

A
COMMENTARY
ON
THE TREATIES

ENTERED INTO BETWEEN
HIS BRITANNIC MAJESTY,
AND
HIS MOST FAITHFUL MAJESTY,
SIGNED AT LONDON, THE 28TH OF JULY, 1817;

BETWEEN
HIS BRITANNIC MAJESTY,
AND
HIS CATHOLIC MAJESTY,
SIGNED AT MADRID, THE 23RD OF SEPTEMBER, 1817;

AND BETWEEN
HIS BRITANNIC MAJESTY,
AND
HIS MAJESTY THE KING OF THE NETHERLANDS,
SIGNED AT THE HAGUE, THE 4TH OF MAY, 1818.

FOR
THE PURPOSE OF PREVENTING THEIR SUBJECTS FROM
ENGAGING IN ANY ILLICIT TRAFFIC IN SLAVES.

BY ROBERT THORPE, ESQ. LL.D.

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THE Author regrets never having read the Treaties, on which he feels himself obliged to comment, until last December, and the moment having arrived when information might be beneficial, he delivers it hastily, lest the opportunity should be lost.

On this occasion, it is not desirable that the Author should detail the melancholy accounts he has lately received of the present decided increase, and unrestricted state of the Slave Trade, or to enlarge fully on the imperative duty of the allied Sovereigns to constitute it piracy.

In the cause of philanthropy the humblest individual is listened to with a predisposed desire to be convinced; but although the Author is ever zealous, watchful, and investigating, he will not obtrude himself unnecessarily; the Abolition is now consigned to Statesmen, to aid them to its final accomplishment is the duty of every person, warm in the cause, and possessing matter that might be useful, under this impression, the *Commentary on the Treaties* is laid before the Public.

CIRENCESTER PLACE,
Jan. 25, 1819.

A

COMMENTARY

ON

THE TREATIES,

&c. &c.

WHEN Great Britain, after a minute investigation, became satisfied that the Slave Trade was unjust, inhuman, and impolitic, she abolished it by Act of Parliament; and being convinced the cultivation of Africa, and the civilization of its inhabitants, depended on the universal abolition of the sale of its people, her executive government mediated with every foreign state engaged in that horrible commerce, for its final renunciation, until the completion of the glorious undertaking has been nearly effected.

I make no doubt the Secretary of State for Foreign Affairs has laboured to gratify the wishes

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of the nation, the desire of the Prince Regent, and his own benevolent feelings, in bringing this inestimable work to perfection ; therefore with real concern I feel myself, as an avowed advocate of the cause, called on publicly to state, that the treaties, lately ratified between Great Britain, Portugal, and Spain, must tend greatly to augment the traffic in slaves, and that the Commission Courts, about to be established under those treaties for the detection of an illicit trade, will become a legalized protection to that commerce, and the means of deterring any spirit of enterprise in our navy for its suppression.

I shall commence with the first in order of date. "The Treaty entered into between His Britannic Majesty and His Most Faithful Majesty, for the purpose of preventing their subjects from engaging in an illicit traffic in Slaves ; signed at London, on the 28th day of July, 1817." The declared object of this convention (as stated in the preamble) is "to employ effectual means to prevent Portuguese vessels trading in slaves, in conformity with the laws of Portugal and the existing treaties, from suffering any loss or hindrance from British cruizers ;" at the same time, to preclude any necessity for an illicit trade, the treaty has allowed a most extensive range of the African coast, on the east and west side, south of the equator, in which

this nefarious trade may be pursued with impunity.

By the second article it is agreed, that “ the territories in which the traffic in slaves continues to be permitted under the treaty of the 22d of January, 1815, to the subjects of His Most Faithful Majesty, are the following :”

“ 1st. The territories possessed by the Crown of Portugal upon the coast of Africa, to the south of the equator, that is to say, upon the eastern coast of Africa, the territory lying between Cape Delgado and the Bay of Lourenco Marques ; and upon the western coast, all that which is situated from the eighth to the eighteenth degree of south latitude.”

“ 2d. Those territories on the coast of Africa to the south of the equator, over which His Most Faithful Majesty has declared, that he has retained his rights, namely,”

“ The territories of Molembo and Cabinda, upon the eastern coast of Africa, from the 5th degree, 12 min. to the 8th degree, south latitude.”

Here it is necessary to observe, that in the avidity with which His Faithful Majesty seizes pos-

sessions in Africa, he does not even pause to consider where they are situated, for Molembo and Cabinda are on the western, not on the eastern coast; and allowing this to have been a mistake, it may be worthy of remark, that between latitudes five and eight south, on the west coast, lies the great kingdom of Congo, over which His Faithful Majesty possesses just as much jurisdiction, as he does over Siberia, yet he assumes the right of plunging its inhabitants into interminable slavery, for the purpose of administering to the indolence, the riches, and the criminal gratifications of the inhabitants of Brazil. Before I leave this article, I must try to fix the reader's attention more particularly on the space allowed for trade: from Cape Delgado to the Bay of Lourenco on the eastern coast, embraces an extent of nearly twenty degrees of latitude and longitude, and from Cabinda to Cape Negro on the western coast, exceeds thirteen degrees of latitude, so that by this treaty we sanction His Faithful Majesty's claim to twenty times more dominion in Africa than he really possesses; (for he has but one fort on the eastern and two on the western side,) and to an extent of coast far surpassing that of the Brazils.

Bounded ambition, and extensive humanity, having induced His Faithful Majesty thus to contract the sphere in which his pious subjects shall

exercise this laudable traffic, Great Britain has thought it only just to bestow on him a boon of three hundred thousand pounds sterling, for relinquishing the trade in Africa, north of the equator, after having already nearly desolated its western coast!!

Article 5. "The two high contracting powers, for the more complete attainment of their object, namely, the prevention of all illicit traffic in slaves, on the part of their respective subjects, mutually consent, that the ships of war of their royal navies, which shall be provided with special instructions for this purpose, as hereinafter provided, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic; and, in the event only of their actually finding slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified."

"Provided always, that the commanders of the ships of war of the two royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall have received for this purpose."

“ As this article is entirely reciprocal, the two high contracting parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels.”

“ It being understood that this indemnity shall invariably be borne by the government whose cruiser shall have been guilty of the arbitrary detention ; provided always, that the visit and detention of slave ships, specified in this article, shall only be effected by those British or Portuguese vessels, which may form part of the two royal navies ; and by those only of such vessels which are provided with the special instructions annexed to the present convention.”

Article 6. “ No British or Portuguese cruiser shall detain any slave ship, not having slaves actually on board ; and in order to render lawful the detention of any ship, whether British or Portuguese, the slaves found on board such vessel, must have been brought there for the express purpose of the traffic ; and those on board Portuguese ships must have been taken from that part of the coast of Africa, where the slave trade was prohibited by the treaty of the 22nd of January, 1815.”

Article 7. "All ships of war of the two nations, which shall hereafter be destined to prevent the illicit traffic in slaves, shall be furnished by their own government with a copy of the instructions annexed to the present convention, and which shall be considered as an integral part thereof."

"These instructions shall be written in Portuguese and English, and signed for the vessels of each of the two powers, by the ministers of their respective marine."

It is obvious, that the tendency of this treaty has been to prevent Great Britain from restricting the slave trade; and to shew how effectually that has been attained, will require but little commentary.

