

THE  
TRIALS  
OF THE  
SLAVE TRADERS,

SAMUEL SAMO, JOSEPH PETERS,

AND  
WILLIAM TUFFT,

TRIED  
IN APRIL AND JUNE, 1812,

BEFORE THE  
*HON. ROBERT THORPE, L.L.D.*  
*Chief Justice of Sierra Leone, &c. &c.*

WITH  
TWO LETTERS ON THE SLAVE TRADE,  
FROM A GENTLEMAN RESIDENT AT SIERRA LEONE TO AN ADVOCATE  
FOR THE ABOLITION, IN LONDON.

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# INTRODUCTION.

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THE leading motive for publishing the Trials of the Slave Traders is, to afford the British Legislature, the Government, and the people in general, an early and correct view of the operation of the recent slave felony act of parliament: an act which reflects the highest honour on those whose humanity was so determined and conspicuous in conducting to a happy issue the long and strenuously contested question of African emancipation.

It is due to those great, good, and eloquent men who, with unshaken perseverance, exerted themselves in this truly benevolent cause, that they should be made acquainted, at the earliest possible moment, with the beneficial effects arising from their disinterested zeal in behalf of those thousands of enslaved Africans who could do nothing for themselves.

The characters engaged in bringing about this new and humane system might easily be named; but they are so well known, that no fresh publicity could add to their honour, or enlarge their celebrity, which are already complete; and the consciousness of their just and wise intentions is a reward so ample, as to preclude their deriving

any acquisition of gratification from express personal approbation. The world will always remember, and often mention, them; and it is impossible they can be forgotten by historians; for when they speak of the British legislative acts of the nineteenth century, they must dwell with delight and enthusiasm in honest praise of the names of those who contended with unrivalled eloquence, unanswerable arguments, and final success, against slavery. Besides, the reporter of these Trials, and the author of this Introduction, having no object to attain, except extending the cause of humanity, would preserve himself free from even the suspicion of adulation.

It will be found, from a perusal of these Trials, and a consideration of the country inhabited by the slave-trading delinquents, that a death-blow has been struck at that execrable traffic, throughout a great extent of the western coast of Africa.

Discovery will also be made, that notwithstanding a very short interval only has elapsed since the wisdom of parliament declared that trading in slaves should be a felony, yet the act thus declaratory has already been brought into effective and full operation, by those intrusted by the government with the important power of administering the laws of Great Britain, in a distant part of her vast dominions.

The cruelty and turpitude practised by the slave traders will also appear, and serve to add an increased horror towards that diabolical commerce,

at the mere contemplation of which, every mind not hardened by the profits accruing from it involuntarily shudders. The facts here developed cannot fail to originate many important reflections. The legislator will consider whether something is not still necessary to be done, though he may exultingly own much has been achieved in behalf of the poor African. He will consider whether the energy of this nation, foremost in power and knowledge beyond all others on earth, cannot render more perfect that system of African melioration, which it hath already attempted with such signal success.

The executive government will congratulate themselves that one of the most benignant laws which it is their glory and their happiness to be instrumental in dispensing, hath been promptly acted upon in the best possible manner (where discretion is allowed) by those to whose charge they are committed abroad; and the people of England will feel a glow of sincere and unmingled delight, that though they live in a day of war unparalleled in extent against them, a war waged by the slaves of almost all nations, who for them are striving to forge fetters, while they are kindly breaking the bolts which bind, and loosening the chains that torture, their fellow-creatures in the distant climes of Africa.

The Letters which follow the Trials will be found to contain many facts and opinions, and to treat on subjects relative to the slave-trade which

have not been hitherto well known, or much considered.

These Trials were reported by a gentleman at Sierra Leone, who was present during their progress, and who was personally engaged in measures for effecting the abolition. He sent them to his correspondent in London, who now submits them to the public; and he feels no hesitation in assuring himself, that at this juncture they could receive nothing better calculated to meet and gratify both their hearts and their understandings,

THE TRIAL  
OF  
SAMUEL SAMO,  
*SLAVE TRADER,*

Indicted for trading in Slaves, and tried at the Court of Oyer and Terminer, held in SIERRA LEONE, on the Coast of Africa, before the Honourable Chief Justice THORPE, L. L. D. on the 7th, 8th, 9th, and 10th of April, 1812.

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THE Court met on the 7th of April, James Becket, Esq. the clerk, having sworn the Grand Jury; the Chief Justice then charged them, in a most impressive manner, on their various duties, and concluded in these words:

GENTLEMEN,

The calendar furnishes one crime more, on which it is necessary to instruct you, but its novelty and importance will oblige me to be minutely explicit.

Indictments will be laid before you against Samuel Samo and Charles Hickson for trading in slaves, since the first of September, 1811, in violation of the fifty-first of the King, chap. 23. The British parliament passed above ten bills for meliorating the condition, affording comfort, and preventing the cruelties that had been practised on the negroes in their transatlantic passage. They were

acts of great benevolence ; but the wealth and party influence of those fed by the negroes' unrewarded labour, was so commanding, that the Abolition Act could not be passed until that great statesman, Mr. Fox (carrying his purity of principle and consistent integrity into place and power,) effected it by the assistance of government. Forfeitures and confiscations were found inadequate for abolition ; and the same philanthropy continuing to illumine the British senate, an act constituting the slave trade felony was passed, to render former acts more effective, and the abolition complete. The first time of making this valuable act operative has devolved on you ; the principles of British jurisprudence will not tolerate slavery ; liberty does not depend on complexion ; it is dispensed, it is secured by law, in the administration of which, distinction of person is not acknowledged. Even in the days of Queen Elizabeth, it was emphatically said, " the air of a British government was too pure for a slave to breathe." It has been said to me by one, that " this cargo of slaves is the property of such an individual, or these slaves are national property." I know of no property in humanity, nor of any law, divine or human, that bestows it ! Man, formed after the image of God, created and made by his ordinance, is the property of God, and his only ! Another has audaciously said to me, " these blacks are only fitted for slavery." I have answered, " suppose you were in a kingdom of blacks, where some white man might be chained to an oak, or toiling in a fort, and to your plea for his liberation, it was replied, these white fellows are only fitted for such servitude. How much philanthropy or philosophy would you allow this contained ? Yet there it might be only individual calamity fortuitously entailed, while here we have national misery systematically established !

This act is uncommonly strong and wide in its reach, [here the learned Judge read the greatest part of the first

clause.] Thus any person trading in any way in slaves, or aiding or abetting such traffic in any way, is considered a felon, and punished with fourteen years transportation, or to be kept at hard labour for five years; now these slave-factors are degraded to pickpockets and swindlers. But should this infernal commerce be continued; if mercenary miscreants can be found, whom fines, forfeitures, and infamy, cannot controul, whom no principle of morality, liberty, justice, humanity, or policy, can restrain, but that innumerable cruelties, multifarious casualties, and premature deaths, are still continued to be heaped on the unoffending sons of Africa; if those innocent human beings are still to be torn from their country, their habitations, their parents, children, and friends, for the miserable gratification of a little rum and tobacco; then I have no doubt the Almighty will continue the enlightened benevolence of England, and that an act will pass the British legislature, considering the monsters what they really are, *hostes humani generis*, (much worse than pirates,) and authorize their being put to death wherever found, or to what nation soever they may belong; and even after this, they should be thankful that the law of England does not allow torture to be inflicted; for if the law of retaliation were let loose on them, their sufferings would be excessive and constant. It is the very essence of justice to apportion punishment to offence; and could the cargoes of slaves we have constantly exhibited in this colony, could the animated skeletons that are landed here, imploring death for relief, be visible in England, an universal exclamation would involuntarily burst from that inestimable people—“Without ocular demonstration, we could not have believed that human depravity could have extended to these enormities—extirpate these monsters!”

Gentlemen, you have a great duty to perform; England will look to you for its discharge; the happiness of



thousands will rest upon it. I know the prisoners are personally known to many of you; but I have tried your integrity, and am confident—Remember your oath, that you will diligently inquire, and true presentment make; calmly and dispassionately compare the statute and the indictment, and, if the proofs will warrant the accusation, send it for investigation before the Court and a jury, by finding the bills.

The Grand Jury found true bills of indictment against Samuel Samo and Charles Hickson.

On Samo's being put to the bar, and the indictment being read, Mr. M\*\*\*\*\*, as counsel for the prisoner, applied to the Court for leave to shew that the prisoners could not be tried, as indicted under the 51st of George the Third, chapter 23, that statute attaching only to British subjects, and that Mr. Samuel Samo was a Dutchman. He took strong ground, and was replied to by James Biggs, Esq., who was appointed to act as Attorney-general for the colony, and who proved that Samo had resided sixteen years in the Rio Pongas, considered himself as an Englishman, and claimed British protection; that he only claimed the privilege of a Dutchman when he dreaded the effects of the Abolition acts; and that the place of his birth was not proved, and only a short residence at Surinam established.

The Court over-ruled the objection, and the trial proceeded. The Petit Jury before whom this case was tried consisted of the following gentlemen, who were accordingly sworn:

Jas. Willie, Esq. Foreman,	Mr. William Taylor,
Kenneth M'Cawley, Esq.	Mr. Scipio Lucas,
Mr. John Bowles,	Mr. James Reid,
Mr. George Warren,	Mr. Hector Peters,
Mr. Peter Kennedy,	Mr. Robert Robertson,
Mr. John M'Cawley,	Mr. J. M'Cawley Wilson.

