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The United States and Great Britain on the African slave trade, 1842-1862.

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THE UNITED STATES AND GREAT BRITAIN
ON THE AFRICAN SLAVE TRADE 1842-1862

A Thesis
Presented to the
Department of History
and the
Graduate College
University of Nebraska at Omaha

In Partial Fulfillment
of the requirements for the Degree
Master of Arts

by
Richard J. Bilger
August 1968
Accepted for the faculty of the Graduate College of the University of Nebraska at Omaha, in partial fulfillment of the requirements for the degree Master of Arts.

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The African slave trade to the United States lasted for over two hundred and forty years, but it was in the course of the last twenty years from 1842-62 that the United States and Great Britain became mutually involved in its suppression. During this period, the United States and Great Britain emerged as the prime movers in the suppression of the slave trade. In the years just prior to and during the Civil War the two nations moved from an attitude of discord to one of cooperation. It is therefore the purpose of this thesis to present a drama of conflicting and confusing policies of the two nations, in their attempt to suppress the African Slave Trade.

A study of these problems involve the use of the British Sessional Papers and the Parliamentary Debates as well as the American Government documents. These sources contain valuable information which reflects the position and opinions of the two nations toward the slave trade and its suppression.

I wish to thank members of the Department of History for their interest and assistance. I owe a special debt of gratitude to Dr. Roy M. Robbins, Professor of History, for his advice, counsel and guidance.
in the preparation of this thesis. I also express my thanks to the staff of the University Library and particularly to Miss Ella Jane Dougherty. Last, but certainly not least, I thank my wife for her patience, comments and labors. However, any errors that may exist are my sole responsibility.
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CHAPTER I

SLAVE TRADE TO THE UNITED STATES BEFORE 1850

In 1619, slavery and the slave trade were introduced to the American Colonies when a ship from the Coast of Africa visited Jamestown, Virginia and sold twenty African Negroes to the colonists. With this first introduction to African slave labor to the Colonies, the trade continued only on a moderate scale for the next seventy years. Much of the need for laborers during this time was supplied by colonists and white indentured servants arriving from Europe.

After 1690, the importation of Negro slaves increased when the need increased. Life had become more genteel and refined in the Colonies; farms grew into plantations. Between 1715-1750, a yearly average of 2500 African Negroes was being supplied to meet the labor needs of the expanding agricultural and domestic interests. This yearly average almost tripled during the years 1760-1770.¹ Proportionately to the demand for slaves, the slave trade increased rapidly by 1842. The greater share of the trade going to the

Southern planters in the United States and large plantations in Cuba.

Prior to 1842, separate legislation had been enacted for the suppression of the slave trade by Great Britain and the United States. Because of significant deficiencies, this early legislation proved to be ineffective in curtailling the trade. The slave trade became a profitable venture for those traders willing to assume the necessary risks and wiles to avoid prosecution under these existing separate laws.

Great Britain had assumed the role of universal humanitarian during this early period with regard to the slave trade and other reform measures. Because of her leadership in the humanitarian movement, Great Britain desired to see slavery abolished throughout the world and the slave trade suppressed. Great Britain could not boast of her virtues, particularly since she was an early leader in the slave trade. By the Treaty of Utrecht, April 11, 1713, Great Britain was allowed to import into the Spanish Colonies 4,000 Negroes a year. But, by the beginning of the nineteenth century, she had abolished the slave trade, and after August 1, 1834, had abolished slavery in the

British Empire. In fact, it was not until the start of the nineteenth century that the Americans became the leaders in the slave trade.

Both Great Britain and the United States abolished the slave trade before they abolished slavery. England first prohibited the importation of slaves to the West Indies in 1791 and then after January 1, 1808, she prohibited the slave trade to any of her possessions. For the next sixty years, England was largely occupied in the task of inducing other nations to stop the slave trade. It was the British who continually pressed the Americans to abolish slavery, revise her laws concerning slavery and the slave trade and enter into a mutual treaty for the suppression of the African slave trade.

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3Carl Stephenson and Frederick George Marcham, editors and translators, Sources of English Constitutional History (New York: Harper & Brothers, Publishers, 1937), p. 726. This is the British Emancipation Act of 1833.


In the United States, the question of the slave trade was discussed in the Constitutional Convention of 1787, and became one of the important compromises. Article I, Section 9 of the Constitution of the United States reads: "The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight. . . ." In addition to the constitutional provision, an Act was passed March 22, 1794, by the United States Congress which prohibited, under forfeitures and fines, the building or equipping of any vessels in the United States, for transporting slaves to foreign ports. Another Act of May 10, 1800, made it unlawful for any United States citizen to be concerned or employed in the transportation of slaves from one foreign country to another.

Finally, an Act of Congress was passed March 2, 1807, which definitely prohibited the importation of slaves from abroad after January 1, 1808. At last cooperation was needed between Great Britain and the United States in regard to the laws concerning the slave trade. With the Treaty of Ghent, signed December 24, 1814, the United

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States and Great Britain entered into closer relations for the suppression of the slave trade. Article X of the Treaty reads:

Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavours to accomplish so desirable an object.9

The United States continued to act on the problem. By an Act of March 2, 1819, the United States Navy was authorized to capture slave vessels employed in the trade. All African Negroes freed from these captured ships were to be provided for by the Federal Government until they were removed from the United States. In addition, the Act stated that individual states were no longer allowed to keep and sell African Negroes they had captured.10 In 1820, the United States took the boldest step of all nations and declared the slave trade piracy. By an Act of May 15, 1820, slave trading was declared to be piracy and to be punishable by death. The United States planned to join a movement with other nations to make the slave trade an act of piracy as a measure of punishment and a means of suppression.


10 Goodell, Slavery, p. 262.
However, the movement did not succeed because the United States would not agree to the practice of visitation and search of her vessels by other nations during the time of peace.\textsuperscript{11}

The British and Americans came close to an agreement on the subject of declaring the slave trade piracy. After long negotiations in London, the United States representative, Mr. Richard Rush, signed a convention with the British in March 1824. It was immediately ratified by Great Britain and the slave trade was declared piracy by an Act of Parliament.\textsuperscript{12} All that was needed now was to have the convention ratified by the United States, and the two most powerful nations would put an end to slave trading. However, it was charged that during the Presidential campaign in the United States in 1824, the rival candidates, John Quincy Adams,\textsuperscript{13} then Secretary of State, and William H. Crawford, the Secretary of Treasury, used the convention as a political football. As a result, the United States did not ratify

\textsuperscript{11}Miller, Treaties, IV, 438.


the convention. The death penalty for the slave trade was retained by the British until 1837, when it was again reduced to transportation.\textsuperscript{14}

The movement whereby Great Britain abolished the slave trade in 1807 now brought about the emancipation of the slaves in all British possessions in 1834.\textsuperscript{15} The British possessions in North America supported the British Government in their anti-slavery drive and this helped to put pressure on the United States to follow suit.\textsuperscript{16}

England possessed a superior Navy and felt it was her responsibility to use her Navy by helping other nations abolish and prevent the slave trade.\textsuperscript{17} To persuade Spain and Portugal to outlaw the slave trade had been an easy task; it only involved money, the British taxpayer's money. The taxpayer, however, did not receive full value for his money. Portugal signed a treaty in 1815 for £450,000 in debts and £300,000 as an indemnity. Spain, in 1817, signed to limit her trade south of the equator, for a gift of £400,000. In 1820, Spain stopped

\begin{itemize}
\item \textsuperscript{14} Soulsby, \textit{Slave Trade}, pp. 35-38.
\item \textsuperscript{15} Ibid., p. 39.
\end{itemize}
the slave trade altogether, but she did not enforce this law and as a result, the slave trade continued in her possessions of Cuba and Puerto Rico.

In 1824, the right of search was established between England and Sweden. In 1826, Brazil promised to abolish the slave trade by 1829, however Brazil did not actually abolish the trade until 1830. In 1834, when Great Britain abolished slavery in the Empire, 800,000 slaves were emancipated. An indemnity of £20,000,000 was appropriated to pay the slave proprietors.

In 1831, France agreed with Great Britain in prohibiting the slave trade and to the right of reciprocal search. In 1833, France strengthened her position on the suppression of the slave trade by including not only the equipment clause, but a provision that condemned vessels should be destroyed. Great Britain, having signed many


21Du Bois, Slave Trade, p. 144.

22Mathieson, Slave Trade, p. 65.
treaties with different nations for the suppression of the
slave trade, next attempted in 1841 to bring all nations
together in the Quintuple Treaty. General Lewis Cass, then United States Minister to France, protested violently to the French Government and they along with the United States did not sign the Treaty. Only Great Britain, Austria, Prussia, and Russia signed the Quintuple Treaty. France, however, did keep in force her right of a search treaty with Great Britain until 1845, when following the lead of the United States, she suspended for ten years the mutual right of search with Great Britain and instead entered in a joint cruising agreement.