It is provided, that the slave vessels shall not be visited, except by ships of the royal navy, which are to be furnished with instructions for that special purpose, so that all colonial vessels, letters of marque, privateers, and even His Majesty's ships, not having special instructions, are excluded; but the paucity of vessels likely to be employed, need not be lamented, as it is evident that the entire British navy stationed on the African coast could not, in all probability, save in twelve months a

single African from slavery; for by this treaty no vessel can be detained, that has not slaves on board, purchased for the express purpose of traffic, and taken from a part of Africa, on which the trade is prohibited. I cannot conceive it possible for the captain of a British ship of war, on a search at sea, to establish whether the slaves so found, were, or were not, purchased for sale, for public service, or for private employment; as His Faithful Majesty often sends for slaves, and merchants in the trade are generally possessed of extensive plantations on which they employ slaves; then as to the proof that the slaves have been taken from a part of Africa, to which the Portuguese are prohibited from trading for them, my perception is too limited to comprehend how that can be ascertained, unless those on board the British vessel have ocular demonstration of their being shipped north of the equator; and when an embarkation can be effected in an hour's time, why should a Portuguese captain be so infatuated as to take his slaves on board and put to sea, while a British cruiser was in view? what probability is there, that the Portuguese should trade without the line of demarcation, when, between the eastern and western boundary of coast, south of the equator, there are thirty-three degrees of latitude, abounding with human beings for whom they may lawfully trade, and thirteen degrees of

that luxuriant country prescribed for depredation, are situated precisely opposite to the coast of Brazil?

Article 8. "In order to bring to adjudication without the least delay and inconvenience, the vessels that may be detained for having been engaged in an illicit traffic in slaves, there shall be established, within the space of a year from the exchange of the ratification of the present convention, two mixed Commissions, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns."

"These Commissions shall reside, one in the possession of His Britannic Majesty on the coast of Africa, and the other in the Brazils; these Commissions shall judge the causes submitted to them without appeal, and according to regulations and instructions annexed to the present convention."

Lest this extensive range of coast, and these positive injunctions, should not be sufficient to tranquillize the alarmed mind of the susceptible Portuguese, we find the instructions to the commanders of British ships of war, and the regulations for the mixed Commissions so decidedly restrictive, that there is no chance of a diminution

in the trade, or a prospect, for the liberation of a slave left, to feed a hope on. Every clause was provided that could facilitate the slave trade, nothing was omitted that could deter a commander from detaining a slave vessel; nor can the leisure of the Commissary Judges and Commissioners of arbitration ever be broken in upon, by the intrusion of any case for adjudication; unless a crafty Portuguese should inveigle a commander into a detention of his vessel, for the purpose of obtaining from the British Treasury, the very liberal indemnity directed to be adjudged; yet as this is a treaty between friendly Powers, for the express purpose of restricting the slave trade, I shall be more circumspect; and that the exact tendency of these instructions and regulations may be immediately perceived, I shall examine them in their order.

Article 1. "Every British or Portuguese ship of war shall, in conformity with Article 5, of the additional convention of this date, have a right to visit the merchant ships of either of the two powers actually engaged, or suspected to be engaged in the slave trade; and should any slaves be found on board according to the tenor of the 6th Article of the aforesaid additional convention, and as to what regards the Portuguese vessels,

should there be ground to suspect that the said slaves have been embarked on a part of the coast of Africa where the traffic in slaves can no longer be legally carried on, in consequence of the stipulations in force between the two high powers; in these cases alone, the commander of the said ship of war may detain them, and having detained them, he is to bring them, as soon as possible, for judgment before that of the two mixed Commissions appointed by the 8th Article of the additional convention of this date, which shall be the nearest, or which the commander of the capturing ship shall upon his own responsibility, think he can soonest reach from the spot where the slave ship shall have been detained."

"Ships on board of which no slaves shall be found intended for purposes of traffic, shall not be detained on any account or pretence whatever."

"Negro servants or sailors that may be found on board the said vessels, cannot, in any case, be deemed a sufficient cause for detention."

I have already shewn the difficulty of proving any breach of the regulations established in the 6th Article of the Treaty, such as the slaves on board

being brought there for the express purpose of traffic, and not intended for government, or private use, and taken from a part of the coast on which the trade is prohibited; and when it is considered that the log-books of the Portuguese slave vessels are expressly made up to avoid giving aid to a legal detention, that every person on board is interested in escaping from the captor, except the wretched slave who is ignorant of what passes and incapable of communicating information, and that the captor is made heavily responsible for every act he cannot legally justify; it may be concluded, that a detention will not be often hazarded, and if, in mercy, it should be done, the inefficacy of carrying the slaves, so taken, to the Court established in the Brazils for adjudication, shall hereafter be fully explained.

Article 2. "No merchantman or slave ship can, on any account or pretence whatever be visited or detained whilst in the port or roadsted belonging to either of the two high contracting Powers or within cannon shot of the batteries on shore. But in case suspicious vessels should be found so circumstanced, proper representations may be addressed to the authorities of the country, requesting them to take effectual measures for preventing such abuses."

By this article the most illicit slave trader may remain in safety in any port or roadstead, over which His Most Faithful Majesty may choose to claim a right, (and we know this right to be derived from Papal authority, which could dispense half an hemisphere with as much indifference and as valid a title, as half an acre) until it suits his convenience either to tire out the watchfulness of the British cruiser, or escape from him through darkness, or in a tornado; but the idea of applying to the authorities on the African coast, and to request of those very persons, who receive all their luxuries by the sale of their people, to abrogate the trade, turn away the purchasers of their only commodity, and cut off every source of comfort and aggrandizement, is absolutely ludicrous !!

Article 3. "The high contracting Powers allow vessels north of the equator, having slaves on board, to be seized even within cannon shot of the shore, in case there are no legal authorities to whom recourse might be had." Who is to determine that there are or are not legal authorities to whom recourse may be had? There are kings and chiefs on the entire western coast, and will a commander of a king's ship, on the severe responsibility affixed by this treaty to improper detention, determine, against the application of the Portuguese

captain to the local authority of the King of Dahomy, King Tom, Mungo Catty, John Pierse, or of fifty other chieftains, equally respectable, that such authority shall not be considered legal ?

Article 4. "No Portuguese slave ship shall, on any pretence whatever, be detained, which shall be found any where near the land or on the high seas south of the equator, unless after a chase that shall have been commenced north of the equator."

This can only be intended as a protection to illicit slave trading, because legitimate slave ships could not be detained with impunity, and no one will venture, under the present stipulated indemnity, to detain any vessel, in the slightest degree doubtful; even if the Portuguese intended to assert that south of the equator, their vessels must of course be correctly commanded and manned, and their passports and ship-papers all conformable to regulation, and the number of slaves according to specification, still the article would be inexcusable, in presuming to give themselves a right to slave trade in every part of Africa, south of the equator; even their exorbitant claim does not extend to the entire of the coast, south of the equator, if it had, their defining the limits of the

coast within which they were allowed to trade, was superfluous.

Article 5. "Portuguese vessels furnished with a regular passport, having slaves on board, shipped at those parts of the coast of Africa where the trade is permitted to Portuguese subjects, and which shall afterwards be found north of the equator, shall not be detained by the ships of war of the two nations, though furnished with the present instructions, provided the same can account for their course, either in conformity with the practice of the Portuguese navigation, by steering some degrees to the northward, in search of fair winds, or for other legitimate causes, such as the dangers of the sea duly proved; or lastly, in the case of their passports proving that they were bound for a Portuguese port not within the continent of Africa. Provided always that with regard to all slave ships detained to the north of the equator, the proof of the legality of the voyage is to be furnished by the vessel so detained. On the other hand, with respect to slave ships detained to the south of the equator, in conformity with the stipulations of the preceding article, the proof of the illegality of the voyage is to be exhibited by the captor."