The Court was very much crowded: the novelty of the case produced a general and lively interest. Mr. Samo, on his arraignment, seemed deeply affected; he pleaded Not Guilty.

MR. BIGGS stated the case on the part of the Crown.

*My Lord, and Gentlemen of the Jury,* This is an indictment against Samuel Samo for feloniously dealing in slaves, in direct violation of an act of parliament passed in the fifty-first year of the reign of his present Majesty, for the more effectually abolishing the slave trade. The cause is, indeed, one of the most important, both in itself and its consequences, that hath occupied the public attention at any period in the nineteenth century. It is not merely the interests of an individual, a village, a city, a country, or a single kingdom, which this case is calculated to effect; but it embraces the essential concerns of one quarter of the globe we inhabit, and involves the security and morals, the happiness and liberty, of millions yet to live. Under circumstances of this vast magnitude, my Lord, and Gentlemen of the Jury, I feel confident, however deficient I may be in eloquence, your indulgence and your duty will afford me a patient hearing throughout the laborious investigation into which I shall be obliged to enter. In a cause to be tried before a Court so high and learned, and a jury and audience so respectable, I could wish, for the renown of this case, that the prosecution of it had fallen into the hands of some one of those eminent luminaries of the British bar, who are highly distinguished for eloquence to persuade and knowledge to convince. But, since the task has devolved on me, I shall endeavour to make up for fluency by zeal, and for oratory by fact. My Lord, and Gentlemen of the Jury, a combination of fortunate and singular circumstances has put me in possession of events and information relative to the

slave trade in general, and of this case in particular, which I am enabled to substantiate by legal evidence, and removes a large share of the diffidence which I must otherwise have experienced in appearing before you this day.

I would take this occasion to remark, that the humane and anxious desire of the Parliament of the British empire to abolish the barbarous traffic in slaves is universally known; the remotest tribe on the face of the earth are apprized long ere this of the benevolent desire of every good mind in England, that, however savage might be the race of distant climes, their land should not contain a single slave. This feeling, the first-born of an admirable constitution, did not content itself with mere latent existence, but was openly manifested by treaties, negotiations, missions, and many other public acts, done and published from time to time during the present reign. Of late years we find, with undivided satisfaction, that though the unwise and tyrannical system of Dutch, Portuguese, Danish, Spanish, and French colonization, England was obliged, unwillingly, to acquiesce in the temporary policy of an iniquitous slave trade, yet she never for a moment lost sight of the grand and ultimate determination of effecting its radical and signal prostration. Evidence of this assertion clearly appears in the well-directed acts of parliament enjoining benevolent restrictions on all vessels and all persons concerned in slave trading.

Gentlemen of the Jury, you will allow me to bring to your thoughts the leading features of your indispensable duty; you have often been called upon as arbiters of the life, liberty, honour, and property of your fellow-subject. You are now called upon to protect the honour and dignity of your King, and to support those laws which, under his virtue and authority, were enacted for the deliverance of this country from the wretchedness of slavery.

It will appear to you by the evidence which I shall produce, that the prisoner at the bar has held those laws and their authority in contempt, and has violated them in defiance of warning and knowledge. You should, therefore, as good subjects and conscientious men, be careful to suffer no undue partiality, no warmth of friendship, if any you formerly possessed for the accused, to give the impulse of feeling a predominance over your better judgments, which can end only in betraying you from the strict line of your duty and your patriotism. The penalties of the act under which the prisoner at the bar now stands accused are, it is solemnly true, long, severe, and ignominious; so it was necessary and just they should be; but if the prisoner hath incurred them, it will be your imperative duty, as faithful jurors, to visit them upon him, by a verdict of Guilty, notwithstanding you may sympathize with him as fellow-men; but that would be a false compassion, which saves one at the probable sacrifice of thousands. That the cause of Samuel Samo now arraigned is one of great novelty and intricacy must be confessed. It is novel, because it is the first ever tried under the Slave Felony Act; it is intricate, because cunning art and contrivance have been employed to screen the violators of the law from the piercing eye of offended justice. The novelty will cease by the success of that vigilance which is now exerting to bring to light and legal investigation the concealed instruments of the slave trade; and the intricacy of the present case, I believe, I shall be able to unravel to the satisfaction of your Lordship, and the conviction of the Jury.

The evidence now to be produced will discover a system, by which the men who carry on the slave trade hope to obtain the profits of a base and barbarous traffic, and yet escape the just punishment which they ought to suffer for their crimes; and it will also shew that Samuel Samo, as

charged in the five counts in the indictment, did ship off from the coast of Africa as principal, and also as aider and abettor, a certain number of slaves, in the months of August, September, October, and November, 1811; and that he shipped from the Rio Pongas, slaves, in the months of December, 1811, and January, 1812. I shall adduce clear proof that the prisoner did ship off from the coast of Africa between 30 and 40 persons, to be bought; sold, and dealt with, and transhipped as slaves, and that, therefore, you ought to bring in against him a verdict of Guilty.

Here began the evidence on the part of the Crown.

[To condense the trial as much as possible, the substance of the evidence only will be given, without detailing the whole of the questions and answers.]

THOMAS CURTIS *sworn*.

*Evidence.*—He has resided in the Rio Pongas a long time: he knew that Samuel Samo sent off slaves from the Rio Pongas some time in January, 1812; the master of the vessel in which the slaves went, bartered with one Wilson for the cargo; the goods for purchasing the cargo of slaves were landed at Wilson's factory; the vessel carried off 120 slaves; he heard, and believes, that Samuel Samo, Mr. John Ormond, Mr. Stiles Lightburn, Mr. J. Faber, and William Cunningham Wilson, freighted the vessel off with slaves; he knew the vessel called the Eagle under Spanish colours; she arrived in the Rio Pongas in September, 1811. The master of the Eagle bartered for 120 slaves; they were procured from Samo (the prisoner), Ormond, William Laurence, Thomas Curtis (the witness), Lightburn, and Faber. Samo supplied 25 slaves; the factors made an agreement to supply the cargo of slaves among them to get the vessel off quickly; there was tobacco, gunpowder, cloth, and rum, paid for the slaves.

*Cross-examined by Mr. H\*\*\*\*\*s.*

He is not in Mr. Samo's employ, but in the employ of witness's father; he heard Wilson say, that Samo was to send him slaves for the vessel, and saw the barter to be paid for them; he did not see Samo send the slaves to Wilson; he thinks the Samadada another name for the Eagle; he heard Mr. Wilson say that Samo sent off slaves in that cargo; he heard the natives of the Soosoo country say, Samo sent off 20 slaves in January, 1812; he heard and believes that Samo sent off slaves in the vessel also that sailed in September, 1811. The natives told him he had; the natives always inform the factors who supply the cargoes of slaves for each vessel, but the factors do not inform each other.

PHILIP GORDON *sworn.*

*Evidence.*—The schooner Eagle came into the Rio Pongas in October, 1811, and went off with a cargo of slaves; Samuel Samo, the prisoner, shipped off ten slaves; Samo's cooper told him that he had got tobacco and rum for the slaves from Wilson: he saw the slaves come from Samo's factory, and saw Samo's people take them on board the vessel in his canoes; he saw slaves in Samo's factory in irons eight weeks ago.

*Cross-examined.*

*Evidence.*—He saw slaves on board the Eagle; he knows Samo's slaves and people; the supercargo told witness they were Samo's slaves; the vessel sailed off in November, 1811; he saw the slaves come off from Samo's wharf in Samo's canoes; Samo's people, and the master of Samo's vessel, said the slaves were from Samo's factory; he saw the vessel over the Rio Pongas bar, with all sail set; he went over the bar with her; Mr. Samo's clerk told him Mr. Samo had purchased the slaves.

## JAMES COOPER sworn.

*Evidence.*—He is a cooper by trade, and coopered the casks for the vessel; he saw Mr. Samo make a bargain with Mr. Wilson for slaves; Wilson gave Samo rum, tobacco, and gunpowder, for the slaves; he opened a cask by Mr. Wilson's order, for Samo to look at the articles; he saw the ten slaves Samo sent off, he saw them on board the vessel, he saw the vessel sail off with them, the vessel had previously landed her cargo at Wilson's factory; the factors made up the cargo of slaves among them; there were about 150 slaves; witness saw no dollars or ivory for barter of slaves, but there was tobacco and rum; Mr. Samo took his own share of the pay for the slaves to his factory.

*Cross-examined.*

*Evidence.*—He is not a slave; he was in the river when the slave vessel sailed; he lived with Mr. Lawrance; Wilson sent for him to cooper the casks; he saw no money paid for goods that Samo received; he saw Mr. Samo take the goods away; he saw Samo's slaves on board; Samo's people told witness that they were his slaves; he was three weeks on board himself, he asked the people who brought the slaves, where they came from, and they told him, from Samo's factory; the slaves came in a canoe; he saw them come along side the schooner, at Wilson's factory, and saw them put on board the schooner; there were ten slaves; when he saw the slaves they were far from Samo's factory.

## MALCOLM BRODIE sworn.

*Evidence.*—The last slave vessel he saw leave the Rio Pongas, was in January, 1812; he does not know of Mr. Samo supplying any slaves; the slave dealers trade as secretly as possible, to evade the acts.