Great Britain still pressed for an agreement with the United States, for she knew that only with their complete

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23U.S., Congress, Senate, Correspondence Pertaining to the African Slave Trade Between the United States and Great Britain 1840-1842. 29th Cong., 1st sess., 1845-46. S. Exec.Doc. 377 (Serial No. 477), p. 203. Also Soulaby, Slave Trade, p. 107. General Lewis Cass, Secretary of State under President Buchanan. General Cass had fought against the British on the Great Lakes in the War of 1812 and there­after suspected every overture the British made toward the United States. Cass was also the Envoy Extraordinary at Paris during the discussion and signing of the Webster­Ashburton Treaty. He disagreed with the Treaty, feeling it still gave the British too much freedom of visitation and search. Cass requested to be recalled from Paris and he also wrote to President Tyler, expressing his views on the treaty. President Tyler considered the letter an attack upon his administration and rebuked Cass. As a result Cass was hostile toward Great Britain and would rather tolerate abuse of the American flag in the slave trade, than to con­cede anything to the British.

24Miller, Treaties, IV, 438.

25Mathieson, Slave Trade, p. 72.
cooperation could the slave trade be suppressed. In absence of cooperation, the slave trade flourished between Africa and the United States in comparative freedom from interruption by any nation.26

The problem that kept the British and the Americans apart was over the right of visitation and search. This became the subject of strong debate during the negotiations of the Webster-Ashburton Treaty of 1842, with neither the British giving up their alleged right to visit and search vessels of other nations or the United States refusing to allow them to search their vessels.

The British had always considered it their right and privilege to visit and search vessels, from other nations, for deserters from the British Navy. One of the recommendations President James Madison27 sent to Congress in 1812, recommending war with Great Britain, was over impressment of seamen.28 It was the outrages on commerce that forced the United States to take such a strong stand against any form of visitation, search or detention of American ships. It was first the French in 1789, and then the British before the

26Soulsby, Slave Trade, p. 39.

27James Madison (1750/51-1836), Fourth President of the United States, 1809-1817. See DAB, XII, 184-193.

War of 1812 that made the United States extremely sensitive about her position on the high seas. The United States considered her vessels a portion of her territory and would not allow foreign ships of war to visit and search her vessels.

The United States maintained that every vessel on the high seas, and in some cases in foreign ports, was rightfully considered as an extension of the territory of the country to which it belonged. During the debate on the Webster-Ashburton Treaty of 1842, Mr. Webster wrote to Lord Ashburton:

If a neutral vessel is thus entered by another nation: It is an act of force, and is prima facie a wrong, and a trespass, which can be justified only when done for some purpose allowed to form a sufficient justification by the law of nations. But a British Cruiser enters an American Merchant vessel in order to take therefrom supposed British subjects; offering no justification therefor, under the law of nations, but claiming the right under the law of England, respecting the King's prerogative, this can not be defended. English sail, English territory, English jurisdiction, is the approved sphere for the operation of English law. The ocean is the sphere of the law of all nations; and any merchant vessel on the seas is, by that law, under...

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29Daniel Webster (1782-1852), Secretary of State, 1840-1845, during the period the Webster-Ashburton Treaty was signed in 1842. See DAB, XIX, 585-93.

the protection of the laws of her own nation, and
may claim immunity, unless in cases in which that
law allows her to be entered or visited.31

Lord Ashburton, the British diplomat working on
the Webster-Ashburton Treaty negotiations, wrote to Lord
Aberdeen,32 Secretary to the Foreign Office, that the
system of impressment was hardly acceptable to the British
people, to a foreigner it would be tyranny and could only
be imposed upon another nation by force. Ashburton added
that where before the Americans had been weak, they were
now strong and would never again submit to British impress­
ment. The balance of power had shifted and Ashburton said:
"Is it not then better to surrender with a good grace a
pretended right, while the surrender may bring you some
credit than to maintain what you will have no power to
execute?" Lord Ashburton wanted to give Mr. Webster an
answer favorable to the Americans. He realized this would
improve the success of negotiations and harmony between
the two nations.33

Lord Aberdeen absolutely refused to accede on the
subject of impressment and would not accept Ashburton's
suggestion. Aberdeen remarked, "Her Majesty's Government

31Miller, Treaties, IV, 473.

32Lord George Hamilton-Gordon Aberdeen (1784-1869),
Fourth Earl. Foreign Secretary 1828-1846, during the
signing of the Webster-Ashburton Treaty. See DNB, VIII,
203.

33Miller, Treaties, IV, 470-71.
would consider that an assent tantamount to an absolute and entire renunciation of the indefeasible right inherent in the British Crown to command the allegiance and services of its subjects, wherever found..."34

And thus, each nation refused to budge on this point of visitation, search and impressment. The suppression of the slave trade was not the main part of the Webster-Ashburton Treaty,35 however President John Tyler36 in his annual message to Congress on December 6, 1842, said, "Next to the settlement of the boundary between the United States and Canada... the question which seemed... the greatest embarrassment was that connected with the African Slave Trade."37 The slave trade is referred to in only three Articles, the VIII, IX and XI of the Webster-Ashburton Treaty.38 They had the appearance of being "added on," to appease those opposed to the slave trade. Great Britain and the United States signed the Webster-Ashburton Treaty on August 9, 1842.39

34Ibid., p. 471.

35Named for Mr. Daniel Webster, American, and Lord Ashburton, British, the diplomats responsible for drafting the treaty.

36John Tyler (1790-1862), Tenth President of the United States, 1841-1845. See DAR, XIX, 88.

37Miller, Treaties, IV, 438-39.

38See Appendix II, for the three Articles of the Webster-Ashburton Treaty that pertain to the slave trade.

39Miller, Treaties, IV, 363.
CHAPTER II

THE PROBLEMS OF SEARCH AND VISITATION

The Webster-Ashburton Treaty provided some means whereby the United States and Great Britain could work cooperatively without either nation surrendering its assumed rights concerning search and visitation. However, the British were not allowed to visit and search American vessels and determine if they were engaged in the slave trade. This refusal of visitation and search had its origin in the early days of the American Republic when the British stopped its vessels and removed sailors they considered British seamen. The Americans contended the British were illegally removing American citizens.

Great Britain considered it her right and privilege to stop and search American vessels for British seamen. The United States refused recognition of this action and referred to the habit as impressment. In June 1823, John Quincy Adams said the right of search was analogous to that of searching a man's house on land, the vessel of the navigator was his sanctuary.\(^1\) He further stated that the

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United States never disputed the belligerent right of search as required and universally practiced according to the laws of nations. But they have disputed the right to seize and carry away men, at the discretion of the boarding officer, without trial and without appeal. This is a fundamental abuse of the right of search. The Americans were afraid the British would use the right to search for slaves as an excuse to stop any and all ships for British seamen. As long as the British continued the policy of impressment, started early in the nineteenth century, the Americans would not agree to a search for slaves.

President Adams also would not accede to submitting American vessels to the jurisdiction of foreign courts or to courts where the lives of the crew and the ship were at the mercy of a court composed of half foreigners. Besides, Adams continued, "The court of Admiralty in the country of the Captor, is not the ordinary way by which merchant vessels of one nation, taken on the high seas, by officers of another nation, are tried in times of peace." The United States could not forget the war they had fought over right to freedom of the seas.

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2 Soulsby, Slave Trade, p. 17.
3 Ibid.
The British continued in their pursuit for a way to search American vessels. In 1831, England requested the right to visit ships without stop and search procedures, to determine if the vessel had the right to fly the American flag. Great Britain felt very strongly about the illegal slave trade and ran the risk of infuriating the United States by visiting American vessels.⁵

In 1839, Great Britain passed a bill⁶ expressly aimed at Portugal, but it also placed the vessels of all other nations at the mercy of the British Navy. The portion of the bill that caused friction was that British cruisers had orders to capture Portuguese vessels or other vessels engaged in the slave trade that were not justly entitled to claim the protection of any flag.⁷

The British continued to board American vessels, against the wishes of the United States. In October 1839, the American Brig Douglas was boarded by H.M.S. Termagant and was kept sailing down the Coast of Africa for three days. It took the Douglas twenty-eight days to return, through the very strong current, to her original place of seizure. In the meantime, the officers and crew were

⁶Bill of 2 & 3 Victoria C.73.
⁷Lawrence, Visitation, p. 32.
taken sick from exposure to the burning sun; as a result, three crewmen died. The British claimed that the Douglas was a slave ship and that the men became sick after their release and while waiting for slaves. Regardless of the cause of the death of the men, the fact still remained that the British boarded the Douglas and held her in custody.

The United States became concerned over this and other incidents. Their opinion was that every subordinate commander of a British cruiser could then judge whether a ship was actually an American ship or a ship of another nation sailing under the American flag--to this the United States would not agree. This prompted Lord Aberdeen in 1841 to say that only in the strongest cases of suspicion would vessels carrying the American flag be visited.

The British and Americans then decided an agreement should be reached between the two nations. As a result of wanting to settle this, together with other problems, the Webster-Ashburton Treaty had been signed.

Article VIII of the Treaty declared that each nation would keep on the Coast of Africa, enough vessels to carry


9Soulsby, Slave Trade, p. 62.

10Ibid., p. 67.
eighty guns. The two squadrons were to be independent of each other and to enforce, separately and respectively, the laws of each of the two countries, in the suppression of the slave trade.\textsuperscript{11} There was some question in the Senate that this eighth article would allow a mutual right of seizure and detention.\textsuperscript{12}

President Tyler was aware of the controversy in the Senate and when the Treaty was submitted to the Senate in August 1842, he said:

\begin{quote}
The Treaty which I now submit to you proposes no alteration, mitigation or modification of the rules of the law of nations. It provides simply that each of the two Governments shall maintain on the Coast of Africa a sufficient Squadron to enforce separately and respectively the laws, rights, and obligations of the two countries for the suppression of the slave trade.\textsuperscript{13}
\end{quote}

The Senate ratified the Treaty on August 22, 1842, and this should have erased any doubt in anyone's mind about the position of the United States.\textsuperscript{14} The eighth article of the Treaty was devised to avoid further disputes arising from the exercise of visitation and search of American vessels by British cruisers. As a result, the United States maintained a Naval Squadron on the Coast of Africa

\begin{footnotes}
\item[12] Soulsby, Slave Trade, pp. 94-95.
\item[13] Du Bois, Slave Trade, p. 147.
\item[14] Miller, Treaties, IV, 363.
\end{footnotes}
and American vessels would be subject only to the jurisdiction of American cruisers.

