *Ibid.*, XIV. 226.
 *1867, Feb. 28. United States Statute:
Appropriation.*
To carry out the treaty with Great Britain, proclaimed
July 11, 1862, $17,000. *Ibid.*, XIV. 414-5.
 *1868, March 30. United States Statute:
Appropriation.*
To carry out the treaty with Great Britain, proclaimed
July 11, 1862, $12,500. *Ibid.*, XV. 58.
 *1869, Jan. 6. Congress (House): Abrogation
of Treaty of 1862.*
Mr. Kelsey asked unanimous consent to introduce the
following resolution:—­

“Whereas the slave trade has been practically
suppressed; and whereas by our treaty with Great Britain
for the suppression of the slave trade large appropriations
are annually required to carry out the provisions
thereof: Therefore,

“*Resolved*, That the Committee on Foreign
Affairs are hereby instructed to inquire into the
expediency of taking proper steps to secure the abrogation
or modification of the treaty with Great Britain for
the suppression of the slave trade.” Mr.
Arnell objected. *Congressional Globe*, 40 Cong.
3 sess. p. 224.
 *1869, March 3. United States Statute:
Appropriation.*
To carry out the treaty with Great Britain, proclaimed
July 11, 1862, $12,500; provided that the salaries
of judges be paid only on condition that they reside
where the courts are held, and that Great Britain be
asked to consent to abolish mixed courts. *Statutes
at Large*, XV. 321.
 *1870, April 22. Congress (Senate): Bill
to Repeal Act of 1803.*
Senate Bill No. 251, to repeal an act entitled “An
act to prevent the importation of certain persons
into certain States where by the laws thereof their
admission is prohibited.” Mr. Sumner said
that the bill had passed the Senate once, and that
he hoped it would now pass. Passed; title amended
by adding “approved February 28, 1803;”
June 29, bill passed over in House; July 14, consideration
again postponed on Mr. Woodward’s objection.
*Congressional Globe*, 41 Cong. 2 sess. pp. 2894,
2932, 4953, 5594.

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*1870, Sept. 16. Great Britain: Additional
Treaty.*
“Additional convention to the treaty of April
7, 1862, respecting the African slave trade.”
Concluded June 3, 1870; ratifications exchanged at
London August 10, 1870; proclaimed September 16, 1870.
*U.S. Treaties and Conventions* (1889),
pp. 472-6.
 *1871, Dec. 11. Congress (House): Bill
on Slave-Trade.*
On the call of States, Mr. Banks introduced “a
bill (House, No. 490) to carry into effect article
thirteen of the Constitution of the United States,
and to prohibit the owning or dealing in slaves by
American citizens in foreign countries.” *House
Journal*, 42 Cong. 2 sess. p. 48.

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**APPENDIX C.**

TYPICAL CASES OF VESSELS ENGAGED IN THE AMERICAN SLAVE-TRADE.
1619-1864.
This chronological list of certain typical American slavers is not intended to catalogue all known cases, but is designed merely to illustrate, by a few selected examples, the character of the licit and the illicit traffic to the United States. *1619.* ——. Dutch man-of-war,
imports twenty Negroes into Virginia, the first slaves
brought to the continent. Smith, *Generall Historie
of Virginia* (1626 and 1632), p. 126.
 *1645.* *Rainbowe,* under Captain Smith,
captures and imports African slaves into Massachusetts.
The slaves were forfeited and returned. *Massachusetts
Colonial Records*, II. 115, 129, 136, 168, 176;
III. 13, 46, 49, 58, 84.
 *1655.* *Witte paert,* first vessel to import
slaves into New York. O’Callaghan, *Laws
of New Netherland* (ed. 1868), p. 191, note.
 *1736, Oct.* ——. Rhode Island
slaver, under Capt. John Griffen. *American
Historical Record*, I. 312.
 *1746.* ——. Spanish vessel,
with certain free Negroes, captured by Captains John
Dennis and Robert Morris, and Negroes sold by them
in Rhode Island, Massachusetts, and New York; these
Negroes afterward returned to Spanish colonies by
the authorities of Rhode Island. *Rhode Island Colonial
Records*, V. 170, 176-7; Dawson’s *Historical
Magazine*, XVIII. 98.
 *1752.* *Sanderson,* of Newport, trading
to Africa and West Indies. *American Historical
Record*, I. 315-9, 338-42. Cf. above, p. 35,
note 4.
 *1788* (*circa*). ——.
“One or two” vessels fitted out in Connecticut.
W.C. Fowler, *Historical Status of the Negro
in Connecticut*, in *Local Law*, *etc*.,
p. 125.
 *1801.* *Sally,* of Norfolk, Virginia, equipped
slaver; libelled and acquitted; owners claimed damages.
*American State Papers, Commerce and Navigation*,
I. No. 128.
 *1803* (?). ——. Two slavers
seized with slaves, and brought to Philadelphia; both
condemned, and slaves apprenticed. Robert Sutcliff,
*Travels in North America*, p. 219.