"It is in like manner stipulated, that the num-

ber of slaves found on board a slave ship by the cruisers, even should the number not agree with that contained in their passport, shall not be a sufficient reason to justify the detention of the ship ; but the captain and the proprietor shall be denounced in the Portuguese tribunals in the Brazils, in order to their being punished according to the laws of the country."

The meaning of this article I suppose to be, that when a British ship finds a Portuguese slave trader north of the equator, the commanders are to meet and argue the point at sea ; and on the Portuguese declaring it was a tornado or a pirate drove him from his course, or that he was going into the bite of Benin *to look for a trade wind*, then if the British captain will not be convinced by such natural casualties and legitimate causes, (according to the dignified mode of determination on a division of opinion in the mixed Commission Courts) I conclude the commanders are to draw lots for the mate, the carpenter, or cook of one of the ships to be the arbitrator, and thus gravely decide the question of legal detention or no detention !!

Article 6. " Allows the Portuguese to carry slaves in ships of foreign construction."

Article 7. "Directs that no slave ships shall be searched by any person holding a rank, inferior to a lieutenant in the British navy."

This is elevating slave traders to a rank I never expected, though I have known a lieutenant in the royal navy of Portugal to command a slave ship, I never supposed that a master or midshipman in the royal navy of England, would be considered unworthy to discharge the duty of examining the papers of a slave ship. If from sickness, accident, or opposition, the lieutenants should perish, the voyage must terminate; besides, an entire class of vessels in our navy best adapted for such service, must be excluded, because they are not allowed a lieutenant, except as a commander.

Article 8. "The ships of war which may detain the slave ships, in pursuance of the principles laid down in the present instructions, shall leave on board all the cargo of negroes untouched, as well as the captain and a part at least of the crew of the above-mentioned slave ship: the captain shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it: he shall deliver to the captain of the slave ship, a signed certificate of the papers seized on board the said vessel, as well as of the

number of slaves found on board at the moment of detention.”

Persons accustomed to boarding slave ships know, that until after a search perhaps of many days, the papers most material for condemnation, may not be found, and to leave the captain on board would defeat the discovery of their concealment; besides the captain is most conversant with the slaves, perhaps he may have some knowledge of their language, and would probably insinuate that the English were determined to sell them in the West Indies, or intended to eat them at the first port they came to, and after unlocking the fetters and distributing arms, induce them to murder the captors: such things have been done to my knowledge, and may be done again: to conclude that one search for papers in a slave ship would be sufficient, every one acquainted with such ships, must know to be absurd; and to leave the captain on board with the negroes would be truly dangerous to the captors.

I need not recapitulate the positive restrictions against detaining Portuguese slave ships south of the equator, or enumerate the frivolous pretences by which they may be saved from detention when north of the equator; why should we not detain a vessel going for slaves to a prohibited port? why are

we obliged to wait until they are actually on board? do all these inhibitions and subterfuges shew an honest determination to prevent an illicit trade?

There appears to me but one situation in which a Portuguese slave trader can be safely detained by a British ship of war, purposely sent with instructions for such detention; and that solitary instance is, where the commander of the British ship can observe a Portuguese captain taking on board his cargo of slaves from a prohibited part of the coast of Africa, and that after having so obtained his cargo, he shall sail from the coast in view of the British commander: now unless the reader can imagine the commander of the Portuguese slave ship to be absolutely infatuated, he will not believe it probable, and scarcely think it possible, that the trader would conduct himself in this preposterous manner, yet unless he did so in every particular, his vessel could not be detained under the articles and instructions of this treaty, either north or south of the equator, with safety to the captor. My entire attention has been given to the treaty, and I conceive it completely secures to the Portuguese an undisturbed and permanent possession of the slave trade on the coasts of Africa, and nothing more, except the useless and enormous expense it may attach to England.

The treaty was formed avowedly for the purpose of preventing an illicit trade in slaves, and the mode of effecting this salutary object, is by allowing such a prodigious range of coast for the traffic, that the most ravenous slave trader must be satiated with the legitimate trade he is suffered to enjoy; but should a Portuguese unaccountably stray to the north of the equator, and there commit prohibited acts, so many modes of evasion are allowed, and such heavy responsibility laid on the captor, that I do not suppose a condemnation can ever take place, particularly as no detention is suffered south of the equator except after a chase from the north. The pretence to diminish, becomes the means of increasing the trade.

Before I enter particularly into the regulations for the mixed Commission Courts to be established under this treaty, it becomes necessary to state that I have been informed they are to be stationed at Sierra Leone for Great Britain, at Bahia for Portugal, at the Havanna for Spain, and at Surinam for Holland.

Article 1. "The mixed Commissions to be established by the additional convention of this date, upon the coast of Africa and in the Brazils, are appointed to decide upon the legality of the

detention of such slave vessels as the cruisers of both nations shall detain, in pursuance of this same convention for carrying on an illicit commerce in slaves."

"The above mentioned Commissions shall judge, without appeal, according to the letter and spirit of the treaty of the 22d of January 1815, and of the additional convention to the said treaty, signed at London on this 28th day of July 1817."

"The Commissioners shall give sentence as summarily as possible, and they are required to decide (as far as they shall find it practicable) within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside; 1st. Upon the legality of the capture, 2nd. In the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive."

"And it is hereby provided, that in all cases the final sentence shall not be delayed on account of the absence of witnesses, or for want of other proofs, beyond the period of two months; except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the Commissioners may, at their dis-

cretion, grant an additional delay not exceeding four months."

Thus this summary tribunal may be obliged to decide in a few days without witnesses or proof, whether several thousands of human beings shall be liberated or plunged into interminable slavery, and also whether very heavy expense shall or shall not be thrown on Great Britain by the detention of a ship full of slaves.

I must again remark, that the real papers and log-books of such vessel are difficult to be produced, that there might be a necessity to examine the correctness of those delivered up, at the office from whence they were supposed to issue, that it is perfectly well known, the master, supercargo, mate, &c. of such vessels do not regard the truth or falsehood of what answers they make to the interrogatories, that, to prevent detection from the inconsistency of their testimony, they agree before any search can take place on a fabricated account of their voyage, as they are particularly interested, from a portion of the cargo generally belonging to themselves, and that the slaves (from neither speaking English or Portuguese,) could not assist in eliciting the truth until interpreters were procured : it is evident therefore that under such circumstances much time and deliberation might be required, and that by the precipi-

tation directed, justice must often be defeated, and heavy expense entailed, from which there is to be no appeal ; though from the complicated difficulty of coming at the truth, the power of appeal is most requisite. As few persons are minutely conversant with this subject, the extensive defects of this treaty cannot be apparent to many.

Article 2. "The two high contracting powers shall each of them name a commissary judge and a commissioner of arbitration, which are authorized to hear and decide without appeal all cases of capture of slave vessels, which, in pursuance of the stipulation of the convention of this date, may be laid before them."

"There shall be attached to each Commission a secretary or registrar, who shall register all its acts ; and the judges, arbitrators, secretaries or registrars are all to be sworn to judge or act fairly and faithfully, and to have no preference for captors or claimants in their decisions."