Now President Tyler notified Congress that Great Britain had renounced her right of search. This brought an immediate clamor in Parliament against the British Government for sacrificing the British rights at sea. The same would have been true in the United States, for no American politician would have dared to yield the right of search. Great Britain said this was not patriotic pride, but only to appease the selfish interests of the slave-holding States. Despite the bitterness felt by the British over not being allowed to visit American vessels, they did allow American officers to search British vessels, to determine if they were employed in the slave trade.

The Americans and British now started their joint cruising as outlined in the Webster-Ashburton Treaty. However, it did not accomplish the job the British had hoped for—the suppression of the slave trade.

15Adams, G.B. and the Civil War, p. 10.
16Ibid.
In British treaties pertaining to the slave trade, there was an equipment clause,\textsuperscript{18} by which ships equipped for the slave trade could be seized by British cruisers. There was no such provision in the American law concerning equipment. Therefore, a vessel on the African coast, if so equipped for the trade and under the American flag, could not be interfered with by British cruisers. If there were no slaves on board, the American cruisers could do nothing. If the ship had slaves on board, she could not be detained by the British cruisers and if she destroyed her flag and papers, she could not be seized by American cruisers.\textsuperscript{19} Thus, the situation favored the slave trader.

The lack of an equipment clause, in the American laws, hampered American cruisers when they stopped slave ships.\textsuperscript{20} Without a law defining what fittings or appurtenances would constitute intentions to engage in the slave trade, many ships under suspicion had to be set

\textsuperscript{18}Mathieson, \textit{Slave Trade}, p. 22. Also, Bill of 2 & 3 Victoria C.73. The equipment in the equipment clause was: hatches with open gratings, divisions of bulk heads in the hold, spare planks for making a second deck, shackles, bolts and handcuffs, more water and water casks, mess tubs and mats than were required for the crew; and a large quantity of rice.

\textsuperscript{19}Great Britain, Parliament, Hansard, Parliamentary Debates, 3d. ser., Vol. CLIX (1860), p. 205. This general work cited hereafter as \textit{Hansard, Parli. Debate}.

\textsuperscript{20}Lloyd, \textit{Slave Trade}, p. 177.
free. If there had been such a law, the authority to prosecute it, and vessels so equipped condemned, the slave trade could have been reduced, for the hazards of detection would have been too great.

The Americans defended their position on the lack of an equipment clause. Many American vessels were engaged in the legitimate trade of palm oil, a product of the slave trading area of Africa. This palm oil was used in the expanding use of machinery. The equipment used by the palm oil traders was similar and often mistaken for the equipment used by slave traders. The palm oil traders used casks for holding oil and water for ballast, they also carried rice as trade goods. A large iron kettle of the type used in cooking for slaves was used to boil and test the oil for its quality. When a British officer boarded a vessel flying the American flag and found equipment that could be used in the slave trade, the Captain of the boarded vessel would claim to be engaged in the palm oil trade; or he would claim to be a whaling vessel and needed the equipment for that purpose.

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21BSP, 1862, LXI, p. 25.
22Ibid., p. 77.
23Soulsby, Slave Trade, p. 120.
24BSP, 1862, LXI, p. 17.
The United States explained the reason for many American ships on the coast of Africa. A great building boom occurred in the 1840's and early 1850's and then a severe depression occurred in the shipping industry in the 1850's. This allowed the slave traders to buy newer, faster and larger ships at cheaper prices. It was the custom of the slave traders, when purchasing a vessel, to have the Captain of the vessel engage in one or two legitimate trips from the port of New York to the African Coast. This gave legitimacy to the vessel being in African waters. After this legitimacy was established, a public transfer to a foreign owner or the slave trader took place and the ship would become a "slaver."  

Philip S. Foner in his book, Business and Slavery, remarked that New York after 1857, came to be known as the "commercial center of the slave trade." However, the port of New York had a large and honest trade with the West


Coast of Africa and the slave traders took advantage of this as a cover for their trade.²⁸

The United States held firm to the conviction that they were right in not stopping all vessels sailing from the port of New York and also for not allowing the British to stop these vessels. The United States contended that if all the vessels were stopped, the shipping trade would be greatly hampered and if Great Britain were allowed to visit, search and detain, as she so desired, all ships sailing the ocean, there would be serious incidents.

During the years after the Webster-Ashburton Treaty, the British consistently had more vessels on station off the Coast of Africa than the Americans. Only in the years 1853, 1854, and 1855 did the Americans exceed the British and this only in the total number of guns.²⁹ However, it was not the total number of guns that was important, it was the number of ships. It was the British contention that more ships with fewer guns was superior to a few ships with many guns. The slaver would always try and outrun a cruiser, seldom would he stay and fight it out, so a small fast ship with ten guns was more effective than


²⁹See Appendix III.
a forty-four gun ship. Ten small vessels were more than five times as effective as two large vessels.30

The United States Squadron was less effective than the British and remained on station for a shorter period of time. The British based their vessels at Sierra Leone, on the West Coast of Africa, while the Americans were based at the Cape Verde Islands, 2,000 miles from the Congo. In 1844, the United States Brig Truxton spent 181 days on station out of 468 for her West African tour of duty.31

The problem still persisted, for in 1850 Commodore Gregory, the American Squadron Commander, recommended that a supply ship act as part of the American Squadron and resupply the rest of the Squadron as well as act as a hospital ship. Gregory complained of losing two-thirds of his time going to and from the Cape Verde Islands, to resupply his squadron.32 The United States African Squadron was also becoming a costly venture and some members of Congress felt the results did not justify the expense and wanted to terminate the project.


31 Ibid.

Mr. Slidell, from the Committee on Foreign Relations, said in 1856, that joint cruising was too expensive and not producing the desired results. Slidell wanted to invoke the Eleventh Article of the Webster-Ashburton Treaty, which said the Eighth Article would be in effect for five years or until one of the two parties wished to terminate it. To support his claim that the Squadron was not producing the desired results, he submitted a report by Sir Charles Hotham. Hotham said he did not believe his operation was stopping the slave trade, nor could it put a permanent check to the slave trade. He considered the slave trade dependent upon the demand for slaves. When asked if he thought the system, as outlined by Article Eight of the Webster-Ashburton Treaty, would succeed, he answered, "Experience has proven the present system to be futile."35

His remark was partially correct, for the United States Squadron captured only nineteen slave ships from March 1, 1844 to November 6, 1857, on the West Coast of

33 See Appendix II. Mr. Slidell was later involved in the Trent Affair.

34 Sir Charles Hotham, Commander of the British Squadron on the Coast of Africa during the 1850's.

Africa. This system of two separate squadrons from the two nations could not operate efficiently, what was needed was one combined squadron with ships from either nation being allowed to visit and search suspected slave ships from either nation.

The United States could not remove their Squadron from the joint cruising in the suppression of the slave trade. Commander A. H. Foote, U.S.N., remarked that the people of the United States would not want their Navy withdrawn from its role in the suppression of the slave trade, especially while France and Great Britain had larger squadrons employed for this measure, and since the trade was carried on so extensively under the American flag. The Eighth Article of the Webster-Ashburton Treaty was not terminated, however, Mr. Slidell's report must have had some effect on the United States Navy. During the years 1856 and 1857 the United States had the smallest number of


38 Ibid., pp. 15-16.

ships and guns on station since the first year of the African Squadron in 1843. 40

The British were concerned over the lack of ships from the American Squadron on the West Coast of Africa. Mr. Gabriel, British Consul at Loanda, Africa, reported in June 1857, that no United States cruiser had appeared on any part of the Coast of Africa, south of the equator, for eight months. 41 His report stated there were only two vessels that visited the harbor of Loanda in 1856. One the U.S.S. Dolphin put in a short appearance in July and the U.S.S. St. Louis remained in the harbor about a month. 42 He felt the presence of an American cruiser would help in deterring the slave traders from continually producing American papers to exempt themselves from search by the British. 43 The United States did not increase the size of her Naval squadron and as a result the British continued requesting visitation rights, and the Americans continually refused them. In October 1857, a series of incidents occurred that the United States and particularly General Cass would not tolerate.