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*1804.* ——. Slaver, allowed
by Governor Claiborne to land fifty Negroes in Louisiana.
*American State Papers, Miscellaneous*, I. No.
177.
 *1814.* *Saucy Jack* carries off slaves
from Africa and attacks British cruiser. *House
Reports*, 17 Cong. 1 sess. II. No. 92,
p. 46; 21 Cong. 1 sess. III. No. 348, p.
147.
 *1816* (*circa*). *Paz,* *Rosa,Dolores,* *Nueva Paz,* and *Dorset,*
American slavers in Spanish-African trade. Many
of these were formerly privateers. *Ibid.*, 17
Cong. 1 sess. II. No. 92, pp. 45-6; 21 Cong.
1 sess. III. No. 348, pp. 144-7.
 *1817, Jan. 17.* *Eugene,* armed Mexican
schooner, captured while attempting to smuggle slaves
into the United States. *House Doc.*, 15 Cong.
1 sess. II. No. 12, p. 22.
 *1817, Nov. 19.* *Tentativa,* captured with
128 slaves and brought into Savannah. *Ibid.*,
p. 38; *House Reports*, 21 Cong. 1 sess.
III. No. 348, p. 81. See *Friends’
View of the African Slave Trade* (1824), pp. 44-7.
 *1818.* ——. Three schooners
unload slaves in Louisiana. Collector Chew to
the Secretary of the Treasury, *House Reports*,
21 Cong. 1 sess. III. No. 348, p. 70.
 *1818, Jan. 23.* English brig *Neptune,*
detained by U.S.S. John Adams, for smuggling
slaves into the United States. *House Doc.*, 16
Cong. 1 sess. III. No. 36 (3).
 *1818, June.* *Constitution,* captured with
84 slaves on the Florida coast, by a United States
army officer. See references under 1818, June,
below.
 *1818, June.* *Louisa* and *Merino,*
captured slavers, smuggling from Cuba to the United
States; condemned after five years’ litigation.
*House Doc.*, 15 Cong. 2 sess. VI. No.
107; 19 Cong. 1 sess. VI.-IX. Nos. 121,
126, 152, 163; *House Reports*, 19 Cong. 1 sess.
II. No. 231; *American State Papers, Naval
Affairs*, II. No. 308; Decisions of the United
States Supreme Court in *9 Wheaton*, 391.
 *1819.* *Antelope,* or *General Ramirez.*
The Colombia (or Arraganta), a Venezuelan privateer,
fitted in the United States and manned by Americans,
captures slaves from a Spanish slaver, the Antelope,
and from other slavers; is wrecked, and transfers
crew and slaves to Antelope; the latter, under the
name of the General Ramirez, is captured with 280
slaves by a United States ship. The slaves were
distributed, some to Spanish claimants, some sent
to Africa, and some allowed to remain; many died.
*House Reports*, 17 Cong. 1 sess. II.
No. 92, pp. 5, 15; 21 Cong. 1 sess. III.
No. 348, p. 186; *House Journal*, 20 Cong. 1 sess.
pp. 59, 76, 123 to 692, *passim*. Gales
and Seaton, *Register of Debates*, IV. pt. 1,
pp. 915-6, 955-68, 998, 1005; *Ibid.*, pt. 2,
pp. 2501-3; *American State Papers, Naval Affairs*,
II. No. 319, pp. 750-60; Decisions of the United
States Supreme Court in *10 Wheaton*, 66, and
*12 Ibid.*, 546.