Article 3. "The Commissary Judges of the two nations shall first proceed to the examination of the papers of the vessel, and to receive the depositions on oath of the captain and of two or three at least of the principal individuals on board of the detained vessel, as well as the oath of the captor, should it appear necessary, in order to pro-

nounce on the condemnation or liberation of the vessel ; and in the event of the two Commissary Judges not agreeing as to the sentence they ought to pronounce, they shall draw by lot the name of one of the Commissioners of arbitration, who shall consider the documents of the process, consult with the Commissary Judges, and final sentence shall be pronounced according to the opinion of the majority."

Article 4. "As often as the cargo of slaves found on board of a Portuguese slave ship, shall have been embarked on any point whatever of the coast of Africa where the slave trade continues lawful to the subjects of the crown of Portugal, such slave ship shall not be detained on the pretence that the slaves have been brought originally *by land* from any other part whatever of the continent."

Here is an open acknowledgment in this treaty, that the Portuguese may purchase the natives of Africa for slavery, though they do not belong to the dominions claimed by Portugal on that continent ; thus Africa must continue agitated in every direction, to administer to the criminal propensity of Portugal alone : an article is not established contraband or legitimate by the port from which it is shipped, but by the country from which it is produced : a German is not changed into a

Frenchman, because he comes by Calais to England, yet this new principle is upheld to ensure a certain supply for the slave trade, and that too by a nation that declares "the trade to be repugnant to every principle of natural justice."

The Ashantees and Bontokoos have lately contended for dominion; above three hundred thousand men were engaged, the king of the Ashantees was killed, and his subjects subdued: the king of the Bontokoos, if instructed, could quickly send twenty thousand captives to Concobella, and down the Congo to be sold for slaves, at a pound a head; which would produce to the Portuguese in their own market, at least two millions of pounds British.

It must be obvious, that any nation suffered to carry on the slave trade from any one port in Africa, will agitate nearly the entire of that extensive continent, the miserable inhabitants of which will be driven into slavery from every extremity, like swine to a market; while war, rapine and murder, which Great Britain has long since deprecated and denounced, must continue to be generated to supply the traffic.

It is the prodigious profit that induces this trade to be so pertinaciously adhered to, "it is the

cause that makes the calamity of such long life ;” and yet under this treaty Great Britain has sanctioned a monopoly of the trade to Portugal (after Spain shall have relinquished it in May 1820,) and without any specific period being stated for its termination, she is suffered to indulge the vicious propensity of her subjects by a commerce which, confessedly, degrades human nature, disdains every moral obligation, and violates the positive commandments of God.

Article 6. “ As soon as sentence shall be passed, the detained vessel, if liberated, shall be restored to the proprietors, who may claim a valuation of the damages, the captor himself, or in his default, his government, shall be responsible for the damages awarded.”

What commander in the British navy however enthusiastic in the cause of humanity, will run the hazard of subjecting himself to such a responsibility ?

Article 7. “ In case of the condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize and sold for the profit of the two governments, and the slaves that may be on board as objects of commerce, shall receive from the mixed Commission a certificate of emancipation, and shall be delivered over to the govern-

ment on whose territory the Commission which shall have so judged them shall be established, to be employed as servants or free labourers. Each of the two governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it."

From this article it is determined that the captor shall not benefit, though he may be ruined; for in case of condemnation, the vessels and cargoes are to be publicly sold for the joint benefit of the two contracting Powers, without any advantage to the captors: we did hope that reward for the liberation of slaves would be held out, but find only threatened punishment for the attempt.

Unlikely as it may be to occur, I shall suppose a case of capture and condemnation; the commander of a British cruizer having written instructions to detain illicit slave traders, is informed that a Portuguese vessel is taking in a cargo of slaves at Calebar; on approaching that river, he perceives the vessel with slaves just put to sea, he chases her across the equator, comes up with, detains, and carries her with (let us suppose) four hundred negroes into Bahia, being the nearest port for adjudication; the Commissary Judges condemn her for having taken her cargo of slaves from that part of Africa forbidden by treaty, as being north of the equator; the slaves receive

their certificate of emancipation, (as directed) which they cannot read nor understand, nor enforce ; they are delivered over to the Brazil government to be employed as servants or free labourers ; as to employing them as free labourers, it is absurd to suppose the government would turn out four hundred negroes emancipated from slavery by law, amongst their enslaved negro population, unless they were determined to generate insurrection, and to promulgate that the law of God, of nature, and of man, declared them free, while the arbitrary will of their tyrannical masters denounced them slaves : it is evident, the policy of that government would not suffer them to inoculate such a community with principles of liberty, therefore to imagine the emancipated slaves would be employed as free labourers in Bahia, is out of the question ; we must suppose them to be employed as servants to the government, which would be a great convenience, as it would save His Faithful Majesty trouble, time, and expense in sending for slaves ; and although " the government binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it," yet it would be chimerical to fancy the negroes so liberated would be treated in any respect different from their other slaves, as a distinction would divulge the secret of emancipation : who in fact could determine how they would be treated, by the government, or after delivery

select the persons so liberated, or enforce their freedom if discovered in slavery? Now then after imagining a case for detention, and a liberation in consequence of an illicit trade, would not this tribunal for emancipation at Bahia be an absolute *mockery*? can the treaty be considered to have any tendency but "to prevent Portuguese slave traders from suffering any loss or hindrance in the slave trade from British cruisers," to defeat every attempt at civilizing Africa, to load England with expense, and openly to insult the benevolent feelings of this nation, which has so generously struggled to relieve the wretched inhabitants of that ill-fated continent?

The 8th Article is particularly worthy of attention, as it shews what care has been taken of the slave trader who may be detained and after trial liberated.

"The Commission shall award to the claimant or claimants, or his or their lawful attorney or attorneys for his or their use, a just and complete indemnification, 1st. for all costs of suit and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, in case of total loss, the claimant or claimants shall be indemnified: 1st. for the ship, her tackle, apparel and stores—2d. for all freight due and payable

—3d. for the value of the cargo of merchandise, if any—4th. for the slaves on board at the time of detention, according to the computed value of such slaves at the place of destination, deducting therefrom the usual fair average mortality for the unexpired period of the regular voyage, deducting also for all charges and expenses payable upon the sale of such cargoes including commission of sale when payable at such port—and 5th. for all other regular charges in such cases of total loss, and in all other cases not of total loss, the claimant or claimants be indemnified— 1st. for all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable—2d. Demurrage when due according to the schedule annexed to the present article—3d. a daily allowance for the subsistence of slaves of one shilling a day for each person without distinction of sex or age, for so many days as it shall appear to the Commission that the voyage has been or may be delayed by reason of such detention; as likewise—4th. for any deterioration of cargo or slaves—5th. for any diminution in the value of the cargo of slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention: this value to be ascertained by their computed price at the place of destination, as in the above case of total loss—6th. an allowance of five per cent. on the amount of capital employed

in the purchase and maintenance of cargo, for the period of delay occasioned by the detention—and 7th. for all premium of insurance on additional risks.”

“The claimant or claimants shall likewise be entitled to interest at the rate of five per cent. per annum on the sum awarded, until paid by the government to which the capturing ship belongs: the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at exchange current at the time of award, excepting the sum for the subsistence of slaves, which shall be paid at par, as above stipulated.”