40 See Appendix III.


42 Ibid., pp. 18-19.

43 Ibid.
In October 1857, Captain Wise, of the British African Squadron stopped the American Brig *Bremen* and informed the Captain that it was his intention to take his ship. Captain Wise did not wish to see the ship's papers and he also told the Captain of the vessel he could be taken under the American flag, or otherwise. The flag was hauled down, the papers thrown overboard and the vessel seized as a prize "without colors or papers."\(^4^4\)

Lt. Hunter Davidson, U.S.N., from the U.S.S. *Dale*, interviewed Captain Wise and asked him if he influenced the Captain of the *Bremen* to haul down his colors and to throw his papers overboard. Captain Wise answered, "Oh, no, Sir; no Sir."\(^4^5\)

Lt. Davidson then inquired of Captain Wise if he met an American slave vessel, flying the American flag and with genuine American papers, would he induce the captain of the ship to haul down his colors and throw his papers overboard. Captain Wise answered, "Well, I might stretch a point and tell the captain the [U.S.S.] *Dale* was just near us here."\(^4^6\)

Lt. Davidson was convinced that this method was being used by British Captains to seize American slavers.\(^4^7\)

\(^{4^4}\)Ibid., pp. 6-7.  
\(^{4^5}\)Ibid.  
\(^{4^6}\)Ibid.  
\(^{4^7}\)Ibid., p. 8.
Because of the more lenient British laws, most slave traders would rather be taken by the British. Flag Officer Connover expressed a similar view to Secretary of the Navy, Mr. Toucey, saying this might explain why so many vessels were reported by the British Commanders as captured without papers or colors. Since there were so few American patrolling vessels, the British became bolder and stopped and searched more American ships. They were now stopping ships off the Coast of Africa, in Cuban waters and near the Gulf of Mexico.

The schooner Mobile, a "coaster" vessel sailing the coast of the Gulf of Mexico, had two shots fired into her. Captain Howes, Master of the Mobile had his wife and children with him. He asked the British Officer, who boarded his ship if he thought he was a slaver, the Officer answered, no, but that he had orders to stop every ship in the Gulf.

The British were keeping a close watch on the ships in the Port of Havana, waiting for suspected slave vessels

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to sail. Mr. A. P. Laurent, Master of the Brig A. A. Chapman, stated that while in the Port of Havana, the British vessels continually circled his ship. When he sailed from the Port he was followed by H.M.S. Forward, who fired two shots at him in an attempt to make him stop. He did not stop, however, and even fired back at the British ship.\footnote{Ibid., pp. 18-19.}

Another incident involved that of the ship Cortez. The Cortez was stopped by the British and three Spaniards, who claimed to be passengers, accused the British crew of the Forward of robbing them.\footnote{Ibid., p. 4.} The report of the Captain of the Cortez said the British Captain enticed him to haul down his American colors and admit to being a slaver. The chief mate said he was removed from the Cortez, taken to the British ship and offered a $500 bribe, which he refused, then he was threatened with punishment to admit the Cortez was a slaver.\footnote{Ibid., pp. 11-12.} Since the Captain and the crew would not admit the ship was a slave ship, the Cortez was set free.

The Americans accused the British of stopping American vessels and sending them to be adjudicated, so they could claim the prize money. General Cass wrote to
Lord Napier, of the British Diplomatic Office in Washington, that British Officers had been stopping American vessels for their own pecuniary interest. They would encourage the Captains of the slave ships, when captured, to throw their papers overboard and to be taken without any evidence of nationality. Given a choice, a slave trader preferred capture by the British, due to the penalty of death in American laws and the more lenient British laws. After the vessel was captured, the crew was set free and the vessel was sent to an Admiralty Court for adjudication. The proceeds, or a considerable portion of them were then distributed as prize money and if there were slaves aboard they received compensation for them.

A United States Statute was passed in 1819, that said the crew of a naval vessel, seizing Africans from a laden slaver was entitled to a bounty of twenty-five dollars for each African delivered alive to a United States Marshall or to the Federal agent at Monrovia, Liberia. In addition, the statute provided that half the proceeds of the vessels confiscated and the fines

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54 Sir Francis Napier, British Ambassador to Washington, 1857.
55 Lawrence, Visitation, p. 127.
levied should go to the Officers and men who brought the vessel in for condemnation. As an example, the crew of one vessel, the U.S.S. Wyandotte captured the slave ship Williams and received as their share of the prize money $12,825 as bounty for 513 Africans. In addition they received $879.13 as prize money from the Williams. This small amount for the Williams showed what poor condition the vessel was in and the kind of ships the slave traders would often use. The United States did not approve of the slave trade, but neither did she approve of the British stopping American ships and claiming them as prizes.

General Cass now took a very strong stand and told Mr. Toucey, Secretary of the Navy, to dispatch one or more armed vessels to Cuba, to investigate the stopping of American ships by British cruisers and also to offer some protection to American ships. He also wanted information on the so-called police system exercised by British Naval authorities over American vessels in the Port of Havana. In the strongest language possible, Cass said that President Buchanan wanted the practice of British ships stopping and searching American ships to cease.


58 Howard, American Slavers, p. 297.

This brought an immediate reply from the British again requesting the right to search or visit American ships. They said there were too many vessels engaged in the slave trade flying the American flag.

General Cass in a reply on April 10, 1858, said:

The United States deny . . . the right of cruisers of any power whatever to enter their vessels by force in time of peace, much less can they permit foreign officers to examine their papers and adjudicate upon their nationality. . . . No change of name can change the illegal character of the assumption, search or visit, it is equally an assault upon the independence of a nation.60

The British now realized there would be no new treaty or visitation rights. They said they would recognize the principle of Maritime laws as stated by General Cass. Orders were sent to their Naval Commanders to discontinue searching American vessels.61 In 1851, Great Britain yielded her claim to the right of visit and search, except where she had established it by law.62

The British did not give in easily, for they realized that with the political and social situation deteriorating in the United States, the judicial system would be hampered in performing its role and sentencing slave traders and condemning vessels. The Judicial

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61BSP, 1859, XXXIV, p. 555.

62Adams, G.B. and the Civil War, p. 10.
opinion in United States District Courts was not favorable to the condemnation of the vessels, although the evidence produced at the trials left no doubt of their character. The juries would not condemn persons on board such vessels to be criminally engaged in the slave trade.  

Captain Calhoun, commanding the U.S.S. Portsmouth, captured three vessels in the spring of 1860 and sent them to the United States for adjudication. Lieutenant Leroy, commanding the U.S.S. Mystic, captured and sent in two vessels for adjudication. All five of these vessels were released for insufficient evidence. Later Captain Calhoun told Mr. H. V. Huntley that in the absence of a required law, he would not molest any more ships, unless he actually found slaves aboard.

Once these vessels were released they went back to slave trading. Captain Crawford, commanding H.M.S. Archer, boarded an American vessel, the Virginian, off the Coast of Africa in November 1860. This was one of the vessels captured by Captain Calhoun in February 1860 and later 

63 BSP, 1862, LXI, p. 25.

64 Ibid. The Emily, Virginian and Falmouth were captured by Captain Calhoun; the T. Achorn and Triton were captured by Lt. Leroy.

65 Ibid. Mr. H. V. Huntley, acting British Commissioner at Loanda in 1860.

66 Ibid., p. 24.
released. Captain Crawford said the Virginian was carrying tobacco and rum and there was every reason to believe she would ship a cargo of slaves if she could elude the cruisers. 67

There were more and more slave vessels eluding the vigilance of the British and American cruisers. The slave trade was increasing and the traders were taking advantage of the "loop-holes" in the American law and also taking advantage of the social and political unrest in the United States. As the events of the 1850's proved, there was a definite need for a new treaty between the United States and Great Britain, for the suppression of the slave trade.

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67 Ibid., p. 85.
CHAPTER III

THE SOUTH FAVORS REOPENING THE SLAVE TRADE

In 1858, Great Britain had relinquished her claim of right to visit and search American ships suspected of being involved in the slave trade. The slave traders immediately took advantage of the lack of cooperation between the two nations. Under pressure from the United States, because of many incidents involving British interference of American ships, Great Britain had withdrawn her cruisers from the coast of Cuba.\(^1\) This allowed the slave traders to increase their introduction of slaves to Cuba. During the period, January 1860 to November 1860, there were an estimated 30,000 slaves brought into Cuba.\(^2\) This large increase of slaves into the North American area posed a grave problem to the Federal Government for they knew that many of the slaves would be smuggled into the Southern States.

There had been no serious attempt by the American Government to enforce the laws of 1807 and 1820 declaring slave trading illegal and punishable by death. Any attempt

\(^1\)BSP, 1861, LXIV, p. 242.
\(^2\)Ibid., p. 25.
to enforce these measures was greatly curtailed by either a weak executive or Southern influence in the Federal Government. As long as there was a demand for fresh Negro laborers for the sugar plantations in Cuba and the cotton plantations of the South, the task of suppressing the slave trade was going to be most difficult.\(^3\)

There had always been the thought in the United States that if Cuba belonged to the United States, the slave trade could be suppressed. This was not the only reason the United States favored annexing Cuba, there were Southerners who wanted Cuba as slave territory. In 1858, Senator Brown (Democrat from Mississippi) said, "We mean to have it [Cuba]—peacefully if we can, forcibly if we must."\(^4\) President Buchanan appeased this Southern influence in the government by continually requesting the acquisition of Cuba, in his annual messages.\(^5\) In 1854, the United States tried to buy Cuba from Spain, but she refused to sell and then the United States entertained the thought of taking Cuba by force.\(^6\)

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\(^3\) Lloyd, *Slave Trade*, pp. 167-68.


\(^5\) Ibid.

There had been some thought in Great Britain, that if Spain could not control slavery and the slave trade in Cuba, then perhaps Cuba should be annexed by the United States. Mr. Baille, in a speech in Parliament, said there should be no interference on the part of the British Government to prevent Cuba passing to the United States. His idea of completely giving Cuba to the United States was contested, but others of Parliament supporting him told Spain that she should not be deceived in the idea that England was completely against the idea of the United States acquiring Cuba.