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*1820.* *Endymion,* *Plattsburg,* *Science,Esperanza,* and *Alexander,* captured on
the African coast by United States ships, and sent
to New York and Boston. *House Reports*, 17 Cong.
1 sess. II. No. 92, pp. 6, 15; 21 Cong.
1 sess. III. No. 348, pp. 122, 144, 187.
 *1820.* *General Artigas* imports twelve
slaves into the United States. *Friends’ View
of the African Slave Trade* (1824), p. 42.
 *1821* (?). *Dolphin,* captured by United
States officers and sent to Charleston, South Carolina.
*Ibid.*, pp. 31-2.
 *1821.* *La Jeune Eugene,* *La Daphnee,La Mathilde,* and *L’Elize,* captured
by U.S.S. Alligator; *La Jeune Eugene* sent
to Boston; the rest escape, and are recaptured under
the French flag; the French protest. *House Reports*,
21 Cong. 1 sess. III. No. 348, p. 187; *Friends’
View of the African Slave Trade* (1824), pp. 35-41.
 *1821.* *La Pensee,* captured with 220 slaves
by the U.S.S. Hornet; taken to Louisiana. *House
Reports*, 17 Cong. 1 sess. II. No. 92,
p. 5; 21 Cong. 1 sess. III. No. 348, p.
186.
 *1821.* *Esencia* lands 113 Negroes at Matanzas.
*Parliamentary Papers*, 1822, Vol. XXII.,
*Slave Trade, Further Papers*, III. p. 78.
 *1826.* *Fell’s Point* attempts to
land Negroes in the United States. The Negroes
were seized. *American State Papers, Naval Affairs*,
II. No. 319, p. 751.
 *1827, Dec. 20.* *Guerrero,* Spanish slaver,
chased by British, cruiser and grounded on Key West,
with 561 slaves; a part (121) were landed at Key West,
where they were seized by the collector; 250 were seized
by the Spanish and taken to Cuba, *etc*. *House
Journal*, 20 Cong. 1 sess. p. 650; *HouseReports*, 24 Cong. 1 sess. I. No. 268; 25
Cong. 2 sess. I. No. 4; *American State Papers,
Naval Affairs*, III. No. 370, p. 210; *Niles’s
Register*, XXXIII. 373.
 *1828, March 11.* *General Geddes* brought
into St. Augustine for safe keeping 117 slaves, said
to have been those taken from the wrecked *Guerrero*
and landed at Key West (see above, 1827). *House
Doc.*, 20 Cong. 1 sess. VI. No. 262.
 *1828.* *Blue-eyed Mary,* of Baltimore,
sold to Spaniards and captured with 405 slaves by
a British cruiser. *Niles’s Register*, XXXIV.
346.
 *1830, June 4.* *Fenix,* with 82 Africans,
captured by U.S.S. Grampus, and brought to Pensacola;
American built, with Spanish colors. *House Doc.*,
21 Cong. 2 sess. III. No. 54; *House Reports*,
24 Cong. 1 sess. I. No. 223; *Niles’s
Register*, XXXVIII. 357.
 *1831, Jan. 3.* *Comet,* carrying slaves
from the District of Columbia to New Orleans, was
wrecked on Bahama banks and 164 slaves taken to Nassau,
in New Providence, where they were freed. Great
Britain finally paid indemnity for these slaves. *Senate
Doc.*, 24 Cong. 2 sess. II. No. 174;
25 Cong. 3 sess. III. No. 216.