As it can be proved that there are no British ships in the slave trade, this article and every article must evidently be intended for the protection of the Portuguese. The treaty holds an appearance of reciprocal benefit, while it secures trade to Portugal and only expense to Great Britain. I do not suppose there is any British commander who would attempt to detain a Portuguese ship, under the responsibility and indemnity now attending such detention; but I do believe there is not a Portuguese who would not wish to be detained on the chance of his obtaining the indemnity specified by this article. No one can doubt that our principal object must be, the exclusion of

the Portuguese from the slave trade, yet this treaty gives them an undisturbed possession, a superabundant market without competition, and an extended sale with augmented value, while the miseries of Africa are increased, and every attempt to promote her civilization defeated.

I shall proceed to the treaty next in order, entered into "between His Britannic Majesty and His Catholic Majesty, for preventing their subjects from engaging in any illicit traffic in slaves; signed the 27th of September, 1817."

This treaty with Spain is so similar to that with Portugal, that I shall have little novelty to remark on; the articles, the instructions, and the regulations, being the same; my former observations on the protection they offered to slave trading, and the inutility of the Commission Courts, being equally applicable to both: however some consolation must be derived from the first article:— "His Majesty engages that the slave trade shall be abolished throughout the entire dominions of Spain, on the 30th day of May, 1820, and that from and after that period it shall not be lawful for any of the subjects of the Crown of Spain to purchase slaves, or to carry on the slave trade on any part of the coast of Africa, on any pretext or in any manner whatever; provided however that a term of five months from the date of the 30th

of May, 1820, shall be allowed for completing the voyages of vessels which shall have cleared out previously to the 30th of May, 1820."

This is to be applauded, but the treaty does not specify that slaves of any description, under any flags, or possessed by the subjects of any nation whatever, shall not be permitted to land in any part of the dominions of Spain, and if landed that they shall be considered liable to confiscation, emancipated from slavery, and as fully entitled to the protection of the laws of Spain, as any subject of His Catholic Majesty; whereas Neapolitans, Hamburgers, &c. &c. might land slaves, and, as has been already shewn, while any nation can take slaves from any part of Africa, and land them in any territory on earth with impunity, Africa cannot be tranquil; even after all nations were excluded from the traffic, while a trader could make a hundred pounds, for an article that had cost him only two pounds, there must be such a temptation to smuggling, that every possible restriction, coercion, and watchfulness should be constantly employed.

"Article 2. After the ratification of the present treaty, it shall not be lawful for any of the subjects of the crown of Spain to purchase slaves, or to carry on the slave trade on any part of the

coast of Africa north of the equator, upon any pretext or in any manner whatever; but six months are to be allowed for vessels that have cleared out from Spanish ports previously to complete their voyages."

Spain does not affect to claim any territory on either the east or west coast of Africa, yet for this condescension, Great Britain agrees, by the third article "to pay to such person as his Catholic Majesty may appoint on the 20th of February, 1818, four hundred thousand pounds sterling."

I cannot avoid noticing that although each vessel is allowed to carry only five slaves to every two ton, yet, if there are twice as many crammed on board, the vessel cannot be detained for it, but a complaint may be made to the government to which the vessel belongs; we may easily judge of the effect of such a complaint, from the acute sensibility the Portuguese and Spaniards have always shewn to the sufferings of those unhappy Africans, who have fallen into their power, but from the protection these governments have afforded to their subjects engaged in the traffic, redress must be hopeless.

Havanna, in the island of Cuba, being the place in which the king of Spain has determined to

establish his Commission Court, for the trial of vessels detained for illicit slave trading, I should observe on its unhealthiness, were it not universally acknowledged: but there are other objections to the selection of this place infinitely more serious. The reasons I have offered to establish the impossibility of liberating a cargo of slaves in Bahia, and employing them as free labourers, will hold more forcibly with respect to the Havanna, where the garrison, the planters, and the slaves, constitute the population: there can be no hesitation in pronouncing that slaves could not be liberated and suffered to enjoy perfect liberty in a colony so circumstanced; even one large cargo of slaves emancipated by law, would certainly produce insurrection, and probably occasion the death of thousands, therefore, as they cannot be allowed to become free, and subsist by their voluntary labour, they must be servants, the governor could not employ them all as servants; they must be distributed amongst the planters as such, the planters could not make any distinction between those so assigned to them, and their slaves, because it would produce enquiry, disclose the cause, and generate discontent; the government naturally would not bestow thousands of slaves on the planters, without compensation; the process would be nothing more, than a cargo of slaves liberated, to be sold for the benefit of the govern-

ment, instead of being sold, without this form of liberation, for the profit of the purchaser.

The Spanish or Portuguese "governments binding themselves to guarantee the liberty of such portion of these individuals, as shall be respectively consigned to it," is absolutely nugatory. Every person acquainted with the nature of the governments and population of Bahia, and the Havanna, must know it to be impossible to carry such a guarantee into effect: how those high contracting powers could descend to practise this delusion on the British government is not easily to be accounted for, but assuredly it was inexcusably culpable; had there been any good faith in this obligation, a very different place must have been chosen for the seat of their tribunals, and some plan devised, that would have shewn an intention to restore the unfortunate creatures that might be liberated, to a little comfort; at least, after the subjects of those powers had been convinced (by the determination of tribunals of their own construction,) that they had illegally torn those Africans from their country, their home, their relations and friends; the government was bound to give these human beings freedom and protection, and in compassion should have assigned at least a small portion of land and a year's subsistence to each; but the imposition obtruded on the British mi-

nister is evident. In vain may we look for justice or kindness to Africans, from Spaniards or Portuguese ; we have interested the greatest monarchs of Europe in her cause, and with their co-operation can carry the civilization and freedom of Africa into effect, while consistency and principle renders it imperative.

If there ever was a prospect of the liberation of a single cargo of Africans, by the decision of the Commission Courts at Bahia, and at the Havanna, still I should pronounce that British cruisers acting under these treaties, would be employed in plundering the traders of their purchased slaves, to procure them for the Spanish and Portuguese governments, without purchase, under the pretence of liberation : I cannot suppose the British government will allow such a subtle anomaly to continue.

Great care has been taken to give those treaties an appearance of fairness, and that reciprocal advantages should arise from the restrictions and compensations, but these high contracting powers have completely forgotten, that, although the poor African is not of such very high consideration as they are, yet he is certainly the most interested party concerned ; the active benevolence of Great Britain is acknowledged ; she has abolished her

slave trade, and is the avowed friend of Africa ; she has made many exertions to promote her civilization, and has expended millions of pounds in the hope of administering to her happiness and improvement ; therefore I confidently trust that on this occasion she will not entirely desert her, but insist, that the governments of Portugal and Spain shall establish a situation in which the captured negroes, after emancipation, may be comfortably placed, with similar benefits and protection secured to them, as they would enjoy if liberated at Sierra Leone, and also that an officer from each government, shall annually be sent to inspect their condition and treatment at the different settlements allotted for their reception ; by such regulations the African might receive some benefit, and not be completely sacrificed to diplomatic complaisance and courtly etiquette : the treaties positively afford every advantage in trade to Portugal and Spain, and induce heavy expense to Great Britain, without diminishing the calamities of Africa in the slightest degree !

I shall now proceed to "the treaty ratified between his Britannic Majesty and the King of the Netherlands, for preventing their subjects from engaging in any traffic in slaves ; signed at the Hague, May 4th, 1818."

Article 1. "The King of the Netherlands engages that within eight months from the ratification of the treaty, or sooner, if possible, to prohibit all his subjects, in the most effectual manner, and especially by penal laws the most formal, from taking any part whatever in the slave trade."