## WM. SKELTON sworn.

*Evidence.*—He was born in the Rio Pongas, is 18 years old, and was educated at Liverpool, in England; he is two years returned from England; he is clerk to Samo, the prisoner; who was a slave-factor, in the Rio Pongas, but has left that river, and settled at the Isles de Loss; Mr. Samo sent off the last slaves in January, 1812. The slaves were fifteen in number; he thinks he sent them on freight to the Hayannah; Mr. Samo's correspondent there is Colin Mitchell. Caruth was the name of the supercargo of the vessel in which Mr. Samo shipped off the slaves; Mr. Samo sent two boys away on wages, he sent the fifteen slaves away in the name of the witness, Wm. Skelton; he heard, and believes, Mr. Samo had a share in the cargo of slaves that went off in November, 1811; and that he sent off at that time twenty slaves, and half a ton of rice. There were goods came from Wilson's to Samo's factory at that time, consisting of two hogsheads of tobacco, gunpowder, cloth, rum, and molasses; witness supposes these articles might have been the price of the twenty slaves; he believes the vessel landed her cargo of goods for the bafter of slaves at Wilson's factory. Mr. Samo has now at his factory between twenty and thirty new slaves, who have been let out of irons above two months by the witness himself. He never heard Mr. Samo say he was an Englishman.

A letter was here produced from Wilson to Samo.

Wilson's hand-writing was proved, and it was also proved that it was taken out of Samo's private desk. Wilson acknowledges in this letter that he had sent two slaves of Samo by the vessel Samadada, or Eagle, and accounts with Samo for them. A letter from the prisoner to Wm. Skelton was proved, which informed him that Samo was still in prison, that he was doubtful and appre-



hensive what might be his fate. He charged the witness to take care of his writing desks, and papers; not to have any communication with Mr. James Biggs, who was collecting evidence in the Rio Pongas; not to make direct answers to any questions that might be put; to keep out of the way of being questioned; to conceal the prisoner's papers; and that for his fidelity he should be doubly rewarded. Another paper was produced from Samo's desk, shewing that a combination was entered into by the principal factors in the Rio Pongas, not to have any dealings with the blacks and native traders under a forfeiture of 500 bars or dollars, the object of this agreement was to monopolize the slave trade to themselves; this was signed by Cunningham Wilson, Samuel Samo, Charles Hickson, W. Leigh, and John Ormond, dated the 25th of November, 1809; the signatures were proved.

A bill of lading was produced from Samo's desk, acknowledged to be in the hand-writing of the witness, who drew the bill by the direction of Samo, stating that fifteen slaves are to be delivered in good condition at the Havannah, dated the 12th of January, 1812. It appeared from the bill of lading that the slaves were all branded on the right thigh; the witness being asked, how the brand was effected, replied, that it was done with a hot pipe, which burned the mark on the flesh. The witness had received no compensation from Mr. Samo for these services; he does not know whether Samo is a Dutchman or not, but heard he had written for a certificate of the place of his nativity, and has heard him speak of brothers in Holland.

#### *Cross-examination.*

*Evidence.*—Witness thought Samo wished to give up the slave trade; he heard Mr. Samo speak of being a Dutchman in May, 1810.

The evidence for the crown being closed, Mr. H\*\*\*\*\*s, assistant counsel with Mr. H\*\*\*\*\*n, rose and stated to the Court that it had been his wish not to have any thing to do in this cause; but as he had been assigned to defend the prisoner in the absense of the leading counsel, who was sick, he would endeavour to shew that the prisoner was by no means so criminal as the attorney-general had attempted to prove; and he now begged the Court to consider the respectability of the prisoner, and the good name that would be given him by respectable persons to be called forward, and that he was at the point of renouncing the slave trade at the time he was apprehended. The prisoner had left the Rió Pongas, and had settled at the Isles de Loss. These, and several other well adapted observations, were made by Mr. H\*\*\*\*\*s,\* who discovered much ability in behalf of the prisoner; he prayed permission of the Court to read a paper, which the prisoner had handed him, which ran thus: "I was born at Amsterdam, in the year 1770; and left there for the colony of Surinam, in the year 1788, where I arrived, and staid until the year 1795; I then went to North America, made two voyages there and back, and from thence came out to Africa, in the beginning of 1797, where I have since been, of which I was upwards of 14 years in the Rio Pongas, and of course out of the British jurisdiction. Now I have to ask whether a man under those circumstances ought to be amenable to British laws? or can be considered a British subject? I do not only declare that I am innocent of the charge laid against me, but that I have, for a considerable time, been doing all in my power toward the grand object, the total

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\* The Editor applied to the prisoner's counsel for their notes, but could not procure them; the substance of the defence is given, with their acknowledgment and consent; their names are not given, probably because they would not like the world to know they had defended slave traders.

abolition of the slave trade, by withdrawing from the Rio Pongas, and now establishing myself in the Isles de Loss, where I have the promise of a good piece of land, and (if it please the Almighty) I will convince the inhabitants and natives of Africa what can be done in respect to agriculture in this country. After all, I am not conscious how a man should be amenable to laws from which he can reap no benefit whatsoever, as these laws are made for British subjects only. Now, was I to go to England, and there solicit for any pecuniary office, or attempt to purchase lands, I suppose I should have to prove myself an Englishman, (which all the world cannot do), or I cannot obtain either." Mr. H\*\*\*\*\*s hoped, if the prisoner was found guilty, that the clemency of the Court would shew him all the mercy the act allowed to their discretion. The prisoner having ended his statement,

*Mr. GEORGE NICOL was sworn.*

He had known Mr. Samo a long time; he was a very quiet man, one of the best of the factors in the Rio Pongas.

*Mr. ALEXANDER SMITH sworn.*

He had known Mr. Samo a long time; that he knew nothing bad of him but his dealing in slaves; he never was one of the active bad hands in the Rio Pongas.

*Mr. M<sup>c</sup>MILLAR sworn.*

Setting aside dealing in slaves, he believed Mr. Samo was a good man; he was always a very quiet man, and never engaged in any of the riots in the Rio Pongas.

[Here closed the evidence in favour of the prisoner.]

Mr. Biggs, the counsel for the crown, rose in reply, and, requesting the indulgence of the Court, proceeded thus :

My Lord, and Gentlemen of the Jury,

Though in this case I confidently anticipated the result of the evidence, yet that result has been the anticipation of truth; it fully appears that every count in the indictment is supported by evidence that can neither be questioned or refuted. I am indebted to your Lordship and the Jury for your attention in this long investigation; and submit whether this be not a proper occasion to state by what means this body of unexpected evidence has burst upon us, and developed the continuance and mode of pursuing the slave commerce practised by the remaining slave factors.

The daring violations against the acts of parliament prohibiting the traffic in slaves, which were known to be daily committed in the Rio Pongas by British subjects, could not fail to attract the attention of the government of this colony; when these violations had, in the hope of impunity, attained a gross pitch of criminality, no longer to be tolerated, the prisoner at the bar, and one of his slaving associates, were apprehended and secured; it was not certain that the evidence then had would absolutely establish their guilt; to obviate this difficulty, his Excellency the Governor and my Lord the Chief Justice devised a plan, highly to their honour and fame, of obtaining the essential proof from the place where these illegalities had been committed. This plan was to send to the King of the Soosoo nation for such persons as were qualified to be evidences for the crown; and I congratulate myself that it was appointed to me to bring them forth. It was proposed to me to present myself to Mungo Catty, King of the Soosoo nation, and, with his permission, bring away such residents in his dominions as I might think proper, pursuant to written instructions from his Excellency Governor Maxwell. This I did, and the evidence you have this day heard is the fruits of the attempt. I request your Lordship

and Gentlemen of the Jury to listen to a few observations respecting the gentlemen whom I brought from various parts of the Rio Pongas. In coming to this colony, these gentlemen have been put to some expense and much inconvenience; they have fulfilled their parts as evidences for the crown; it would be unjust in me to withhold the public expression of my entire satisfaction of their conduct. I promised the King under whom they lived that they should be protected, and when the trials were over, that they should be safely restored to their former places of abode. Of Mr. William Skelton I ought to speak in particular; he and the other gentlemen have not shewn a little virtue in coming forward; but Mr. Skelton is certainly in a peculiar manner distinguished. He was a long time balanced between a wish to be true to his former friend and master, and his desire of rendering his duty to the country in which he was educated and protected. When I had convinced him of the exceeding wickedness and cruelty of the slave trade, and of the humanity of putting an end to it, he no longer hesitated, or thought it incumbent on him to hold confidence with him who was at the head of the infamous traffic, but yielded at once to a spontaneous and candid avowal. I trust that the remunerative liberality of the Government will not overlook the worth and the services of this young man. To his behaviour there is a striking contrast in the conduct of some of the slave traders, who refused to renounce the monstrous traffic, and who still remain in the Rio Pongas. I allude to John Ormond, Robert Cunningham Wilson, and J. Faber; but I will not enlarge on the subject. Justice will overtake them. I cannot close without lamenting the death of one of the principal witnesses, who first gave the information, and who was to have been heard this day: but "who can tell what a day may bring forth?" Mr. David James Lawrence fell a victim to disease and a broken

heart, in consequence of the vile treatment and persecution of the slave traders, who hated him because he had renounced their fellowship and business, and complied with the laws of his country. Had this gentleman lived, he would have given such testimony as would have put it beyond all doubt, whether this very town was not the heart from which all the arteries and the veins of the slave trading system has for years been animated and supplied; he would have proved that the poison which the British Government wished to counteract in Africa, is in a large proportion compounded by persons in England who profess in public, under the hypocritical garb of religion, that they desire only to complete the abolition. But, to return to the evidence, I conceive, my Lord, and Gentlemen of the Jury, the proofs produced are perfectly conclusive, and that nothing short of a verdict of Guilty can discharge the duty of the Jury; nor can I see that the prisoner can expect it otherwise. How can he expect that this Jury will, to the detriment of their country, and the violation of their consciences, extend that mercy to him which the prisoner has so often denied to hundreds (perhaps thousands) of his fellow-creatures, for such were the slaves he has shipped off for years, however black their skins, ignorant their minds, or unprotected their condition. Consider, Gentlemen of the Jury, that merciful Providence, that has watched over you, and guarded you from being chained as a slave in the slave-yard of Charleston Factory.\* Why should the white man be entitled to bind the black man's wrists or ancles with the ignominious badge of slavery? Viewing mankind from the North Pole to the South, it is discovered, that in various climates there are various hues of complexion, from the most