The issue was forgotten for the moment, but again in 1858, the London Times reported that if the British desired to stop the slave trade and were ready to sacrifice their national jealousies to that object, an effective course had already been mentioned. If Cuba were annexed to the United States, the whole trade would come to an end, for there would be no ports open to receive slaves. By not stopping the slave trade, Spain had forfeited all absolute claim to British interposition in her behalf. However, Great Britain could never completely

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8Ibid. Mr. Cobden, member of Parliament, thought it would be in the interest of humanity if the United States, or any other power, that would altogether discontinue the slave trade, should possess Cuba.

9The Times (London), July 14, 1858, p. 12.
agree to the United States acquiring Cuba, and perhaps Spain also realized this and would not take effective measures to stop the slave trade in Cuba.

In April 1860, General Cass stated that closing the slave markets in Cuba would help suppress the slave trade, and this would only require the cordial cooperation of the Spanish Government. Cass remarked, "If slaves could not be sold they would not be bought, and as Cuba is now the only remaining mart for this traffic, if that island were closed, this revolting employment would cease." It was the belief that if the Spanish Government had a sincere desire to stop the slave trade in Cuba, she could do so.

It was costing the United States and Great Britain a considerable amount of money in their attempt to suppress the slave trade. President James Buchanan remarked that


11Ibid., p. 264.


13Ibid. Foote, African Squadron, pp. 8-16. The report stated it was costing the American Naval Squadron $800,000 per year to maintain the Naval Squadron, for the suppression of the slave trade. The cost for seventeen years being $13,600,000. However, Commander Foote said this figure should be about $250,000 per year; since it was necessary for the Navy to maintain a certain number of ships on active duty, these ships could be used for the African Squadron.

it was a lamentable situation for both nations to spend this money when the Spanish Islands of Cuba and Puerto Rico were the only places where the slave trade was tolerated.\textsuperscript{15}

The United States now asked the British why they did not force Spain to enforce the treaties they had concluded in 1820. Did not the British pay Spain \$400,000 to stop the slave trade?\textsuperscript{16} This forced Great Britain to ask Spain why they did not suppress the slave trade in Cuba. The Spanish answered by saying it was the duty of the Captain General who governed Cuba, to stop slavery. The Captain General replied, that he did not have the power to search plantations to determine if there were newly arrived Negroes.\textsuperscript{17}

For one reason, there was widespread corruption in the Cuban Government. Many officials came to Cuba penniless and went back to Spain very wealthy.\textsuperscript{18} The slave trade in Cuba was systematized, by a tariff in some instances; the

\textsuperscript{15}Henry J. Buchanan, compiler. \textit{The Messages of President Buchanan} (New York: No Publisher listed, book purchased through compiler, 1888), p. 247. Cited hereafter as Buchanan, President Buchanan. Also, U.S., Congress, Senate, \textit{Capture of the Slave Ship Wildfire}, 36th Cong., 1st sess., 1860, S. Doc. 44 (Serial No. 1033), p. 3. This was a special message from President James Buchanan to Congress, May 19, 1860.


\textsuperscript{17}Hansard, \textit{Parl. Debate}, CLXIV, (1861), p. 1656.

charge being paid to an agent, who acted for the officials. The charge, so much for each slave landed, was divided according to scale, with the highest and the lowest officials each receiving their proportionate share. 19

Since it was difficult to force Spain to curtail the slave trade in Cuba, it was apparent that the trade would increase. There was also the reason that Great Britain, herself, was partially to blame for this condition.

The increase of cotton manufacturing in England demanded more raw cotton. The United States could furnish this cotton since it was opening up more Southern land for cotton production. In 1830, the British cotton industry consumed 871,000 bales of cotton and the American Southern planters produced 1,000,000 bales of cotton. By 1860, the British cotton industry was consuming 3,366,000 bales and the Southern planters were producing 5,000,000 bales. 20

The South was producing about 80 per cent (2,700,000 bales) of the cotton used by England. 21 But this increased cotton production in the United States required more slaves, for the Southern cotton industry was based on a slavery-oriented system. By 1850, almost 60 per cent of the slaves in the

19 BSP, 1861, LXIV, p. 288.
20 See Appendix V.
21 Adams, G.B. and the Civil War, pp. 476-77.
United States were employed in growing cotton. To grow more cotton, the planters needed a continuous supply of cheap labor and they were certainly most grateful for the shiploads of slaves that were smuggled into the South, from Cuba or Africa.22

There were conflicting reports about the number of African Negroes imported or smuggled into the South. In 1858, Mr. Lamar, a slave trader, landed over 420 African Negroes near Brunswick, Georgia. The remainder of the cargo of his ship, the Wanderer, was transferred inland to various plantations in the South.23 Mr. Lamar was very active in the slave trade during the period 1858-1860 and had three vessels, the E. A. Rollins, the Richard Cobden and the Wanderer bringing Negroes from Africa to the Southern States.24

Many reports from the South indicated that African Negroes were being landed. The Camden (Alabama) Republic, January 6, 1859, carried the following frank advertisement:

One thousand Africans wanted—any person wishing to contact for delivering one thousand or more Africans

22Mannix and Cowley, Black Cargoes, pp. 195-96.


at any point between Savannah, Georgia and Corpus Christi, Texas, will please address M.W.N. and Company.\textsuperscript{25}

The \textit{Vicksburg Sun} of April 21, 1859 carried a story that anyone visiting the slave depot on Mulberry Street would see some of the latest Negro importations from Africa.\textsuperscript{26}

In July 1859, eighteen slave holders of Enterprise, Mississippi, pledged themselves in advance to buy one thousand African Negroes at a certain price in order to increase the slave trade.\textsuperscript{27}

However it was during this period that President Buchanan made a report to Congress. He said that after a most thorough search and examination, it was discovered that the only slaves landed in the United States were those from the \textit{Wanderer}.\textsuperscript{28}

This increased demand for slaves brought about an expansion of the slave trade. Mr. John V. Crawford, Acting Commissary Judge at Havana, said there was never a time since the signing of the Treaty with Spain, when the preparation for continuing the slave trade was more active.\textsuperscript{29}

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\textsuperscript{25}\textit{Wish, "Slave Trade,"} p. 582.
\textsuperscript{26}\textit{Ibid.}
\textsuperscript{27}\textit{Ibid.,} p. 580.
\textsuperscript{28}James D. Richardson, ed., \textit{A Compilation of the Messages and Papers of the Presidents} (10 vols.; New York: Bureau of National Literature, 1897), VII, 3086. Cited hereafter as Richardson, \textit{Messages of Presidents}.
\textsuperscript{29}\textit{ESP, 1861, LXIV,} p. 25.
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The need for additional money for these preparations included, for the first time, the forming of stock companies, with their shares being listed and sold on the stock exchanges.30

The slave traders were also being forced to take more evasive means to avoid being captured and were sailing to Africa under the American flag. During one period, April 1859 to September 1860, eighty-five vessels capable of carrying 30,000 to 60,000 slaves, were outfitted for the slave trade and sailed from New York.31 It was also reported that of thirty-four slave vessels on one section of the African coast, thirty-one were under the American flag.32

The method used by the slave traders was to proceed to the coast of Africa under the American flag, load their slaves and then discard their American flag and papers and assume some other nationality. If captured under some nationality, other than the United States, the slave trader would only lose his ship and the slaves—not


31Lloyd, Slave Trade, p. 171.

his life. The British Squadron stopped many of these slave ships sailing under the American flag. They were primarily checking to see if the vessel was allowed to fly the American flag—not to determine the cargo of the ship. Many of these vessels were equipped for the slave trade. The U.S.S. Jehossee had a slave deck two-thirds her length, plus large quantities of water, rice and other provisions. However, the British were forced to free the Jehossee. Other American ships suspected of being slave vessels and boarded by the British were the J.J. Cobb, African, Nancy and many more.

This use of the American flag by the slave traders became one of the greatest problems confronting the United States and Great Britain. A joint resolution to secure the right of reciprocal search, on the coast of Africa, for the more effectual suppression of the African slave trade, was introduced during the first session of the Thirty-sixth Congress in 1860. Within this resolution

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34BSP, 1861, LXIV, p. 246.

35BSP, 1863, LXXI, pp. 58-59. Also, BSP, 1862, LXI, p. 73. Also, Ibid., p. 90.

36Congressional Globe, 36th Cong., 1st sess., Vol. XXIX, Part II, p. 1245. This became Bill S. 20, however it did not become a law.
were two important points, one that the penalty for participation in the slave trade be changed from forfeiture of life to imprisonment for life. A new point was included in this punishment clause affecting anyone engaged in fitting out of ships for the slave trade. They too, would be subject to fine and imprisonment. This Bill did not become a law and Great Britain was annoyed. Mr. Cave, in a speech in the House of Commons, on June 8, 1860, said the United States Government was powerless to stop the abuse of the American flag, for they could not if they wished run counter to the prejudices of the people. It was obvious that the British were very unhappy. Lord Palmerston, said in the House of Commons in July 1861, that the United States ought not to let a piece of bunting be a national passport.