I have no hesitation in saying, that I believe the King of the Netherlands sincere in his desire to abolish the slave trade, and must lament that the treaties with Portugal and Spain were signed before the treaty with Holland, as they became precedents from which he could not consistently deviate, therefore occasioned similar instructions to be given to the commanders of his ships of war, sent to detect slave traders, and similar regulations for the Commissioners appointed for the adjudication of vessels under the Dutch flag, detained for having slaves on board.—Had not these treaties been ratified, I am convinced the treaty with Holland for an abolition of the slave trade would have been more salutary to Africa; but as it is now settled, little remains for me to add to the remarks already made on the other treaties. I cannot comprehend, why Great Britain has been the only power allowed to visit and detain illicit slave traders of all nations; why a reciprocal right of visitation and detention should not have been granted to the royal navy of Spain, Portugal,

and Holland as fully as to that of England? the greater the number, and the more extensively distributed the guard ships were allowed to be, the more efficacious we may conclude, the efforts at detention would become, and after the expiration of the period allowed to Spanish subjects for carrying on the trade, the Spaniards might prove the most efficient in the detention of slave traders, from a knowledge of their illicit practices, prohibited places, and evasions for escape; besides the interest Spain would have in procuring the slaves for herself under this new doctrine of liberation, would induce alertness; but all aid is denied, and the English, who are most ignorant of these subterfuges, and most open to imposition, are the only persons entrusted with the power of visiting and detaining the ships of every nation; surely this does not prove much sincerity in the professions of these powers to abolish or diminish the slave trade, to detect and punish illicit traders, or to liberate the Africans illegally enslaved !!

The King of the Netherlands has agreed to establish his Commission Court at Surinam, for the adjudication of such vessels, navigated under his flag, or belonging to any of his subjects, as may be detained with slaves: now if there is one spot on earth more deleterious than Sierra Leone, it is

this colony ; though the Commission Courts may be inefficacious, the Commissary Judges should not be doomed to a premature death ! besides it must be considered that the white inhabitants of Surinam, have been, on various occasions nearly destroyed, by different insurrections amongst the slaves, and that there is even now a republican settlement of runaway slaves, in the fastnesses and mountains of that most unhealthy settlement : if then a cargo of slaves should be emancipated by the Commission Court, about to be established there, with what safety to the colony could the negroes be sent on shore as free labourers ? Is it not evident that such a step would add so much fuel to the fire of insurrection already kindled, spread the conflagration, irritate the slaves now residing quietly with their masters, induce them to join the insurgents, and most probably produce a fresh specimen of the horrid cruelties perpetrated at St. Domingo.

As the principal object for establishing these courts cannot be carried into effect, namely, the liberation of the illegally enslaved African, the formation of them is futile, the regulations nugatory, and the expense superfluous ; nor should the good intentions of Holland be rewarded, by uselessly endangering the safety of one of her most

valuable possessions. I trust the King of the Netherlands will reflect on the threatened mischief, and as I believe his Majesty to be determined, as far as his power extends, no longer to suffer his subjects to entail slavery on the wretched Africans, I fervently hope, that the necessity, for establishing any tribunal of this sort, will be done away, before a Dutch ship with slaves for adjudication can be brought into Surinam.

Great Britain having selected Sierra Leone as the place in which her mixed Commission Court shall be established, it of course becomes the residence of the convention of these diplomatic justiciaries, and fortunately in that colony the captured negroes, if any should ever be emancipated under those treaties, can be settled as free labourers, and their liberty guaranteed; but to place the British, Spanish, Portuguese and Dutch Commissary Judges, the arbitrators from these governments, and their registrars, secretaries, clerks, and necessary establishment of European servants, in a colony, where it is allowed that one-third of the white inhabitants die annually, appears unaccountable; besides the difficulty of bringing vessels to that port for adjudication is acknowledged. Sir James Yeo in his report of the west coast of Africa to the Admiralty, which was laid before

Parliament, has explained it fully; every naval officer that has been stationed on the western coast for six months, could more clearly explain the cause than I can; it depends on winds and currents, which is part of the learning of their profession, not of mine; however I have known several vessels full of slaves captured on the coast near the equator, to continue beating about for three months before they could reach the port of Sierra Leone for adjudication; and in consequence of being so detained at sea, numbers of the slaves perished through want, and many that did arrive had scarcely power to crawl from the beach to the hospital; yet those vessels were navigated with the usual ability of our naval officers. I mention these circumstances more particularly, because it is of the utmost consequence to the miserable African, that he should be liberated (if liberation can be effected by these treaties) in our colonies; therefore it is of peculiar interest to select a place, to which ready access on detention can be had, but there are very few parts of the Atlantic on which it is probable that slave vessels may be detained, that Bahia, Surinam, or the Havanna, could not be arrived at sooner than Sierra Leone, which alone would render that colony extremely ineligible: Really the whole arrangement appears so inconsistent with the professed

intention, that I scarcely think it possible our government seriously intend to carry these treaties with their instructions and regulations into execution : A salary of three thousand a year is allowed for the judge, with half salary on retirement, and fifteen hundred a year to a registrar, (which is equal to the highest salary allowed for judges in our other colonies) yet gentlemen are selected to fill the judicial stations, who are neither civilians nor common-law lawyers, though they are to preside and to decide, with the judges and arbitrators, chosen by three highly considered governments, on the liberty of thousands, and on compensation which may amount to millions of pounds.

As the noble lord at the head of the foreign department, has been engaged in discharging a very important duty on the continent, an inadvertent arrangement may have been made ; now I trust more consideration will be given to those treaties, for I again repeat that no one possible advantage can arise to Africa from these courts ; that the instructions are only calculated to free the slave trader from detention and loss, and that a very heavy expense must unnecessarily be thrown on Great Britain. The treaties profess to restrain, correct, and punish criminal conduct, yet how unlike the principles and practice of our criminal law, or in fact any coercive code !

I shall not notice the Commission Court established in London ; it does not effect abolition as much as finance, but shall leave it for those more conversant with that subject, to balance its utility and expense.

The separate article of the Portuguese treaty, signed at London on the 11th of September, 1817, is the only part now left for me to comment on, and I must declare that its obscure construction is only surpassed, by its mischievous tendency.

SEPARATE ARTICLE.

“ As soon as the total abolition of the slave trade, for the subjects of the Crown of Portugal, shall have taken place, the two high contracting Parties hereby agree by common consent, to adapt to that state of circumstances, the stipulations of the additional convention, concluded at London, the 28th of July last, but in default of these alterations, the additional convention of that date shall remain in full force until the expiration of fifteen years, from the day on which the general abolition of the slave trade shall so take place on the part of the Portuguese government.”

I suppose the meaning of this article to be,

that if a total abolition should take place, the high contracting Parties agree to adapt to that change the stipulations of the treaty of July, 1817, but in default of such adaptation, the stipulation shall remain in full force for fifteen years, from the day on which the general abolition of the slave trade shall take place. This article begins with giving us some hope that the Portuguese would totally abolish the slave trade, but as we have been fed on this hope for nine years, and as a million of Africans have suffered slavery or death, or both, from the expectation not having been carried into effect, I ask, if Great Britain is not called on now to demand its realization? Has she not pledged herself at the altar of benevolence to protect the African, and to annihilate this execrable barrier to his civilization? that pledge must not evaporate in incense to atrocity! her national honour, the precepts of her religion, her respect for moral obligation, and her declaration as to the injustice, inhumanity, and impolicy of the trade, compel her to enforce an universal abolition; and the elevated situation she holds among the nations of the civilized world, has established it her imperative duty to lead the way in terminating this unprincipled degradation of the human species.