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*1834, Feb. 4.* *Encomium,* bound from Charleston,
South Carolina, to New Orleans, with 45 slaves, was
wrecked near Fish Key, Abaco, and slaves were carried
to Nassau and freed. Great Britain eventually
paid indemnity for these slaves. *Ibid.
1835, March.* *Enterprise,* carrying 78
slaves from the District of Columbia to Charleston,
was compelled by rough weather to put into the port
of Hamilton, West Indies, where the slaves were freed.
Great Britain refused to pay for these, because, before
they landed, slavery in the West Indies had been abolished.
*Ibid.
1836, Aug.-Sept.* *Emanuel,* *Dolores,Anaconda,* and *Viper,* built in the United
States, clear from Havana for Africa. *House Doc.*,
26 Cong. 2 sess. V. No. 115, pp. 4-6, 221.
 *1837.* ——. Eleven American
slavers clear from Havana for Africa. *Ibid.*,
p. 221.
 *1837.* *Washington,* allowed to proceed
to Africa by the American consul at Havana. *Ibid.*,
pp. 488-90, 715 ff; 27 Cong, 1 sess. No. 34,
pp. 18-21.
 *1838.* *Prova* spends three months refitting
in the harbor of Charleston, South Carolina; afterwards
captured by the British, with 225 slaves. *Ibid.*,
pp. 121, 163-6.
 *1838.* ——. Nineteen American
slavers clear from Havana for Africa. *House Doc.*,
26 Cong. 2 sess. V. No. 115, p. 221.
 *1838-9.* *Venus,* American built, manned
partly by Americans, owned by Spaniards. *Ibid.*,
pp. 20-2, 106, 124-5, 132, 144-5, 330-2, 475-9.
 *1839.* *Morris Cooper,* of Philadelphia,
lands 485 Negroes in Cuba. *Niles’s Register*,
LVII. 192.
 *1839.* *Edwin* and *George Crooks,*
slavers, boarded by British cruisers. *House Doc.*,
26 Cong. 2 sess. V. No. 115, pp. 12-4, 61-4.
 *1839.* *Eagle,* *Clara,* and *Wyoming,*
with American and Spanish flags and papers and an
American crew, captured by British cruisers, and brought
to New York. The United States government declined
to interfere in case of the *Eagle* and the *Clara,*
and they were taken to Jamaica. The *Wyoming*
was forfeited to the United States. *Ibid.*, pp.
92-104, 109, 112, 118-9, 180-4; *Niles’s Register*,
LVI. 256; LVII. 128, 208.
 *1839.* *Florida,* protected from British
cruisers by American papers. *House Doc.*, 26
Cong. 2 sess. V. No. 115, pp. 113-5.
 *1839.* ——. Five American
slavers arrive at Havana from Africa, under American
flags. *Ibid.*, p. 192.
 *1839.* ——. Twenty-three American
slavers clear from Havana. *Ibid.*, pp. 190-1,
221.
 *1839.* *Rebecca,* part Spanish, condemned
at Sierra Leone. *House Reports*, 27 Cong. 3
sess. III. No. 283, pp. 649-54, 675-84.
 *1839.* *Douglas* and *Iago,* American
slavers, visited by British cruisers, for which the
United States demanded indemnity. *Ibid.*, pp.
542-65, 731-55; *Senate Doc.*, 29 Cong. 1 sess.
VIII. No. 377, pp. 39-45, 107-12, 116-24, 160-1,
181-2.