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\* Charleston Factory is the name of Samo's slave establishment, in Rio Pongas.

brilliant and lovely white, with equally delicate limb and feature, to the permanent and hardy black, with robust frame and stature; but we do not find that mind and virtue, morals and feeling, depend on fairness of complexion or delicacy of form; why then, I ask, in the name of reason, should the black man have his natural<sup>liberty</sup> thrown totally down, and his body exposed to the bondage and laceration of the white? It is unjust and inhuman,—it is a foul disgrace on man,—it is an abomination in the sight of God? Of this tyranny and cruelty the prisoner has been clearly proved to be guilty, and of it the Jury ought by their verdict to convict him. This will be one great effort toward the melioration of this enslaved race, who surround us on all sides, and come almost daily into our harbour. I cannot; better explain my idea of the natural rights of the African than by adopting the language of the state of Pennsylvania, when her legislature, nearly half a century ago, declared their determination to abolish slavery. They spoke thus—“It is not for us to inquire why, in the creation of mankind, the inhabitants of different parts of the world were distinguished by a difference of complexion and feature; it is sufficient to know; that we are all the work of one Almighty Hand. We find in the distribution of the human species, that the most fertile as well as the most barren parts of the earth are inhabited by men of complexion different from ours, and from each other, from whence we may reasonably, as well as religiously, infer, that he who placed them in their various situations hath extended equally his care and protection to all; and it becometh not us to counteract his mercies. We esteem it as a particular blessing granted to us, that we are enabled in this day to add one more step to universal civilization, by removing as much as possible the sorrows of those who have lived in undeserved bondage.” My Lord, and Gentlemen of the Jury, reflect for a moment

on the miseries of slavery, what is it that the poor African does not endure? Think of the separation of husband and wife, father and mother, children, brothers, sisters, kindred, and friends; think of the cold, the heat, the labour, and the lash, that unfeeling custom has doomed to the condition of the slave; and to whom shall he apply for redress? I glory in knowing that he can apply to British law, which, I am confident, will in this case be signally administered, by my Lord and the Jury, for the abolition of slavery. I doubt not that Heaven smiles in approbation on the efforts now making. This day will live in history, that will record this trial as the ground-work of that "universal emancipation" which it appears to be the will of the Almighty to spread, in process of time, throughout the world. Gentlemen of the Jury, you are called upon by your verdict to promote this extension of liberty to the slaves of all nations; you are prompted by your duty to God and your country to find the prisoner guilty, not out of vengeance against him, but for the sake of example, the dignity of law, the cause of nature, and the future benefit of long-injured Africa.

The Chief Justice now with perspicuity and conciseness summed up the evidence. He went through the five counts in the indictment, and shewed how they agreed with the act, and then pointed out how the evidence supported the indictment. He said the evidence appeared to him clear, conclusive, and unshaken; he would neither interest them nor delay them from discharging their duty; he was convinced they would consider the case with cool and unprejudiced minds, and a true verdict give, according to the evidence. If any difficulty occurred to them, he desired they would apply to the Court without hesitation; but legal difficulties were not within their province. The Court had already considered some, and if others



were urged in proper time and place, they would be minutely investigated. It is the duty of the Judge to preserve the legal rights of the prisoner.

The Jury, after a short consultation, returned a verdict of GUILTY.

On the 9th of April, CHARLES HICKSON was tried for the same offence, and acquitted by the Jury.

On the 10th, the prisoner Samo, being brought up for sentence, his counsel moved the Court on a point of law, in arrest of judgment, of which cursory notice has already been taken. Mr. H\*\*\*\*\*s, Samo's counsel, said, that, with due submission, he must again beg leave to address the Court; that in indictments the books clearly laid it down, that they should state a certain day on which the offence had been committed; now the indictment against Samo, the prisoner, takes in several months, without specifying a particular day; therefore this latitude, in point of time, must be considered as fatal to the indictment, from the opinion of the highest legal authorities. The indictment must be considered as having a flaw in it, and be quashed accordingly. These observations, the prisoner's counsel thought, could not fail to have weight on the minds of the Court in behalf of the prisoner, especially when it was remembered that Samo was apprehended at the Isle de Loss, a place out of the jurisdiction of this Court. The prisoner's counsel said he would leave the observation with the Court, and move in arrest of judgment on another ground. The prisoner was not, he said, an English subject, and therefore was not amenable to the British laws; he was a subject of Holland, and on that account was not obliged to observe the acts made in England for the abolition of the slave trade, and could not be tried legally under the 51st of George III., chap. 23., under

which he was indicted, as that act only applied to British subjects; that the prisoner was a Dutchman his counsel said would appear from the proofs that would be adduced of his speaking Dutch, and of his knowing events in Holland which passed when he was a boy, and which he had conversed about with gentlemen years before, who would give it in evidence. Samo also had a Dutch passport, which was considered very sufficient proof of his nationality; his counsel, therefore, hoped, that, under these circumstances, the Court would not pronounce judgment on the prisoner.

Witnesses were called up, and Mr. Vaneck was sworn. He believed Samo to be a Dutchman, because he spoke good Dutch, and had often talked to him about Holland, and events of the civil war in that country.

Mr. Walter Robertson swore, that he was inclined to believe Samo was a Dutchman, on grounds similar to that which supported the belief of Mr. Vaneck.

A passport was also produced, purporting to be from Surinam to New York; this was attentively examined by the Chief Justice, and returned to the prisoner's counsel. Surinam was at the time the passport was dated in the possession of the Dutch.

Mr. BIGGS then rose on the part of the Crown, and said—My Lord, in reply to the arguments of the prisoner's counsel in arrest of judgment, that, though they were forcible, they are not convincing; the *onus probandi* lies in the prisoner; he asserts he is a Dutchman; he must prove it; how has this proof been attempted? By shewing that Samo can speak Dutch, knows something that passed years ago in Holland, and has a Dutch passport. Indeed, my Lord, speaking Dutch is no proof of being a subject of the Prince of Orange. Knowledge of events which happened in Holland may be known to an Italian; history,

hearsay, or actual sight, may furnish such information, but whether one or all, it does not prove the prisoner to be a Dutchman. It is asserted that the prisoner was apprehended out of the jurisdiction of this Court; that assertion cannot be maintained, as the Isles de Loss are considered the dependencies of Sierra Leone; they are inhabited and cultivated by British subjects, who consider, and have always acknowledged themselves amenable to British laws. I can prove beside this, my Lord, that the prisoner has often boasted of being a British subject; and this boast is now recorded in the Sierra Leone Gazette, and has never been contradicted by the prisoner. As to the Dutch passport, upon which so much reliance is placed, money could procure that for any one in a Dutch colony; besides, this passport, admitting its validity, does not describe either the person or profession of the reputed possessor, nor does it contain his christian name; it is not impossible that this passport might have been drawn up for one of the many Samo's who reside in London, where the name is very common among the Jews born in the neighbourhood of Duke's Place. In answer to the remarks of the prisoner's ingenious counsel, that no day is stated in the indictment, I beg leave to remind him that this was objected to in the early part of the trial; but if the indictment had then been quashed, a new one would have been preferred, in which the day would appear, as I could prove that Samo shipped off slaves on the 12th of January, 1812. I shall conclude, my Lord, with a citation from Vatel, who, in his work on the Laws of Nations, has a passage much in point with the matter in discussion. The learned author, in page 162, section 75, speaking of cases where an individual of one nation has injured the sovereign of another nation, says, that if the offended state has in her power the individual who has done the injury, she may not scruple to bring him to justice, and punish him. If he has esc

and returned to his own country, she ought to apply to the sovereign to have justice done in the case. Now, my Lord, the prisoner at the bar has done an injury to the state; that is, he has violated the laws of England, and if even he had proved himself a Dutchman, by the law of nations we have a right to punish him, nor, as Vatel has it, shall we scruple about the matter. On this ground then, my Lord, I submit to the Court whether, as the prisoner has been found guilty of a felony, the judgment of the Court can be legally arrested? I beg that the affidavits of Mr. Alexander M'Cawley and Mr. Philip Gordon may be read, and they will be found to support the statement I have made. The affidavits were read, and it appeared that the prisoner had declared himself to be a British subject; and when it was, on some particular occasion, proposed to him to become a citizen of the United States, he publicly avowed he was an Englishman, and said he never would deny his country; and it also appeared that the prisoner had not claimed Holland as the place of his birth till he shuddered at the punishment consequent on slaving.