In the Portuguese treaty ratified in February,

1810, the Prince Regent of Portugal " assures us, that he is convinced of the injustice and impolicy of the slave trade, and of the disadvantages which arise from introducing such a factitious population into his South American dominions, and has resolved to co-operate with His Britannic Majesty by adopting the most efficacious means for bringing about an abolition of the slave trade throughout the whole of his dominions."

The treaty signed 22d of January 1815, contains also the following strong protestations.

" His Britannic Majesty and His Royal Highness the Prince Regent of Portugal, equally animated by a sincere desire to accelerate the moment when the blessings of peaceful industry and an innocent commerce may be encouraged throughout this extensive portion of the continent of Africa, by its being delivered from the evils of the slave trade." The treaty then proceeds to prohibit the subjects of Portugal from trading for slaves, north of the equator which I need not copy.

Here is an acknowledgment of the evils of the slave trade, that it prevents the blessings of peaceful industry and innocent commerce from being extended over any portion of Africa where it is carried on; and in another clause it is stated,

“ That the high contracting Parties reserve to themselves, by the same instrument, and engage to determine by a separate treaty, the period at which the trade in slaves shall universally cease and be prohibited throughout the entire dominions of Portugal.” And in the treaty of July, 1817, “ His Faithful Majesty declares, that he has reserved to himself, in concert with His Britannic Majesty, to fix the time when the trade in slaves shall cease entirely, and be prohibited in his dominions;” yet we find this very treaty of July, 1817, extending the Portuguese traffic in slaves, protecting her slave traders, and binding Great Britain to remunerate them for any detention or loss that may occur, and that also to be estimated, not according to the actual loss, but according to the speculative profit they could have gained in the market, to which they might have carried the slaves; and lastly in the separate article it is stated, that if a total abolition takes place, an adaptation of the stipulations in the treaty may be made, and if not, they are to remain for fifteen years after that, as now established.

It cannot be denied that Great Britain prevented the Portuguese slave trade from being annihilated, when she prevented France from possessing Portugal; that by conveying the royal family of Portugal to the Brazils, she prevented that

kingdom from revolution ; and if revolution had taken place, it is probable that slavery would have been abolished in that part of South America, as completely as it has been in the revolted provinces of Spain ; Great Britain having thus protracted the abolition of the slave trade, Portugal agrees with her as to the diabolical system of the traffic and the disadvantages of such a factitious population to her Brazil dominions, confesses that the slave trade " prevents peaceful industry and innocent commerce," and promises that a total abolition shall be established throughout all her dominions : she promises this over and over again : she receives three hundred thousand pounds of British money to relinquish her claim to trade for slaves on the African coast, north of the equator, over which she possessed neither right nor jurisdiction ; after which she enters into another treaty, which facilitates her slave trade, insures inordinate profit to her slave traders, and then stipulates that its conditions may continue for fifteen years, even after a total abolition shall take place ; so that in defiance of every benevolent declaration of its inhumanity, every acknowledgment of its injustice, every confession of its impolicy, and the most sacred promise of royalty for its annihilation ; Portugal will not fix a time for the total abolition of the trade ; and though it should be abolished, by this separate article she is to retain the benefit of the treaty of July, 1817, under which she may

carry slaves for government use, or the planters may send for slaves for private employment : in short, (to my comprehension) there is no restriction of the trade, even after abolition, but for traffic, that is, slaves are not to be purchased to be sold again, and the proof of that is thrown on the captor.

The impossibility of establishing, by the officers and papers of a slave ship, the destination of the slaves is obvious ; therefore, should a vessel be detained, the mixed Commission Court will probably discharge her, with an award of the liberal indemnification directed by treaty, and this reward of perfidy, the British Treasury must ultimately bestow !

Thus Portugal, by professions and promises, may continue amassing riches from the misery of Africa, and from the credulity of England, without termination. As she is the only nation that can purchase slaves after May 1820, she may obtain them at her own price ; and from being the only nation allowed to sell them, any price may be procured she pleases to demand : such is the result of faithlessness and cruel pertinacity. Portugal possesses about 2500 miles of coast in Brazil, and she claims 2500 miles of coast in similar latitudes in Africa ; shall Great Britain after all her professions and expenditure, now suffer her

to transfer all the vigour and strength of Africa into the Brazil territory, and leave only the dregs of a population to generate fresh victims for rapacity!

The facts which I published last year in my *View of the increased Slave Trade*, were scarcely credible; but the accounts I have lately received are still more deplorable. I laid before the public, proof to establish that the trade had increased more than double since 1807 when it was abolished by England; but now I have statements from Cuba, that ten thousand slaves have been brought into that island in a week, (our newspapers say twelve thousand) and my correspondents in Africa and commercial friends from that coast, have assured me the Portuguese Slave Trade has greatly increased since 1817, that the sea is almost covered with vessels full of slaves, and that the trade is perfectly uninterrupted: at Washington, the returns from the custom-house at the Havanna have been published, and the number of slaves landed at that one port in a day amount to 1637, the date of the arrivals and the names of the vessels carrying them are given minutely: is it not most unaccountable that this devastation is permitted? That a hundred thousand brethren made in the perfection of God's image, and endowed with reason, should be annually debased into slaves, torn from every happiness

in life, and left without a consolation but in death; and all this continued after the whole civilized world have declared their abhorrence of this traffic in human beings. The promise of the delinquent may be nugatory, but a pledge from the combined alliance to arrest the delinquency is too sacred for delusion !!

If a white man is caught in Africa by the natives, he is enslaved, and we consider this a certain mark of their barbarous condition, but when a black man is found at the Havanna or in the Brazils, and sold to slavery, we are told he is a negro brute, fit only to be a slave, and that the blacks are used as such by all civilized nations: when the Africans carry from the coasts of Sicily and Italy the white inhabitants and sell them to slavery, the depredators are denominated pirates, and if seized punished as such; but if a Spaniard or a Portuguese carries from the coast of Africa the black inhabitants and sells them to slavery, it is considered a legitimate trade, in which if any person presumes to interrupt him, the interloper shall, by an august mixed tribunal of judges and arbitrators of different civilized nations, be punished with heavy damages; the crime of piracy is defined by the law of nations, but I never heard of any law, which directed the guilt or innocence of the perpetrator, to be regulat-

ed by his colour ; and that if white and black men should be seized committing the same depre- dations, the black shall suffer death, and the white receive profuse compensation for being detained for trial. I have already shewn in my public letter to Mr. Wilberforce, (printed Feb. 1815) that the slave trader violates the law of God, of nature, and nations, and that it is the violation of those laws that constitutes the crime of piracy; why then should not the Sovereigns of the civilized world declare slave trading piracy? While the infidel corsair shall be punished by law, should the Chris- tian pirate be licensed by treaty?!!