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*1839, April 9.* *Susan,* suspected slaver,
boarded by the British. *House Doc.*, 26 Cong.
2 sess. V. No. 115, pp. 34-41.
 *1839, July-Sept.* *Dolphin* (or *Constitucao),Hound,* *Mary Cushing* (or *Sete de Avril*),
with American and Spanish flags and papers. *Ibid.*,
pp. 28, 51-5, 109-10, 136, 234-8; *House Reports*,
27 Cong. 3 sess. III. No. 283, pp. 709-15.
 *1839, Aug.* *L’Amistad,* slaver,
with fifty-three Negroes on board, who mutinied; the
vessel was then captured by a United States vessel
and brought into Connecticut; the Negroes were declared
free. *House Doc.*, 26 Cong. 1 sess. IV.
No. 185; 27 Cong. 3 sess. V. No. 191; 28 Cong.
1 sess. IV. No. 83; *House Exec.
Doc.*, 32 Cong. 2 sess. III. No. 20;
*House Reports*, 26 Cong. 2 sess. No. 51;
28 Cong. 1 sess. II. No. 426; 29 Cong. 1
sess. IV. No. 753; *Senate Doc.*, 26
Cong. 2 sess. IV. No. 179; *Senate Exec.
Doc.*, 31 Cong. 2 sess. III. No. 29; 32
Cong. 2 sess. III. No. 19; *Senate Reports*,
31 Cong. 2 sess. No. 301; 32 Cong. 1 sess.
I. No. 158; 35 Cong. 1 sess. I. No. 36; Decisions
of the United States Supreme Court in *15 Peters*,
518; *Opinions of the Attorneys-General*, III.
484-92.
 *1839, Sept.* *My Boy,* of New Orleans,
seized by a British cruiser, and condemned at Sierra
Leone. *Niles’s Register*, LVII. 353.
 *1839, Sept. 23.* *Butterfly,* of New Orleans,
fitted as a slaver, and captured by a British cruiser
on the coast of Africa. *House Doc.*, 26 Cong.
2 sess. No. 115, pp. 191, 244-7; *Niles’s
Register*, LVII. 223.
 *1839, Oct.* *Catharine,* of Baltimore,
captured on the African coast by a British cruiser,
and brought by her to New York. *House Doc.*,
26 Cong. 2 sess. V No. 115, pp. 191, 215, 239-44;
*Niles’s Register*, LVII. 119, 159.
 *1839.* *Asp,* *Laura,* and *Mary
Ann Cassard,* foreign slavers sailing under the
American flag. *House Doc.*, 26 Cong. 2 sess.
V. No. 115, pp. 126-7, 209-18; *House Reports*,
27 Cong. 3 sess. III. No. 283, p. 688 ff.
 *1839.* *Two Friends,* of New Orleans, equipped
slaver, with Spanish, Portuguese, and American flags.
*House Doc.*, 26 Cong. 2 sess. V. No. 115,
pp. 120, 160-2, 305.
 *1839.* *Euphrates,* of Baltimore, with
American papers, seized by British cruisers as Spanish
property. Before this she had been boarded fifteen
times. *Ibid.*, pp. 41-4; A.H. Foote, *Africa
and the American Flag*, pp. 152-6.
 *1839.* *Ontario,* American slaver, “sold”
to the Spanish on shipping a cargo of slaves. *House
Doc.*, 26 Cong. 2 sess. V. No. 115, pp. 45-50.
 *1839.* *Mary,* of Philadelphia; case of
a slaver whose nationality was disputed. *House
Reports*, 27 Cong. 3 sess. III. No. 283,
pp. 736-8; *Senate Doc.*, 29 Cong. 1 sess.
VIII. No. 377, pp. 19, 24-5.

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*1840, March.* *Sarah Ann,* of New Orleans,
captured with fraudulent papers. *House Doc.*,
26 Cong. 2 sess. V. No. 115, pp. 184-7.
 *1840, June.* *Caballero,* *Hudson,*
and *Crawford;* the arrival of these American
slavers was publicly billed in Cuba. *Ibid.*,
pp. 65-6.
 *1840.* *Tigris,* captured by British cruisers
and sent to Boston for kidnapping. *House Reports*,
27 Cong. 3 sess. III. No. 283, pp. 724-9;
*Senate Doc.*, 29 Cong. 1 sess. VIII.
No. 377, P. 94.
 *1840.* *Jones,* seized by the British.
*Senate Doc.*, 29 Cong. 1 sess. VIII.
No. 377, pp. 131-2, 143-7, 148-60.
 *1841, Nov. 7.* *Creole,* of Richmond, Virginia,
transporting slaves to New Orleans; the crew mutiny
and take her to Nassau, British West Indies.
The slaves were freed and Great Britain refused indemnity.
*Senate Doc.*, 27 Cong. 2 sess. II.
No. 51 and III. No. 137.
 *1841.* *Sophia,* of New York, ships 750
slaves for Brazil. *House Doc.*, 29 Cong. 1 sess.
III. No. 43, pp. 3-8.
 *1841.* *Pilgrim,* of Portsmouth, N.H.,
*Solon,* of Baltimore, *William Jones* and
*Himmaleh,* of New York, clear from Rio Janeiro
for Africa. *Ibid.*, pp. 8-12.
 *1842, May.* *Illinois,* of Gloucester,
saved from search by the American flag; escaped under
the Spanish flag, loaded with slaves. *Senate Doc.*,
28 Cong. 2 sess. IX. No. 150, p. 72 ff.
 *1842, June.* *Shakespeare,* of Baltimore,
with 430 slaves, captured by British cruisers. *Ibid.
1843.* *Kentucky,* of New York, trading
to Brazil. *Ibid.*, 30 Cong. 1 sess. IV.
No. 28, pp. 71-8; *House Exec. Doc.*, 30
Cong. 2 sess. VII. No. 61, p. 72 ff.
 *1844.* *Enterprise,* of Boston, transferred
in Brazil for slave-trade. *Senate Exec. Doc.*,
30 Cong. 1 sess. IV. No. 28, pp. 79-90.
 *1844.* *Uncas,* of New Orleans, protected
by United States papers; allowed to clear, in spite
of her evident character. *Ibid.*, 28 Cong. 2
sess. IX. No. 150, pp. 106-14.
 *1844.* *Sooy,* of Newport, without papers,
captured by the British sloop Racer, after landing
600 slaves on the coast of Brazil. *House Doc.*,
28 Cong. 2 sess. IV. No. 148, pp. 4, 36-62.
 *1844.* *Cyrus,* of New Orleans, suspected
slaver, captured by the British cruiser Alert. *Ibid.*,
pp. 3-41.
 *1844-5.* ——. Nineteen slavers
from Beverly, Boston, Baltimore, Philadelphia, New
York, Providence, and Portland, make twenty-two trips.
*Ibid.*, 30 Cong. 2 sess. VII. No. 61,
pp. 219-20.
 *1844-9.* ——. Ninety-three
slavers in Brazilian trade. *Senate Exec. Doc.*,
31 Cong. 2 sess. II. No. 6, pp. 37-8.
 *1845.* *Porpoise,* trading to Brazil. *House
Exec. Doc.*, 30 Cong. 2 sess. VII.
No. 61, pp. 111-56, 212-4.