The CHIEF JUSTICE said the points in arrest of judgment were strong and clearly put; as to the prisoner's being a foreigner, and not within the reach of the statute, it could not be allowed. Two persons swore they believed him to be a Dutchman, and two others swore that they consider him an Englishman, and that he considered himself an Englishman till very lately. A passport from Surinam to New York is produced, but it does not state the prisoner to be a Dutchman. The prisoner has domiciled above sixteen years in the Rio Pongas; this may be considered foreign dominions, but the chiefs of that country consider the white men as British subjects, and they also consider themselves British subjects; they have claimed, in cases of distress, British protection, and received it; they purchase, reside, and trade as British

subjects, not as Africans. The prisoner has derived every advantage and protection from the English law; he must not now violate it with impunity; we cannot suffer this state of oscillation; is he one moment to be within the pale of our laws and protection, and the next out of the pale of its coercion? Under the strict rule of considering indictments, I allow this one to be faulty, but precision as to dates cannot be attained where the inhabitant marked time by the number of moons, the rainy or the dry seasons, or the entrance of a man of war into the river. Even one of the best witnesses did not know the name of the month in which he celebrated Christmas. If we attended to the same exactness of day and date required in England, it is not the blessing of English jurisprudence we should bring into Africa, but the curse of legal precision; for no offender could be convicted. I conceive the indictment to be as precise as the modes, customs and manners, and information of the inhabitants, would allow; as to the prisoner's having resided in a foreign country, whose laws were the rule of his conduct, and that he is not to be brought before a tribunal whose authority he does not acknowledge, I cannot allow to be a fair statement; I have already shewn that he must be considered as a British subject, and amenable to our law; but English law is the rule of action even in the Rio Pongas. The conduct of the white inhabitants is regulated, and all their dealings in trade determined by its rule: the legislature considered this difficulty when they allowed us to try offenders against the 51st of the King, chap. 23., according to the ordinary course of law, or by the 25th of Henry the Eighth, or the 33d of the same reign, or the 11th and 12th of William the Third, British subjects have been tried in England for acts committed against the British law in Asia, in America, in Africa, and the Dutch settlement at the Cape of Good Hope, and in Europe in the center of the French government. The indictment could not be quashed.

Proclamation being made to keep silence in the Court, the learned Judge in a solemn and impressive manner addressed the prisoner in these words:—Samuel Samo, you are placed at this bar to receive the sentence of the law as a convicted felon. The philanthropy of Great Britain having determined her to abolish the barbarous and inhuman traffic in slaves, allotted pains, penalties, and confiscations, to prohibit its continuance; but finding these ineffectual, established it felony by the 51st of the King, chap. 23., either to pursue it in any shape, or to aid and assist others in carrying it on. Under the act of parliament you have been arraigned, tried by an excellent jury, and found guilty. You have had every aid the best counsel in the colony could afford you, and every benefit the law could extend to you. It now remains for the Court to pronounce the sentence which the law directs. I feel myself awfully impressed by the responsibility of my situation. This statute has left great discretionary power in the breast of the Court; the period for transportation under fourteen years, and the power of reducing the punishment to three years labour and confinement, is submitted to its direction; but in this case, there was neither evidence in your favour to induce, nor recommendation from the Jury to justify a diminution of punishment; yet your counsel have pressed forcibly on the feelings of the Court. You are the first convicted under this act, and England will anxiously look for such an example to be made, as will infuse terror and dismay into the minds of every remaining slave factor on these coasts. The penalty of the law is not death, but it is worse, for it reduces the convict to the most infamous degradation of life. Should you be sentenced to labour, you would be clothed with a peculiar cap, jacket, and trowsers, to designate your disgraceful state, and you must labour on the wharf or fort with a fetter and log appended to some limb, to prevent your

escape. Yet, when we consider the crime, the punishment cannot be considered severe; for what can be more abominable than seizing, selling, and transporting human beings, without any crime against God or man being imputed to them? Our conduct in life is directed by three laws—the law of opinion, the law of the land, and the law of God. You have violated them all; the slave trader is execrated in society, and the law of opinion, would condemn you to solitude; the verdict of the Jury, under which you now wait the sentence of the Court, is declaratory of your violation of the law of the land, and your conscience must convict you of despising the law of God; think of the commandment, “Thou shalt not steal;” it is neither money nor fame, but liberty of which you have robbed your fellow-creatures. Human beings, created and made after God’s image, you have stolen; you have loaded them with irons, plunged them into slavery, and bartered them for the wretched gratification of appetite and avarice; you have not, perhaps, seized on the person yourself, but you have received and sold the stolen body, and that is worse. Consider another great commandment of the Almighty, “Thou shalt do no murder.” How many innocent victims have expired at your threshold; how many torn from their country, parents, or children, have you condemned to disease, to decrepitude, to slavery, and to death?—“There is a God, all nature cries aloud,” that marks the movements of this world, and brings us to account; when you are summoned before that great tribunal for judgment, and those unfortunate Africans, whom you branded on the thigh with burning implements of torture, shall arise in evidence against you, what can you expect from the seat of Supreme Justice? You cannot exclaim, O God, the mercy which I have shewn to others that mercy shew to me!” Yet all that I dare do I will do in mercy. It is not an individual victim of the law that

is most valuable. The annihilation of this diabolical traffic is the victim to the law that we demand. Your sentence shall be deferred until the first day of the next sessions, in the hope of finding such exertions made by your friends to extirpate this trade, as will in a great measure diminish, though they may not be able to eradicate it. And in proportion to the contrition exhibited, and the zeal for its destruction manifested, the discretion which the law gives to the Court shall be extended to you; and if it appears evidently the intention of the other slave factors, in the vicinity of this colony, to lead a new life, and turn benevolent and industrious, I will use my influence with the amiable personage at the head of this Government to extend the royal mercy to you on this laudable, salutary, and necessary repentance. Let it be done quickly and extensively—let that baneful commerce which has so long retarded the civilization, diminished the population, and dimmed the glory of Africa, be destroyed—let it be shattered to atoms in a storm of benevolent charity for mankind—it will be an immolation acceptable to the Deity—it will be a sacrifice of human viciousness on the altar of Divine compassion—it will be a death unto sin—and a new birth unto righteousness—it will plead your pardon in this life, and plead for mercy in life everlasting.

Let the prisoner be conveyed to the jail from whence he came, and there held in close confinement until the first day of the next sessions of oyer and terminer, when he shall be brought to the bar of the Court, to receive the sentence prescribed by law for the crime of which he stands convicted. Samo was immediately re-conducted to prison.



*The Conclusion of the TRIAL of SAMO, in a Letter from a Gentleman at Sierra Leone to an Advocate for the Abolition in London.*

Sierra Leone, July 21, 1812.

DEAR SIR,

I WILL now give you the sequel of this important trial. On the 11th of June, Samuel Samo was brought up for judgment. The merciful suggestion contained in the address of the honourable Chief Justice to the prisoner when he was remanded, was improved by the friends of Samo, who, from his long residence in the Soosoo nation, his wealth, and extensive business and connection, was an object of consequence. Though Samo had never been beloved, (and, indeed, what slave trader could be?) he was respected; and it would be no presumption in him to expect that his friends, whether Europeans or natives, would make great exertions to save him from enduring the penalty he had so justly incurred. Some time previously to the day appointed for receiving his dreadful and ignominious sentence, several petitions were humbly tendered to his Excellency Governor Maxwell, praying for the pardon of the prisoner. Three of these petitions were written in Arabic, one from the King of the Mandingo nation; one from the King at the Isles de Loss, and one from Mungo Catty, King of the Soosoo nation. The remaining two petitions were in English; one from the European settlers in the Soosoo nation, and the other from the British settlers at the Isle de Loss. A future occasion will be taken to make the whole of these interesting documents public. The Arabic petitions abound with tenderness and originality. For the present, it will suffice to remark, that they were all written in the

language of pathos, sincerity, and submission; and bound the petitioners to abandon the abominable slave traffic, and to do all in their power to bring it to a total termination, upon the condition that Samo should be discharged by virtue of the royal pardon, and restored to his friends. To have the "father of the trade," converted into its avowed enemy, and all his African connexion solemnly pledged to assist him in the humane work of abolition, was a great point gained, and infinitely preferable to sacrificing an individual slave trader to the rigour of the law. Governor Maxwell, having consulted the Chief Justice, determined that he would exercise the delightful prerogative with which he was invested, of extending the royal pardon to the unhappy convict.