I have no doubt the Sovereigns of the Holy Alliance are willing to constitute slave-traders pirates; they only require Great Britain, the benevolent advocate of abolition, to lead the way; Austria, Russia, and Prussia, have shewn themselves adverse to slavery, and have emanci- pated hundreds of thousands in their own domi- nions; Sweden, Denmark, Holland, France, Spain, Sardinia, with North and South America having abolished the slave trade themselves, it must be their wish, as well as their interest, that other nations should do the same; Portugal alone resists the claims in favour of Africa, though she acknow- ledges the justice and humanity of them, and the impolicy of carrying the Africans to Brazil: if she will then be so obstinately and confessedly unjust,

I assert that it is the bounden duty of the civilized world to combine and compel her to relinquish the trade, and if I err, I err with high authority; for Vattel says in his Preliminary Discourse, "The object of the great society established by nature between all nations, is the interchange of mutual assistance for their improvement, and the first general law that we discover in the very object of the society of nations is, that each individual nation is bound to contribute every thing in her power, to the happiness and perfection of all the others." Does not Portugal prevent Africa from obtaining this desired *perfection* at which other nations have arrived? does she not deprive her inhabitants "of the blessings of peace and of innocent commerce?" Does she not destroy their *happiness* by dragging them to slavery and subjecting them to every misery the most obdurate master may choose to inflict? And has not the King of Portugal thrown aside the mantle of his infallibility, and, from his declaration in this treaty, acknowledged the principle, by the violation of which, he has established his own error? therefore is it not an abandonment of the Sovereigns' duty if they do not interfere and arrest the progress of so calamitous an evil?!

This load of guilt is maintained on the principle "That the rights and liberties of independent nations ought not to be encroached on,

therefore Portugal should not be compelled to abolish the slave trade ;” no position could palliate the enormities attendant on the traffic, or suffer its continuation ; but on this very principle is not Portugal unjustifiable in destroying the natural rights and liberties of the Africans who are independent ? And is not Great Britain bound by the law of nature and nations (as above stated) to afford Africa “ assistance for her improvement, and to contribute every thing in her power to promote her happiness and perfection ?” Vattel, in writing on the Duty of Nations (B. ii. C. 1.) also lays it down, that “ No one nation should hinder another from attaining the end of civil society, or render her incapable of attaining it ; which general principle forbids nations to practise any evil manœuvres tending to create disturbances in another state, to foment discord, to corrupt its people, to raise enemies, or deprive it of natural advantages.” Are not the Portuguese guilty of each and all of these crimes ? do they not practise every vice forbidden, and violate every principle they are under this dictum directed to uphold ? Grotius (L. ii. C. 20.) says, “ It is the duty of Sovereigns to chastise nations which are guilty of such enormous transgressions against the law of nature :” it is therefore evident on these principles, and under this doctrine, that Portugal should be obliged to abandon her slave trade to Africa totally and permanently, and that the allied Sovereigns are

pledged to aid Great Britain in effecting its accomplishment without delay.

Portugal in February 1810, by treaty promised gradually to abolish the slave trade, and she has regularly ever since gradually increased it : in 1815 she agrees to appoint a time for the total abolition, and in 1817 she engages to do the same; yet by a separate article in this last treaty, we are led to expect its continuance for fifteen years at least : it has been proved that the slave trade is a thousand times more profitable than any other traffic, every nation but Portugal has relinquished it from the conviction of its injustice and inhumanity, and is she to be allowed a monopoly, because she is devoid of those feelings of justice and humanity, and of those moral and religious obligations, which have actuated all other states, and caused them to abandon the trade ?

I have shewn that any one power being allowed to carry on the slave trade, will agitate Africa from the circumference to the centre, and continue every mischief and misery now experienced by her inhabitants : one leper will infect a community, until the very air breathes contagion !

If exorbitant profit is to be made in this trade, it had better be equitably divided amongst all the

other nations that had formerly a partition of its advantages : they have an equal right, and there is greater chance of its being surrendered totally, when the emoluments are divided, than when this inexhaustible mine of wealth is suffered to be worked for the sole advantage of any one nation ; besides it is allowed, that no beneficial advance can be made in the civilization of Africa, whilst this destructive trade is suffered, and the policy of the civilized world is interested in her civilization ; because it would induce cultivation, and employ the hands of the inhabitants for their own enrichment, which must ultimately tend to the advantage of general society : the Africans after collecting their natural and cultivated productions, would receive the arts and manufactures of more civilized states, they would soon unlock their hidden treasures, and obtain in return not only every comfort this life can afford, but by instruction the means of obtaining the blessing of life everlasting.

It is evidently the wish, the duty, and the interest of every civilized nation, that the slave trade should be totally abolished ; it is only necessary for Great Britain to collect the united voice of the different Sovereigns, and state to Portugal explicitly that the time is arrived, when the slave trade must be totally abolished in her dominions ; and

after that has been concluded, the allied Powers can easily be induced to declare, that it shall be considered piracy to carry on, directly or indirectly any species of trade in slaves, and that all persons detected in purchasing or procuring Africans as slaves, by themselves or others, on any account whatsoever, shall be prosecuted and punished as pirates by every nation indiscriminately that shall seize them, and that all nations are bound to seize and punish them wheresoever found; then and not until then, will Africa be liberated or made susceptible of receiving the advantages of civilization, or be enabled to contribute reciprocally to the improvement of other nations : after this most desirable object has been effected, all necessity for treaties, ships of war, and Commission Courts will cease ; then, and not until then, will a most burthensome, unlimited, and useless expense, under various pretences of abolishing the slave trade, cease to England.

The question, of the absolute necessity of an universal abolition has been long since determined, and made national ; it rests now solely with his Royal Highness the Prince Regent's ministers to carry it into effect, and through the executive alone can it be finally accomplished : the Nation paralyzed, on discovering the delusions that had been practised, by those who so long professed benevolence

for Africa, has sunk into apathy, but she is only slumbering after the shock her sensibility has received, not dead to the undeserved sufferings of the negroes, or the injustice which has so long held that continent in barbarism: the noble lord to whom, as the executive minister, the accomplishment of this most desirable work is now entrusted, will not require either petition or address from parliament or people to interest the Prince Regent further, all have expressed their ardent desire to have it quickly concluded, and every necessary aid to secure its final ratification, he has already provided, by having induced the Plenipotentiaries of the Powers composing the Congress at Vienna, to declare " That they could not better honor their mission, fulfil their duty, and manifest the principles which guided their august Sovereigns, than by labouring to realize their engagement to effect an universal abolition of the slave trade, and by proclaiming in the name of the Sovereigns, their desire to put an end to a scourge which has so long desolated Africa, degraded Europe, and afflicted humanity ; and in making this declaration known to Europe and to all the civilized nations of the earth, the said Plenipotentiaries flatter themselves they shall engage all other governments, and particularly those who in abolishing the traffic in slaves, have already manifested the same sentiments, to support them with their suffrages in a cause, of which the final triumph will be one of

the greatest monuments of the age which undertook it, and which shall have gloriously carried it into complete effect."

Nothing can be added to this, it breathes the most benevolent and the wisest sentiments of enlightened humanity, and proves the determination of the greatest Sovereigns on earth to annihilate a pestilence, which has so long been suffered to infest the most inoffensive of God's creation ; this declaration shews the inclination, no one can doubt their power to effect any thing, that does not belong to that Omnipotence which could " stop the rolling earth, or stay the flowing deep." But it is four years since this declaration was made, and evidently now full time to have it carried into effect ; that the African should burst his fetters and revel in new found liberty ; that innocence should be rescued from unprovoked persecution, and induce a blessing for the interposition ; that the door of misery should be closed against the merciless depredator, and the gate of commerce open for the civilization of millions ; the noble lord into whose care this great cause has been entrusted, I have no doubt will do his duty with active benevolence, and by its final accomplishment, erect for himself a monument of fame, consolatory in this life, and commendatory to the supreme Dispenser of inestimable rewards.

THE END.

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