With this protection, the slave traders were encouraged to use the American flag, for the profits from a slaving expedition were well worth the effort. With the price of slaves at $25 to $50 in Africa and bringing $1200 in Cuba, a slave trader could turn a handsome profit on a cargo of 450 slaves. When there are profits of over

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37 Ibid.
40 BSP, 1861, LXIV, p. 288. Also, see Appendix VI.
$380,000, it is no wonder that the slave trade was a big business and worth the risks. It was estimated that the safe arrival of one slave ship would pay for the loss of ten captured empty ships, or five ships with Negroes aboard.41

The crew of the slave ships were also paid handsome wages for the voyage; a Captain and Mate received $5,000 each, second mate $3,500, carpenter $3,000, seamen $1,500 each, and this when a dollar purchased about seven times what it does in 1968.42 It is no wonder that the slave traders and crews were willing to take the risks involved, for the profits were enormous in proportion to the outlay required.43 It was not necessary for the slave traders to take the entire risk; there were insurance companies who were willing to insure slave trading. Two insurance companies were in operation in Havana with a capital of $850,000, for the purpose of covering slave risks. They exacted premiums varying from 25 to 40 per cent, according to the sailing qualities of the ship and the character of the master for his courage and sagacity.44 With the

41 Ibid.
42 Furnas, "Middle Passage," p. 6.
43 BSP, 1862, LXI, p. 325.
enormous profits from the slave trade and the backing of insurance companies, the slave traders would surely increase their activity. Great Britain realized that something must be done and particularly with the United States.

In the early part of 1860, Great Britain had requested a meeting to be held in May or June of 1860, to consider what measures could be adopted to suppress the slave trade. They invited ministers from France, Spain, Portugal, Brazil and the United States. The United States would not attend and the meeting was not held. General Cass could not perceive of any practical results from the Conference. In addition, he stated it was the policy of the United States to avoid participation in councils or conferences of this nature and that President Buchanan thought it would be inexpedient to depart from this policy. Again this was the Southern influence in Congress, dictating policy.

If the British could not have their conference they now wanted a systematic plan of joint cruising on the coast of Cuba, by the vessels of Great Britain, Spain and the United States. Cass answered this by saying that Great Britain already had a treaty with Spain and the United

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46BSP, 1861, LXIV, p. 242.
States did not; nor did he think Spain would enter into one with the United States similar to the one they had with Great Britain. Besides, it was the policy of the United States not to interfere in the domestic concerns of foreign nations nor to enter into foreign alliances with foreign Governments. Lord Palmerston answered Cass by saying the new proposal of joint cruising would accomplish the suppression of the slave trade and this was the reason the United States would not accept it.

Great Britain still did not give up. They now asked the United States for copies of the register of American vessels, for the guidance of British captains in determining the registry of a ship. Cass answered this by saying it would not be practical under the present administration and constitution of the Treasury Department, which was responsible for the execution of the navigation and maritime laws of the United States.

Great Britain realized that it was the Southern influence in the United States Government that was opposed to the suppression of the slave trade. This Southern influence in the American Government caused a friction

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47 Ibid., p. 270.
49 BSP, 1861, LXIV, p. 273.
50 Ibid., p. 275.
between the United States and Great Britain. This friction
had started before Texas had joined the United States. The
British feared that if Texas were admitted to the Union,
it would become a slave state⁵¹ and slavery would then
spread into Mexico.⁵² The South firmly resented Great
Britain's intrusion into their domestic affairs.⁵³

The South had given England many indications that
they desired to revive the slave trade and would do so. In
1856, the Virginia plantation owners drew attention to a
growing labor shortage in their state and argued that if the
slave trade were not reopened, agricultural reform would come
to a halt.⁵⁴ During the Southern Commercial Convention at
Vicksburg May 9-19, 1859, the Convention members urged the
repeal of all laws prohibiting the foreign slave trade. It
was the Southern view that the Federal Government's position
should be one of positive protection, for the slave trade.⁵⁵
In fact, every Southern Commercial Convention from 1854 to
1860 advocated reopening the slave trade.⁵⁶

⁵²Adams, G.B. and the Civil War, p. 13.
⁵⁴Eugene D. Genovese, The Political Economy of
Slavery, Studies in the Economy and Society of the Slave
hereafter as Genovese, Slavery Studies.
⁵⁵Morris, American History, p. 225.
⁵⁶Ibid., p. 544.
At the Democratic Convention in Charleston, South Carolina, in February 1860, slavery and the slave trade were strongly debated. Mr. W. B. Gaulden, a Georgia slave owner said the slave trade should be reopened, declaring the African slave trade as "true Christian," and "true missionary." This statement was certainly open for criticism in Great Britain.

In February 1860, Jefferson Davis introduced a set of resolutions in the Senate and they were adopted on May 24, 1860.

1. No state had a right to interfere with the domestic institutions of another state.

2. Any attack on slavery within the slave state was a violation of the Constitution.

3. A slave cede for the territories should be drawn up.

This brought genuine fear in Great Britain that if the South did secede from the Union, they would reopen the slave trade. The British Ambassador Lord Lyons in a


60 Lord Lyons, Richard Beckerton Pennell (1817-1887), a Second Baron and First Earl. The British Minister to Washington 1858-1865.
letter to Lord Russell in December 1860, said, "An attempt actually to do this would, it may be supposed, be at once put down by the united force of the Northern states, Great Britain and of civilized Europe." 61

Mr. Buxton, in a speech in Parliament, remarked that the main reason the Southern states were seceding from the Union was to reopen the African slave trade. In his opinion their demand for slaves would have no limit and they would need half a million slaves a year. 62 He proposed that England refuse to recognize the flag of the Southern Confederacy, if they renewed the African slave trade. 63

The Southern states called a convention to be held in Montgomery, Alabama in February 1861. On February 8, 1861, they framed a constitution and set up a provisional government. The question of slavery and the slave trade had an important part in this Constitution. 64 The South desired recognition by Great Britain and as Lord Lyons remarked, the Congress of the seceding states at Montgomery appeared to be disposed to beg for European support, by

63Ibid., p. 969.
64Morris, American History, pp. 228-29.
inserting an article in its Constitution to prohibit forever the slave trade.65

The new Southern Government, understandingly, was not as harsh on slave traders as the Federal Government had been. They enacted a law in relation to the slave trade and the punishment of persons engaged therein. This law differed from the law of the Federal Government in that the Confederate law substituted terms of imprisonment and heavy fines in place of the death penalty in the Federal law. They also removed the stigma of "piracy" from their slave trade law; this word had offended the South. Also, the law provided that the slaves, the vessels, and captured vessels equipped for the slave trade were to be sold at public auction, one-half for the informers and one-half for the Confederacy.66 Great Britain still did not trust the Confederate Government and felt they would reopen the slave trade whenever it was feasible.

On April 13, 1861, an event of great importance took place; the stars and stripes over Fort Sumter were lowered. This was to have a great influence on Great Britain and her relationship with both the Union and the Confederacy.67 It

66BSP, 1862, LXI, p. 331.
67Adams, G.B. and the Civil War, p. 67.
was also to have an influence on the slave trade, for now there was no Southern influence in the Federal Government to block legislation or hamper the Navy in its suppression of the slave trade.

There now developed an increased harmony between the United States Navy and the British Navy. It had not been the British Navy that was obstinate about trying to suppress the slave trade. In fact, the British Naval Officers never objected to American Officers boarding ships flying the British flag nor to using the British flag to capture a suspected slave vessel.68

As early as 1857, a slave ship was boarded when the U.S.S. Cumberland displayed the English colors. When the Cumberland raised the British flag, the Cortez raised the American flag, knowing she was immune to British search. However, the Cumberland dispatched boatloads of Marines and as they came alongside the Cortez, she then raised the American flag. It was too late for the Cortez to change identity. The Cortez was found to have two sets of papers, one American and one Portuguese. There were no slaves on board, so the Cortez was set free.69


During the summer of 1861, the harmony between the two nations became one of joint cruising. Captain Bedington, her Majesty's Navy, towed an American sailing vessel up the Congo River with his steamer, so the American vessel could take possession of the American slaver the Treton. Captain Nichols of the U.S.S. Constellation and Captain Bedington of H.M.S. Prometheus cooperated to capture the Jacinto, a Spanish schooner equipped for the slave trade. Captain Alfred Taylor, U.S.S. Saratoga supplied information to Commander Raby, of the British Navy, and as a result he was able to capture a slave ship, without papers, name or colors.

During the period January 1 to September 30, 1861, this joint effort by the United States and British Navies resulted in the capture of 13 ships with 2008 slaves. It was also estimated that 17 ships capable of carrying 9,200 slaves escaped the vigilance of the two navies.

The problem of the United States not allowing the British to search their vessels was still deterring the

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71 BSP, 1862, LXI, p. 38.
72 Ibid., p. 90. Also, Ibid., p. 41.
73 BSP, 1863, LXXI, p. 120.
suppression of the slave trade. Great Britain again pressed for visit and search rights and that the United States declare that a ship fitted for the slave trade should be captured.\textsuperscript{74}

Before an answer could be given, the United States recalled, from the coast of Africa, eight ships with a total of sixty-nine guns. They left one Corvette, the U.S.S. Saratoga, a sailing ship with eighteen guns, on the coast of Africa.\textsuperscript{75} The British felt that the retirement of the U.S. Navy would mean that slave traders would again sail under the American flag.\textsuperscript{76} But the United States was involved in the Civil War and her Navy was needed at home to help blockade the Southern ports. This meant leaving the suppression of the slave trade almost entirely to Great Britain.