On the day appointed, Samuel Samo was put to the bar to hear the sentence the law directs for the crime of which he stood convicted. Mr. Biggs moved, in arrest of judgment, that the royal pardon might be read, which being done by the Clerk of the Crown, the learned Chief Justice addressed the prisoner in a manner that not only impressed him, but moved every heart in the Court. He enjoined, and explained the gratitude the prisoner ought to feel at being released from a most ignominious punishment, which, from his age and frame, must have accelerated a death, whose terrors (from the habits of his life) he must be unprepared to encounter. He mentioned, that on a former occasion he had stated many of the miseries the negro suffered, from the moment he was caught till he was shipped, to all of which the slave factor was accessory. The horrid scenes the prisoner must have witnessed on board a ship in the Rio Pongas, when the slave factors were carousing at dinner with one William Browne, (master of a Liverpool slave ship) might have deterred him from this pursuit. The rum in the cabin being exhausted, a person was dispatched to the hold to open a fresh cask

which caught fire from a candle; the ship was soon in flames; the inebriated factors saved themselves in their boats. Twenty-five slaves, not in irons, were drowned, and above seventy in irons, in the hold, were consumed to ashes! yet one of the wretches who was present, and who had just returned from the Matanzas, had assured him (the learned Judge) that the miseries he saw the negroes suffer in Cuba, so far exceeded any thing he imagined, that he had determined to decline the trade for ever.

He next spoke of the ship *Caracai*, that had been sent to Bahia with eleven hundred slaves; five hundred died on their passage, and of the six hundred landed, it was not supposed many could survive. A vessel that had foundered at sea, and the whole cargo of slaves perished, while the master and the men escaped in the boats, was also dwelt upon, and the pangs thus wantonly caused by the trade in human flesh, forcibly impressed on the recollection of the prisoner. The barbarous cruelties practised by Huggins and Hodge, in the West Indies, were very properly referred to with the indignation and abhorrence they are calculated to excite; when he described the negro woman under the torturing lash becoming a mother, every spectator seemed to be convulsed. "Conceive," said the learned Judge, "the mandate of this miscreant monster obeyed, until the offspring of unhallowed joy was prematurely precipitated from the source of life into the valley of death!" Here he made an apostrophe on the English law, and described justice in defence of the poorest African boy, dragging the richest West India planter to the bar, and from thence to the scaffold.

After depicting these scenes of horrid cruelty, his Lordship remarked, that if there were no slave factors, the unoffending, unprotected beings of Africa would not be seized, and torn from their native land, from those whom they loved, and from every thing estimable in life, to a

market, to be sold! The poor slaves were first caught by the chiefs in their wars promoted by Europeans; they were then sold to the slave factors, who again bartered them for a monstrous profit, without any stipulation as to their destination or usage. No; to the avaricious slave dealer, it matters not what becomes of the wretched victim whom he sells, except that the sooner they are destroyed, the greater will be the demand for them. "Which of you slave factors," continued the learned Judge with energy, "can declare you have not transported, or caused to be transported, those very mortals whose sufferings I have described? And how many thousands are there whose miseries have not reached me, and whom you have barbarously sold into slavery? What happiness can you have in life, if you have any reflection? What recompense can you make to man for the horrors you have caused, though in the possession of the wealth of worlds? or what atonement for your peace can you make with God? None, but by repentance. Then, let it be perfect, and immediate; for, as it belongeth to him justly to punish sinners, so it is ingenerate in him to be merciful to them that repent. You have received the mercy of the royal pardon—May your future conduct deserve that of our Father who is in Heaven!

Such is the substance of the address of the Chief Justice on this memorable occasion. I pretend not to perfect description. I felt too much to attend to words. Dr. Heddle, who was on the bench, wept almost the entire time the Chief Justice spoke; and my own mind was too much engaged to observe well, or to describe accurately.

The joy expected for the pardon of Samo was turned into sadness; and on the prisoner's discharge being proclaimed, he withdrew amidst a death-like silence.

I am, dear Sir,

Your obedient humble servant.

# THE TRIAL

OF

## JOSEPH PETERS,

Indicted for trading in Slaves, and tried at Freetown, before the Hon. Robert Thorpe, L.L.D., Chief Justice of Sierra Leone, &c.

THIS was an indictment against Joseph Peters for violating the 51st of George III. chap. 23, by selling and bartering certain natives of Africa, who were sold for the purpose of being treated, used, dealt with, and transferred as slaves.

The Court met on the 11th of June, 1812; on the indictment being read by the Clerk of the Crown, the prisoner pleaded Not Guilty.

MR. BIGGS, as counsel for the Crown, opened the case with lamenting, that notwithstanding the general promulgation of the laws against the slave trade, it should still be practised, and that too under the very eye of the government, which was most active and prompt to discover the offenders and bring them to punishment. The evidence to be heard, would prove that the prisoner had very lately sold several unhappy Africans into slavery; and that, in fact, these victims of his avarice were persons over whom he had not even the shadow of rightful authority, much less had he a property in them, as is sometimes absurdly and inhumanly said, when speaking of the Blacks. It would, the counsel was sorry to state, be found, that the prisoner at the bar had not one circumstance in his favour,

which he could plead in mitigation of the sentence due to the aggravation of his crime. It is known that he had been a surgeon's mate on board of one of his Majesty's vessels; he had been nearly six years in a medical capacity in the employ of the proprietors of Bance Island factory, and he was receiving British pay for attendance on British troops, at the very time he was daily violating the slave felony act; thus acting with practical ingratitude towards the country from which he derived his subsistence. The evidence will prove that the prisoner sold or bartered from the island of Tasso, five, if not six, African persons, who were to be treated as slaves, and for whom he received a valuable consideration. It will also appear that he removed, or caused to be removed, nearly forty unfortunate Africans, who were transported from one place to another, expressly to be treated and dealt with as slaves; and moreover, that the prisoner did receive the benefits of their unrewarded labour. Should the evidence impress the mind and conviction of the jury, as it did that of the counsel for the crown, they could not, however painful it might be, discharge their duty, without finding a verdict of Guilty.

MR. BIGGS went on further to observe, that there was still a circumstance of which particular notice should be taken. The Court would recollect what his Lordship had said from the bench on a former occasion, at the trial of Charles Hickson, respecting the manner of swearing some of the witnesses. There were many of them, in the present case, similarly situated with those who gave testimony in behalf of Hickson. Though they believed devoutly in the existence of an infinite Providence, and entertained a solemn sense of moral accountability; yet they possessed not the religion of Christ. Interpreters were in the court, who understood all their languages, and would faithfully interpret what the witnesses should give in testimony.

Here the Court immediately enjoined from the bench, the practice which it had efficaciously ordered before. His Lordship said, "To make the engagement or obligation conscientiously binding is the great object of an oath. Swear each witness according to the custom of his country and the religion he possesses; infuse into his mind, that by the solemnity he has gone through, he is to tell the truth, and nothing but the truth. We cannot by any other mode so securely affect the conscience of these poor people, they all believe in a Supreme Being, and acknowledge he is an avenger of falsehood, and a rewarder of truth, but they have no generally established form of worship."

The witnesses for the Crown were then brought forward.

*Banta*, a Timmany man, was sworn. He was sworn according to the custom of the Timmany nation; he swore by his mother, and wished she might die if he did not speak the truth, and he hoped that God might strike him dead as the earth (on which he rubbed his two forefingers and applied the dust to his tongue) if he did not relate the whole truth. *Banta* then declared that he knew the prisoner at the bar, that he knew he took slaves from the island of Tasso; he called them, ordered them away, and they were not seen afterwards at Tasso. The slaves were taken from Tasso in a canoe; he (the witness) did not know what became of the slaves, but he knows some of them were sent to Dallamoodoo, (a chief on the Boolam shore). The witness knew that Blacks, by the names of *Borogo*, *Yanyatta*, *Katta*, *Coosin*, *Yusinge* and *Yusinge's* daughter, *Sere* and his wife and a child of *Bontoe's*, were sent off by the prisoner from Tasso. The canoe in which the slaves were taken away, belonged to Bance Island. The slaves were forced off by the prisoners, whom the witness said had often beaten the slaves.

*Dallamoodoo* was then called up to give his evidence.

This witness was an intelligent chief reigning in the Boolam country, he spoke English well; he was sworn on the Koran, with great solemnity: and proceeded to state, that he knew the prisoner at the bar personally. He then produced a letter signed by the prisoner, desiring the witness to catch the slaves who had run away from Tasso. The letter was dated in December, 1811. The letter was read, and the hand-writing of the prisoner proved. The prisoner also acknowledged the letter. *Dallamoodoo* declared further, that he had brought twenty-eight slaves to a place called Sery, a short distance above Bance Island, in the Sierra Leone river; the prisoner gave in payment for his trouble in causing the slaves to be hunted out, three women slaves, one man slave, and a child. The witness considered these persons given to him in payment, and he conceived them as his property, and that he might treat them in every way as the rest of his slaves. He said five slaves were given by the prisoner to King *Murra Brimer*, in payment for his causing the runaways from Tasso island to be caught, at the instance of the prisoner. These persons were given to be treated in the same manner *Murra Brimer* treats all his other slaves. The witness did not know of the prisoner's selling slaves in the Soosoo nor in the Boolam countries. Four of the black people whom he brought back were given to the witness, as payment, and one slave was given to him from Tasso. They were delivered to him at Sery. If the witness and *Murra Brimer* had not caused the slaves to have been caught, on the requisition of the prisoner, the runaway blacks would not have been detained by the native chiefs of the countries into which they fled.