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*1845, May 14.* *Spitfire,* of New Orleans,
captured on the coast of Africa, and the captain indicted
in Boston. A.H. Foote, *Africa and the
American Flag*, pp. 240-1; *Niles’s Register*,
LXVIII. 192, 224, 248-9.
 *1845-6.* *Patuxent,* *Pons,* *Robert
Wilson,* *Merchant,* and *Panther,* captured
by Commodore Skinner. *House Exec. Doc.*,
31 Cong. 1 sess. IX. No. 73.
 *1847.* *Fame,* of New London, Connecticut,
lands 700 slaves in Brazil. *House Exec. Doc.*,
30 Cong. 2 sess. VII. No. 61, pp. 5-6, 15-21.
 *1847.* *Senator,* of Boston, brings 944
slaves to Brazil. *Ibid.*, pp. 5-14.
 *1849.* *Casco,* slaver, with no papers;
searched, and captured with 420 slaves, by a British
cruiser. *Senate Exec. Doc.*, 31 Cong. 1
sess. XIV No. 66, p. 13.
 *1850.* *Martha,* of New York, captured
when about to embark 1800 slaves. The captain
was admitted to bail, and escaped. A.H. Foote,
*Africa and the American Flag*, pp. 285-92.
 *1850.* *Lucy Ann,* of Boston, captured
with 547 slaves by the British. *Senate Exec.
Doc.*, 31 Cong. 1 sess. XIV No. 66, pp. 1-10
ff.
 *1850.* *Navarre,* American slaver, trading
to Brazil, searched and finally seized by a British
cruiser. *Ibid.
1850* (*circa*). *Louisa Beaton,Pilot,* *Chatsworth,* *Meteor,* *R.
de Zaldo,* *Chester,* *etc*., American slavers,
searched by British vessels. *Ibid., passim.
1851, Sept. 18.* *Illinois* brings seven
kidnapped West India Negro boys into Norfolk, Virginia.
*House Exec. Doc.*, 34 Cong. 1 sess.
XII. No. 105, pp. 12-14.
 *1852-62.* ——. Twenty-six
ships arrested and bonded for slave-trading in the
Southern District of New York. *Senate Exec.
Doc.*, 37 Cong. 2 sess. V. No. 53.
 *1852.* *Advance* and *Rachel P. Brown,*
of New York; the capture of these was hindered by
the United States consul in the Cape Verd Islands.
*Ibid.*, 34 Cong. 1 sess. XV. No. 99,
pp. 41-5; *House Exec. Doc.*, 34 Cong. 1
sess. XII. No. 105, pp. 15-19.
 *1853.* *Silenus,* of New York, and *General
de Kalb,* of Baltimore, carry 900 slaves from Africa.
*Senate Exec. Doc.*, 34 Cong. 1 sess.
XV. No. 99, pp. 46-52; *House Exec. Doc.*,
34 Cong. 1 sess. XII. No. 105, pp. 20-26.
 *1853.* *Jasper* carries slaves to Cuba.
*Senate Exec. Doc.*, 34 Cong. 1 sess.
XV. No. 99, pp. 52-7.
 *1853.* *Camargo,* of Portland, Maine, lands
500 slaves in Brazil. *Ibid.*, 33 Cong. 1 sess.
VIII. No. 47.
 *1854.* *Glamorgan,* of New York, captured
when about to embark nearly 700 slaves. *Ibid.*,
34 Cong. 1 sess. XV. No. 99, pp. 59-60.