\textsuperscript{74} BSP, 1862, LXI, pp. 94-96.
\textsuperscript{75} Ibid., p. 43.
\textsuperscript{76} Ibid., p. 41.
CHAPTER IV

THE NORTH RESTRICTS THE SLAVE TRADE, 1861-62

Great Britain had always hoped that the Northern States would impose their will upon the Southern States and abolish slavery. It was apparent to the British that the Northern element would not force this issue. President Buchanan, in his annual message on December 3, 1860, said that the Southern States should manage the slavery problem in the South, for they and they alone were responsible for slavery in their states.¹ He was telling the United States and Great Britain that they should not be concerned nor become involved in the slavery problem in the Southern States.

This further proved to the British that the compromise of 1850 indicated the statesmen from the North and South had decided upon the final solution to the slavery question. After this, the British sympathy for the Northern States declined; the British felt that the North had yielded to the South.² The British thought, however, that there would always be a constant friction between the North and

¹Buchanan, President Buchanan, p. 136.
²Adams, O.B. and the Civil War, I, 32.
South, but there would be no danger of a separation of the Union or a civil war.³

In the primary elections of November 1860, Mr. Abraham Lincoln⁴ secured a larger number of votes than was necessary to give him the Presidency of the United States. This would signify that the executive power would shift from the Southern pro-slavery domination to the Northern anti-slavery domination.⁵ This was sure to cause an explosion in the South, and it did. The British had an optimistic hope that some form of compromise would prevent a civil war.⁶

Until this time, the English had been concerned with dealing with one united nation, although there were two opposing ideologies within this nation. The American North believed in free labor while the South supported the slave labor theory. The thought of an independent nation, dedicated to the belief in slavery was most appalling to the British.

It was only natural that both sections of the Union would be vying for British support and recognition.

³Ibid., p. 37.
⁴Abraham Lincoln (1809-1865), Sixteenth President of the United States, 1861-1865.
⁵BSP, 1862, LXII, p. 9.
There were many reasons why the slavery issue, during 1860-1861 was important to all three parties, the North, the South and the British. So a look at some of the factors involving the slavery issue will help to determine why the British eventually supported the North, in an attempt to abolish the slave trade.

This pending change in the administration of the United States would have an effect on the thinking of the British people and the British sympathy would be aligned more to the North as a free slave society rather than to the South as a slave society. The Southern states were of the opinion, however, that they could sway England to support them. Their trump card was their great production of cotton.

In 1861, 20 per cent of the British people lived directly by the cotton industry and it was the South which produced about 80 per cent of this cotton. This, of course, gave the South strength in their belief of "King Cotton." There was talk and speculation in the South of withholding the cotton until Europe and especially England should treat the South upon her terms, that of being

7bid.
8See Appendix V for production of cotton by the South and consumption of cotton by England.
10BSP, 1862, LXXII, p. 13.
recognized as an independent nation. It was the British view that the South needed to sell its cotton to Great Britain more than the British needed to buy their cotton from the South. It was inconceivable to the British that the South would expect them and the French to give the South any aid in extending slavery simply to receive an abundant supply of cotton. The South was of the opinion that England would have to support the South, for if England received no cotton for her cotton mills there would be widespread unemployment.

There were a number of factors the South did not consider. When the Civil War started, the English Cotton Manufacturers had a 50 per cent over supply of raw cotton, as well as an excess of manufactured cotton goods. This in itself would have caused some cotton mills to slow production and unemployment would have resulted. The cotton manufacturers now had a ready excuse for their unemployment problem—the Civil War, and a supposedly short supply of raw cotton; not that they had an over supply of raw cotton and manufactured goods. This is perhaps one reason why the British cotton industry did not pressure the British Government to change their neutrality policy and support the South.

11Adams, G.B. and the Civil War, I, 40.
13Ibid.
Another factor the South did not take into account was the repugnant thought of the British supporting a confederation formed on the avowed principle of perpetuating, if not extending, slavery. The South did not recognize a lesson taught so often by experience, that is if the supply of a commodity is stopped from one source, there will be a stimulation to acquire the commodity from other sources. Mr. McMahon, in a speech in the House of Commons, stated the view that England had assisted the Colonies, before the American independence, in their production of cotton, sugar, and tobacco, however they had forgotten the independence of their country and England was no longer bound to help them. Mr. McMahon said beet root could be grown in England, and converted to sugar and the sugar converted to beer. Cotton could be grown in India and Australia. This would reduce the need for slave labor in many countries.

Mr. Buxton also stated in Parliament that Africa could supply a boundless amount of cotton, if only the slave trade could be stopped and enable the African agriculture and commerce to grow and thrive. What

15Ibid., p. 13.
must be done for Africa, he said, was to "elevate the minds of her people and call forth the capabilities of her soil."\(^{18}\) The British idea was to procure their cotton from sources other than the South, principally their own colonies, and therefore the price of Southern cotton would fall and slavery would become too expensive in the South.\(^{19}\) The British, in fact, looked with favor upon the stimulation of the cotton production in India and her other colonies.\(^{20}\)

Even though the "cotton is king" theory had been devalued, there were still people in England who favored the South. There was a theory, that gained some strength, that the Southern planter bore resemblance to the English country gentleman. It developed a feeling of kinship and sympathy with the South from those in England of the landed gentry. This was not a large group or a great power and probably more of an appeal of one agricultural society to another.\(^{21}\) The idea of a slave society was not as repugnant to this group as it was to the working class.

There was a stronger feeling in Great Britain for the North than for the South, even though there was

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\(^{19}\)The *Times* (London), August 26, 1862, p. 9.

\(^{20}\)The *Times* (London), September 13, 1861, p. 6.

widespread belief, early in the War, that the South would win her independence. The distaste for a newly born state based on slavery, which would bring an increase in the slave trade, had many followers in anti-slavery circles as well as in some neutral groups.\(^{22}\)

The British workingman felt he had a strong interest in the Civil War. If the North won and the slaves were liberated, free labor would be debased.\(^{23}\) This led Mr. Charles Francis Adams, United States Minister to England, to remark in a letter to Mr. Seward, in June 1861, that neither party in England would be so bold as to declare its sympathy with a cause based upon the extension of slavery. This would at once draw upon the party, the indignation of the great body of the working class.\(^{24}\)

In December 1860, when it appeared that separation between the North and South was inevitable, Lord Russell said that England must avoid favoring either the North or the South. He hoped that if separation came it would be peaceful. There was a possibility that the North would pass laws not to interfere with slavery and these would

\(^{22}\) Adams, G.B. and the Civil War. I, 71.


\(^{24}\) BSB, 1862, LXII, p. 236.
satisfy the South.  

Lord Russell wrote to Lord Lyons, the British Minister at Washington, that if any official of the United States Government should ask for advice from Her Majesty's Government, Lyons was to reply that he was not authorized to give any advice, nor would the British Government do so unless both the North and South should apply to them for assistance.  

It was the hope of the British Government to continue this neutrality policy between the Union and the Confederacy.  

Great Britain had established her policy of neutrality, however, when Abraham Lincoln became President of the United States, the public opinion of England was favorable to the North and even the London Times favored Lincoln's election on the "no extension of slavery" platform. The British believed that the North was fighting the war over slavery and that it was the fundamental issue. The British waited for some indication that this was the real issue of the war. But early in the war the necessity of Lincoln's "border state policy" forced
Secretary Seward to warn diplomats abroad not to bring into consideration the future of slavery.30

The English people began to think the war was being fought to see who would control the American Congress. One British citizen answered Mrs. Harriet Beecher Stowe, avowed anti-slavery leader, in a letter to the London Times that Northern Army Commanders do not receive Negroes as "freeman" but as "contraband of war." The North was not treating the Negro as a human, but as property, still subject to trade.31 The North had not rushed to the South with the cry "down with slavery," but waited coldly until Fort Sumter fell, and then began the war.32

The British were concerned that for over a year after the start of the Civil War, the Northern Government still had done nothing about the slavery question and in fact slavery existed in the Border states, within the boundaries of the Union and seemed protected by the Union.33

The South was taking advantage of this silence by the North and attempted to bid for British support. In 1861, the South sent three diplomats to England to present and

30Adams, G.B. and the Civil War, I, 176.
31The Times (London), September 13, 1861, p. 6.
32Ibid.
influence England on the Southern view. They reported to Lord Russell that the North was not fighting a war against slavery, but to preserve the Union; for after the Battle of Bull Run, both houses of the United States Congress passed resolutions that the war was waged to uphold the (pro-slavery) Constitution and to enforce the pro-slavery laws. Also, that President Lincoln proposed no freedom of the slaves, only that the Southern people must bow to the will of the North. Therefore, it was their opinion that the anti-slavery sentiment in England should have no sympathy with the North.\textsuperscript{34}

The North was busy attempting to influence the British in the belief that their position was correct and that Great Britain should support them. Mr. Benjamin, Confederate Secretary of State, wrote to James M. Mason, Confederate Minister to England, that false and insidious suggestions had been made by the agents of the United States, at European courts. The North contended that the Confederacy would change its Constitution, as soon as peace was restored and then allow the importation of slaves.\textsuperscript{35} Another rumor was instituted that the South

\textsuperscript{34}\textit{esp}, 1862, LXII, p. 75. The three Southern diplomats were Messers Yancy, Root and Mann.

intended to outfit vessels as privateers and carry on the slave trade between Africa and Cuba. The South would do this after the withdrawal of the American Naval Squadron then engaged in the suppression of the African slave trade.36

The South answered quickly by saying that the provisional and permanent constitution of the Confederate states prohibited the importation of slaves from any foreign country, other than states and territories of the Confederate States or the United States.37 Nevertheless, Southern Commissioners in England reported to their Government there would be no British recognition of independence and commercial treaties unless the South would agree to "mutual right of search" treaties, for the suppression of the slave trade. President Davis replied that the Confederate Constitution did not give him the authority to negotiate such a treaty.38

This indicated to the British that they would have the same problem, with the South, that they had previously encountered with the United States in the suppression of

36 Miller, Treaties, VIII, 779.

37 A. Taylor Milne, "The Lyons-Seward Treaty of 1862," American Historical Review, XXXVIII (1932-33), p. 787. Also Richardson, Messages of Confederacy, p. 403. This is contained in Article I, Section 9, Paragraph 1, of the Confederate Constitution.