*Tom Krooman* was sworn in the same way as *Banta*, the first witness heard in this case. He knew the prisoner, and knew of his sending the black people from Tasso; they did not return back while the witness was there.



*Duboo* was sworn on the Old Testament; he believed in a state of future rewards and punishments. He saw many of the Tasso slaves working on William Tufft's place; they laboured as slaves, but the witness did not know of the prisoner having sent any slaves away.

*Yangyarra* was sworn in a very solemn manner, according to his nation, by praying that God would cause the earth to open and receive him, if he told not the whole truth. He declared he was a head man at the island of Tasso. He had kept an account of the slaves sent off by the prisoner at the bar; he produced a handful of small stones, and counting out thirty, swore that was the number sent away by the prisoner. He saw the prisoner go to Sery with some slaves, who did not return. He saw him give some slaves to *Ben Muro* of *Booram*, as payment for something; the persons delivered were to be treated as slaves; the witness did not know of the prisoner giving any more slaves.

*Adam* was next sworn in the same way as *Duboo*. He knew the prisoner had sent slaves from Tasso; he gave some black people to King *Murra Brimer*; they consisted of a woman, two girls, and two boys: the witness was present when these blacks were delivered; the prisoner gave them up to be treated as slaves; he sent some to *Ben Muro*; he saw them; they were given as slaves; a man, his wife, and one girl; the witness did not see the prisoner receive any thing in return; the time was about five months ago; the prisoner, he heard, gave the slaves as payment for catching the runaways; they were given at Bance Island, and witness was present at the time.

KENNETH MACAULEY, *Esq.*, sworn.

He saw three women, a man, and a child, who had been given to *Dallamoodoo* by the prisoner; he also saw at *Murra Brimer's* five slaves, who had been delivered by the prisoner as payment for his trouble in causing the runaway

negroes to be caught. *Murra Brimer* told the witness, that if the Governor of Sierra Leone would give him a thousand bars, (equal to S.1000), he would render up the slaves; but not without, as *Murra Brimer* declared they were his slaves.

*Bondoo* was sworn on the Old Testament. The prisoner gave him as a slave to *Santera*; he made his escape; he was sold by the prisoner as a slave; he was delivered by the prisoner at Bance island to *Santera*, who took him to Port Logo, together with his wife and two children, who were delivered at the same time by the prisoner at the bar. They were sent off in a canoe about four months ago; they were sold by the prisoner as slaves, who made the black people work as slaves, and flogged them; he had beaten the witness; he saw many at Port Logo who were sold by the prisoner, many of whom the witness named; they were sold as slaves.

*Monday* was sworn on the New Testament and on the earth. She saw the prisoner give four slaves to *Murra Brimer*, and four to *Dallamoodoo*, at the town of Sery, for catching the runaways. A *Boolam* man also got four slaves: he lives at Sery; they were all to be treated as slaves; it was four months since they were delivered; the witness did not know whether slaves were disposed of before they ran away from Tasso. The prisoner sent a woman slave, named *Cainbosco*, to the *Soosoo* country, and received a bill in pay for her. She has heard the prisoner say he had sold slaves for rice; he said he would sell whom he pleased of the Tasso people; he threatened to sell her, and had beaten her.

*Quiépa* knelt down and kissed the earth, and was thus sworn to tell the truth. He knew the prisoner had sent slaves from Tasso; he saw him sell one slave for three goats, three sheep, one bull, and a ton of salt; the prisoner sold a yellow girl to *Dallamoodoo*; *Duboo* brought the girl

away, and afterwards went with her to the *Soosoo* country; she was sent by the prisoner from *Tasso*; the prisoner sold *Banko*, a black woman; she was sold for rice, but only four belies (about two bushels) were received; the woman was sent to *Murury*, in the river *Rochelle*. The prisoner gave four slaves to King *Murra Brimer*, as payment for catching the *Tasso* runaways.

*Saree* was sworn by his mother, and the earth. The prisoner, this witness declared, had sent five slaves to *Dallamoodoo*; he saw them; *Brimer* got four slaves; he knew a woman sold by the prisoner, and sent to *Angofa*; *Duboo* took her; the prisoner saw the witness sell a man to *Benmura*, saw him sold at *Bance* island, nearly seven months ago; the prisoner delivered the man, and *Benmura* took him away; he saw bullocks, sheep, and goats, given to the prisoner for slaves, who were all delivered over to be treated as slaves, and continue in slavery.

[Here *Duboo* was called again by the Court.]

He said he carried a woman, by order of the prisoner, to *Tombee*, in the *Soosoo* country; he received for her half a ton of salt, one bull, three goats, and three sheep; he delivered these articles to *William Tufft*, who is the prisoner's partner; *William Tufft* delivered the girl, or woman, to him; the prisoner was present, who is considered an higher man than *Tufft*. It was three months since the witness went with the woman sold, he took her from *Bance* island; he received also from the prisoner another woman to sell, and he received three at another time to take to *William Tufft*. The prisoner sent two boys to *Boolam*; they were to be given to *Tufft's* sister as slaves; five other slaves were sent to *Tufft*, a boy, a man, his wife, and two children.

*Boreega* sworn according to the custom of his nation. The prisoner at the bar, he said, had sold him to *Dallamoodoo*; he did not know what was given for him; he was

sent to the *Soosoo* country as a slave; the prisoner sent him from Tasso to Bance island, where he put him into chains, ordered him into a boat, and sent him off; he was sent to Melega; he was not one of the runaways who were brought back; the irons cut his wrists and ancles till the blood ran from them; he worked hard as a slave for the prisoner at the bar, and was flogged by him.

*Foosingbag* sworn in the custom of her nation. The prisoner, she declared, had sold her to Dallamoodoo; she was treated as a slave; she saw Borago (whom the prisoner also sold) in irons, in the canoe going off. The prisoner had the command over them, and the witness heard him say he would sell whom he pleased; he sold her mother and two children to Murra Brimer; they were sold by the prisoner's direction.

*Katta* sworn. She was sold with her mother at Bance island; the prisoner ordered her from Tasso, and sold her; she ran away, was brought back, and given to Dallamoodoo.

*Samuel Scott* sworn. The people sent by the prisoner to Boolam were, a boy, two women, and a child; the prisoner gave three men to Benmura; they were delivered at Bance island. The prisoner gave to Murra Sery, two women, a child, and a boy, as a recompense for his trouble; they were given to be dealt with and treated as slaves; the witness considered that the prisoner assumed the chief authority at Bance island and at Tasso.

*Boree* was sworn by God, his mother, and the earth. The prisoner desired him to build a town for William Tufft; he gave the witness a wife, then took her away, and sold her. He complained of losing his wife, and the prisoner said he would sell him as he had done his wife, and that he would send him after her; the prisoner told the witness he had sold his wife to a *Mandingo* man; his wife was taken from him at one of the houses he had built

for William Tufft; she is with Murra Brimer; it is three months since she was sold; he saw the prisoner give many slaves away, but does not know what he received for them. Some were sent to Benmurra, some to Murra Brimer, and some to others; they were sent to be dealt with as slaves; the prisoner and William Tufft acted together as one person.

The evidence on the part of the Crown here closed.—The prisoner had no witnesses to call. When called on for his defence, he said the blacks were his enemies, and all they had said was false; that he had nothing to do with Bance island nor Tasso, and that he was not accountable for what might have been done with the slaves by the acting agent of that place. He said he was innocent, and hoped the Court would believe him.

Mr. BIGGS addressed the Court and Jury with but a few words in closing the case; he said that it was clearly obvious, that the indictment was confirmed by the testimony in all its bearings, and that the Jury could not, when they duly reflected on the acts of illegality, and the scenes of oppression and cruelty which had just been laid open, hesitate about giving a verdict against the prisoner.

The learned Chief Justice recapitulated the laborious mass of evidence, and after several brief and appropriate remarks, left the Jury to the proper effect of clear and sound testimony upon their duty and consciences.

The Jury very soon returned a verdict of GUILTY.

There was nothing pleaded in arrest of judgment; and the prisoner was sentenced to *Seven Years Transportation*.

The Trial of WILLIAM TUFFT came on the day following that of Peters. The same witnesses were again brought forward, and sworn. Among the whole there was no disagreement or incongruity of testimony. Tufft's

indictment was the same in substance with that of Peters', and it clearly appeared that he had throughout been an accessory with Peters, and had in some instances acted from his own authority. His object was proved to have been, to appropriate the labour of the Bance island and Tasso blacks to his own use and profit, and to dispose of their persons whenever it suited his own convenience or anger, or that of his associate Peters. This William Tufft is a black man, who had been educated in England, and had lived as a servant in the family of a nobleman near Windsor. When he was put on his defence, he only pleaded that he acted by the orders of Peters, and of the acting agent of Bance island; but even this unavailing plea was not supported by evidence. He was sentenced by the learned Chief Justice to *Three Years hard Labour* on the public works at Sierra Leone.

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THOMAS WHEELER, acting agent at Bance island, was tried under an indictment, the following day, as being deeply implicated in the illegal practices of Peters and Tufft; but the whole of the witnesses in the preceding trials declared, that, as far as they knew, the prisoner was innocent; and Dallamoodoo, the principal witness, went away the night before the trial, and could not be got back to give his testimony; he said he was fearful of offending the Kings of the surrounding countries, by appearing again in a court against slave traders, Mr. Wheeler was consequently acquitted.