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*1854.* *Grey Eagle,* of Philadelphia, captured
off Cuba by British cruiser. *Ibid.*, pp. 61-3.
 *1854.* *Peerless,* of New York, lands 350
Negroes in Cuba. *Ibid.*, p. 66.
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to Cuba. *Senate Exec. Doc.*, 34 Cong. 1
sess. XV. No. 99, pp. 69-70.
 *1856.* *Mary E. Smith,* sailed from Boston
in spite of efforts to detain her, and was captured
with 387 slaves, by the Brazilian brig Olinda, at
port of St. Matthews. *Ibid.*, pp. 71-3.
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slavers from New York, New Orleans, *etc*. *Ibid.*,
35 Cong. 1 sess. XII. No. 49, pp. 14-21,
70-1, *etc*.
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of New Orleans, *Eliza Jane,* of New York, *Jos.
H. Record,* of Newport, and *Onward,* of Boston,
captured by British cruisers. *Ibid.*, pp. 13,
25-6, 69, *etc*.
 *1857.* *James Buchanan,* slaver, escapes
under American colors, with 300 slaves. *Ibid.*,
p. 38.
 *1857.* *James Titers,* of New Orleans,
with 1200 slaves, captured by British cruiser. *Ibid.*,
pp. 31-4, 40-1.
 *1857.* ——. Four New Orleans
slavers on the African coast. *Senate Exec.
Doc.*, 35 Cong. 1 sess., XII. No. 49, p. 30.
 *1857.* *Cortes,* of New York, captured.
*Ibid.*, pp. 27-8.
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British cruisers, with about 400 slaves. *Ibid.*,
pp. 9, 13, 36, 69, *etc*.
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of New Orleans, fully equipped slavers. *Ibid.*,
pp. 3-5, 13.
 *1857-8.* *Charlotte,* of New York, *Charles,*
of Maryland, *etc*., reported American slavers.
*Ibid., passim*.
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slaves, and brought to Charleston, South Carolina.
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p. 14.
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Bird;* cases of American slavers searched by British
vessels. *Ibid.*, 36 Cong. 2 sess. IV.
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sess. VII. No. 8; *House Exec. Doc.*,
35 Cong. 2 sess. IX. No. 89.
 *1859, Dec. 20.* *Delicia,* supposed to
be Spanish, but without papers; captured by a United
States ship. The United States courts declared
her beyond their jurisdiction. *House Exec.
Doc.*, 36 Cong. 2 sess. IV. No. 7, p.
434.
 *1860.* *Erie,* with 897 Africans, captured
by a United States ship. *Senate Exec. Doc.*,
36 Cong. 2 sess. I. No. 1, pp. 41-4.

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*1860.* *William,* with 550 slaves, *Wildfire,*
with 507, captured on the coast of Cuba. *Senate
Journal*, 36 Cong. 1 sess. pp. 478-80, 492, 543,
*etc*.; *Senate Exec. Doc.*, 36 Cong.
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of the efforts of the officials, started on her voyage.
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650 slaves in Cuba. *Senate Exec. Doc.*,
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lands slaves in Cuba. *Ibid.*, pp. 8-13.
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pp. 19-21.

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