During the examination of the witnesses in this case, the firm of Messrs. John and Alexander Andersons, of London, was several times mentioned. Mr. Wheeler produced a letter, signed by these gentlemen, which, on being read, reflected great honour on them, while it aggravated the guilt of the convicts Peters and Tufft; as it appeared

that the proprietors of Bance island had written to Mr. Wheeler, their acting agent, expressing their desire that their black people should be no longer treated as slaves, and should be allowed to live at liberty on any of the islands around Bance island, and to subsist by their industry on lands, and to live in the houses belonging to their late masters. It was given in evidence that this letter had been read to Peters and Tufft, but they had kept it secret from the negroes, which clearly manifested their intention of treating them and disposing of them as slaves.

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*Sierra Leone, August 18, 1812.*

DEAR SIR,

IF my former letter excited expectation, I hope it may not be disappointed by this. You have now before you the novel trials recently concluded in this colony; many important reflections will very naturally be suggested to you on this subject; but as I am on the spot, and have had my mind attentively occupied on the present condition of this part of Africa, you will not consider the remarks which I am about to make either obtrusive or out of time.

It seems to me, that no person in England of common curiosity, or habits of thinking, can pass over these trials without pleasing and serious sensations. We are here presented with a scene interesting in an unusual degree. In the case of the pardoned slave trader, we see the apprehension of a man, who had for upwards of sixteen years been in the constant practice of bartering and transporting his fellow-creatures for rum, tobacco, and gunpowder. This is an object that cannot be indifferent to the coldest heart. Figure to yourself this man brought to the tribunal of justice, and there pleading innocence. Observe the progress of the evidence, and hear how slave

trading is systematized in Africa, notwithstanding the most powerful nation on earth is pledged to abolish slavery.

That this trial is most important must be confessed, because we have the foundation now laid on which may be erected the superstructure of African emancipation; and a precedent is confirmed to discover and punish those who would continue to obstruct it. In the excellent address of the learned Chief Justice to the prisoner, he remarks, "that it is not the individual victim of the law that is the most valuable," but that "the annihilation of the diabolical traffic is the victim the law demands." I was extremely gratified when I heard this sentiment advanced; because it justified me in believing that the Chief Justice did not wish to sacrifice Samo merely as the first slave trader convicted, but desired, on the contrary, if possible, that he should be pardoned, upon conditions that would at once meet the intentions of the British Government, and benefit the interests of humanity. It is certain that judgment might have been instantly pronounced on Samo, and he might now be carrying stone at the public works, with a log to his ancle, and a driver with a whip at his back; yet, I must repeat how much better was it to have had him reserved for the interposition of his whole African connexion, who have bound themselves to renounce the commerce in slaves for ever; and, if they resume it, have exposed themselves to inevitable discovery, by a correspondence which is now established between Sierra Leone and the Soosoo nation.

It is a matter of gratification that this measure was adopted, instead of immediately condemning the prisoner to the penalties of the law. Much good will flow from this exercise of clemency; and I am persuaded that the Chief Justice, in the act of reservation, both served the cause and honour of his country, and gratified the naturally humane disposition of his own heart. It is really



surprizing and gratifying to contemplate the great body of work that has been done in this colony for effecting the abolition in a period comparatively so small. If we survey the whole of the operations which have been gradually going forward to help Africa, since the year 1788, we shall discover that the exertions of a few months in 1812 surpass them all. The restrictions put by law on the slave trade, from time to time, certainly deserve great commendation, because they were grounded on goodness and humanity, and their benefits were practically known to the poor enslaved African; but may we not be permitted to inquire, without presumption, why humanity has moved in a slow and heavy step when it might have sped with rapid flight, bearing all the blessings benevolence could bestow. The cause, in my estimation, is no other than the same general one, which produces nearly all the mischief and misery in the world—the love of money, with its concomitant power. Can there be any other reason shewn why the same measures which are now in force for the extirpation of the slave trade should not have been adopted thirty years ago? The trade was then equally cruel and barbarous, equally disgraceful to man, and detestable in the sight of Heaven, as it is now rightly considered; but the merchant, the planter, and the factor, have been enriched by this lucrative commerce in their fellow-creatures, and they have received that patronage and countenance, which wealth, however obtained or employed, is seldom denied. The opulence accumulated by this vile trade has been prodigious, and a great portion of it has been monopolized by the British slave merchants, who, from their various facilities, were always able to procure, at the best rate, the articles adapted to the African market. These articles were, and still are, bartered for human beings. This subject shall be for future enlargement. The trials will show to what expedients the slave trader has resorted; and how thoroughly they have been exposed and defeated by the

regular interposition of the law. But there are still other discoveries to be made, and other punishments to be inflicted, before this business can be made complete. There is ground to believe, that in England there are persons who have promoted the slave trade by their connexion in the neighbourhood of this colony, while they professed to abhor it. When these characters shall have been brought to light, we shall have many strange and wicked facts to contemplate; and Africa will know its real enemies in the exposure of certain of its hypocritical friends. But all that England can do to break up the trade in human flesh will be of no avail, if her allies be allowed to carry it on. Portugal, it is true, is confined by treaty to trade for slaves only within her own dominions on the coast; but this is not the case with Spain. The subjects of this nation still send their vessels for cargoes of slaves; and they affect astonishment at being told, that they are not at liberty to ship them off from every part of Africa. In the island of Teneriffe, both British and American vessels are put under Spanish colours, and then they imagine they may trade in slaves with impunity. At St. Jago, the Portuguese flag is supplied to English and American vessels for the same purpose. Among the variety of places which I visited on the coast of Africa was that of the Portuguese settlement of Bissao. From this place was once shipped a great number of slaves; and though its commerce is now much reduced, it still obstructs the benevolence of the British Government, in putting down the slave commerce. The inhabitants at Bissao have been habituated from infancy to slaving, and from the local situation of the country it is evident, that so long as it continues in the same hands, the trade on the windward coast cannot be totally abolished. This subject I shall resume at a future occasion.

To omit the praise due to the navy on this coast would

be improper and unfair. The Hon. F. P. Irby, in the *Amelia* frigate, commands on this station. He is very truly entitled to great commendation for his vigilance and zeal in capturing slave traders, and his success has been considerable. Captain E. Scobell, in the *Thais*; Lieutenant G. Mitchene, in the *Protector*; and Lieutenant W. R. Pascoe, in the *Daring*, have all manifested an extremely laudable activity to detect and capture vessels which have resorted to this coast for slaves; and I should hope their enterprize and success would certainly obtain them promotion.

In the great aim of an entire destruction of the slave trade on this coast, I am happy to say, there is a perfect union of sentiment between the three principal persons in this colony. The Governor, the Chief Justice, and the Commodore, have their minds stimulated into action by the same motive, and firmly concentrated and directed to the accomplishment of the same object. I hope this object will at last be consummated; for, when I consider the qualities, the power, and the honours, which distinguish England from and above all other nations, I am filled with astonishment that she does not interest herself more effectually in behalf of the suffering African. I am not satisfied that the best means are made use of to abolish the detestable traffic in slaves. With regard to England, on this subject, her national religion, her constitution and policy, are directly repugnant to every species of cruelty or oppression, and consonant with just and national liberty; why then, I would ask, should she be lukewarm in extending the range of these invaluable blessings? This, I believe to be the time to follow up with more effectual plans those which have already been acted upon, for conferring an increased portion of happiness on this country. It is granted that England is desirous to remove the curse that has so long pressed on Africa; it will then appear a

circumstance of great satisfaction to every humane heart, that, for the attainment of this object, a more fit character could not have been selected than the present Chief Justice of this colony, than whom no man can be a more determined hater of slavery. In the cause of African emancipation, he has exhibited the deepest zeal, patiently and indefatigably devoted; notwithstanding the multiplicity of business to which he has to attend as Chief Justice, he has an ear ever ready to hear the complaint of the suffering African, and his humanity affords him prompt redress. Though he is exposed to all the injuries incident to residing in a deleterious climate, this has no terror for him while he is busied in dispensing the blessings of British law in favour of a people who have too long been the victims of the lawless. He is certainly entitled to the thanks of his country.

You will recollect that, previous to my leaving England, we had often spoken of Africa, and lamented the unhappy state of that country. In these conversations we were always cordial. This concurrence of sentiment not only sanctions and invites, but urges me to call your attention to the observations which I may be enabled to make during my visit to Africa. Though I do not mean to continue very long in this dreadful climate, I shall be industrious to obtain all the knowledge I possibly can, relative to the colony and those connected with it. It is, I assure you, a very different place from what it has been represented by certain persons in England. A great error prevails with regard to the nature of the climate, which has been styled good even in the face of parliament; but I do, from experience and attentive observation, pronounce it to be one of the worst, if not exclusively the worst, climate on earth; and no European can reside in it many months, without having his constitution essentially impaired.

I would advise the immediate publication of the report of the trials, which I send now, because they will do good, by spreading useful information. The letters which grew out of this occasion, I submit to your discretion. If you think they contain matter of sufficient interest to be made public, I lay no injunction on you to withhold them; and in this view you may consider these communications as the precursor and introduction of a series of letters respecting this country and colony, which, I think, the novel state of Africa will shortly justify, being collected under the title of *The African Register*.

I am, dear SIR,

Your very obedient servant,