38 Adams, G.B. and the Civil War, II, 88.
the slave trade. The British were not interested in recognizing another nation that would not grant treaties for the suppression of the slave trade.

However, it was the North that finally took positive action during the latter part of 1861 and convinced the British that they should not support the Confederacy. The American Brig Reindeer was seized at Newport, Rhode Island, and charged with being fitted for the slave trade. The Reindeer was then condemned by the United States Government.39

Mr. Adams also informed Earl Russell that the United States Government was taking vigorous action to halt the outfitting of ships for the slave trade and of apprehending persons engaged in the slave trade.40 The port of New York had become unsafe for the outfitters and as a result they were transferring their operations to other ports, one being Liverpool, England.41

39 BSP, 1862, LXI, p. 330.
40 Ibid., p. 323. Also, Ibid., p. 330. Captain Samuel P. Skinner was tried at New Bedford, Massachusetts for fitting out a ship with the intent to embark on a slave trading voyage. He was found guilty and sentenced to five years in the Massachusetts State prison. This was the first conviction and punishment, by the United States for the "intent only," of a person to engage in the slave trade. Russell was created an Earl in July 1861. See DNB, XVII, 454-64.
41 Ibid., p. 324.
Earl Russell answered Mr. Adams that the British were pleased with the action taken by the American Government and with its success in putting an end to the slave trading enterprises in New York. He further stated that he would make a thorough investigation of the transferring of the outfitters of slave vessels to Liverpool and use all the powers of the British law to prosecute them. Russell also said that the British Government would always be ready to cooperate with the United States in the prosecution of judicious measures to extinguish the slave trade. 42

On November 8, 1861, the United States tried Captain Nathaniel Gordon, for being a slave trader. 43 Mr. Archibald, British Consul at New York, reported that 25,000 people of New York presented a petition to the President and he thought that Gordon would be set free. However, the petition was to no avail and Gordon was executed on February 21, 1862. 44 After Gordon's execution, the London Times reported that whatever were the merits

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42 Ibid., p. 327.
43 Ibid., p. 335.
44 BSP, 1863, LXXI, p. 537. Captain Gordon was executed under the 5th section of the Act of 1820. This Act said that if any United States citizen, while being on board a vessel should forcibly confine or detain a negro, with the intent to make him a slave, then that person shall be adjudged a pirate and on conviction shall suffer death.
of the Lincoln Government, if the execution were for the most vigorous proceedings against the slave trade, then civilization and humanity would thank him.\textsuperscript{45} With the conviction of Captain Skinner (see footnote 40) and the execution of Captain Gordon, the British were convinced that the North was determined to suppress the slave trade.\textsuperscript{46}

The United States and Great Britain were now progressing along the same path regarding the slave trade and animosities were mellowing. The right of reciprocal search and visit had not been officially declared, but the United States was more willing to discuss negotiations along this line.\textsuperscript{47}

\textsuperscript{45}The \textit{Times} (London), March 13, 1862, p. 9.
\textsuperscript{46}\textit{BSP}, 1862, LXI, p. 330.
\textsuperscript{47}Soulsby, \textit{Slave Trade}, p. 168.
CHAPTER V

THE ANGLO-AMERICAN TREATY OF APRIL 7, 1862

The United States Naval Squadron was recalled from the West Coast of Africa in September of 1861, and from its primary duty in the suppression of the slave trade. Since the American Squadron would no longer be present the slave traders carried on their trade primarily under the American flag.¹ This prompted Earl Russell to ask the United States what measures she would not take to prevent this abuse and to assist in the suppression of the slave trade.²

Mr. William H. Seward, now the Secretary of State,³ replied in September 1861, with what he considered "informal information," that the United States would no longer have any objections about allowing American vessels to be boarded and searched by the British, such

¹BSP, 1862, LXI, p. 63.
²Miller, Treaties, VIII, 778.
³BSP, 1862, LXII, p. 14. Also, Ibid., p. 23. General Cass wanted to send troops to reinforce Fort Sumter in December 1860. President Buchanan would not do this, so Cass resigned. Buchanan then appointed Mr. Black, the Attorney General, as Secretary of State, for the remainder of his term. President Lincoln appointed Mr. William H. Seward as his Secretary of State.
as the former policy had been. The United States was, in fact, willing to have British cruisers overtake any American vessels that were suspicious of being a slave vessel. He warned, however, that the United States was still sensitive about the subject, but since he had made the statement, he was certain that the President and his Cabinet would honor it. This still would not give the British license to "detain" American vessels, this could not be authorized without a convention or treaty.4

Lord Lyons could detect a feeling that the Union had a desire to rally the support of the anti-slavery faction in England for their cause.5 So he requested that Seward put this "informal information" in a memorandum; Seward complied and Lyons sent it to Earl Russell in England. Lyons explained to Russell that there was not too much danger in the memorandum for the British, since it could be cancelled by either stating so, or just not acting upon the memorandum. Lyons also expressed the view that he had not expected so much liberty on the high seas, from the United States, so soon.6

Great Britain was to be more surprised, for on November 2, 1861, Seward asked Lord Lyons to give him a

4Miller, Treaties, VIII, 779.


6Miller, Treaties, VIII, 785.
memorandum on just what would be acceptable to Great Britain, for the suppression of the slave trade. Seward explained that since the Southern element had departed from the Federal Government, he could take more liberty in steps to work with the British in the suppression of the slave trade.\textsuperscript{7}

Before Great Britain and the United States could work out an agreement, another important event occurred in November that required most of the diplomats' time and efforts. The U.S.S. \textit{San Jacinto} stopped the British mail packet \textit{Trent} and removed two Southerners, bound for Europe.\textsuperscript{8} The \textit{Trent} affair was not fully settled until January 1862. Because of the embarrassment caused by the \textit{Trent} affair, Seward was most anxious to keep on friendly relations with Great Britain and again took the initiative.\textsuperscript{9}

\textsuperscript{7}Ibid., p. 781.

\textsuperscript{8}Adams, G.B. and the Civil War, pp. 203-43. The \textit{Trent} was stopped on November 8, 1861. Two "Special Commissioners of the Confederate States of America," Mr. James M. Mason, destined for England and Mr. John Slidell, destined for France, were removed from the \textit{Trent}. The issue in this case was that the \textit{Trent}, with Slidell and Mason had not been brought to port for adjudication, as prescribed by law. Great Britain did not deny the United States their Belligerent rights, but the seizure and removal of the envoys was asserted to be a breach of International law. The incident caused very strained relations between the United States and Great Britain.

\textsuperscript{9}Milne, "Treaty of 1862," \textit{Amer. Hist. Rev.}, XXXVIII, 512.
The next approach by the United States was to express a desire to see British cruisers sent to the Coast of Cuba, and set up a patrol to assist in suppressing the increasing slave trade. 10 Earl Russell was more than willing to cooperate with the United States. However, he was worried that if a British cruiser were to put into the Port of New York with a prize ship, it could lead to strained relations in the United States, even though he had a memorandum allowing British ships to inspect American ships suspected of being slave vessels. 11

Lord Palmerston, in a speech in Parliament, strengthened Russell's view, by saying that no permission given merely by the President could be effective, since any search rights must be exercised under a treaty sanctioned by the Senate of the United States. 12 In view of this, Earl Russell wanted a clear and concise set of rules to protect British interests, instead of the informal memorandum. Russell now requested Lord Lyons to approach Mr. Seward and see what type of negotiations could be made. 13

10 BSP, 1863, LXXI, pp. 508-09.
Lord Lyons spoke to Mr. Seward on March 15, about negotiating a treaty for better cooperation, but Seward answered that the time was not appropriate to enter into negotiations of this type. Mr. Seward, however, did propose the British request to President Lincoln and his Cabinet. Then on March 21, Lord Lyons presented Mr. Seward a draft of a treaty and Mr. Seward presented this to President Lincoln and his Cabinet. This draft apparently satisfied the President and his Cabinet because Seward, on the same day, March 21, told Lyons that he was willing to negotiate a slave trade treaty. However, the treaty must appear to have originated in the United States.

The British were agreeable, for they realized that many United States Senators still resented the British theory of their right of search and these Senators would not be pressured into any treaty of search or inspection by the British. On March 22, 1862, Mr. Seward informed Lord Lyons that the President of the United States was aware of the British concern over the increased slave trade under the American flag. The President had instructed Seward to contact Lyons, and determine if the British were

15 Ibid., p. 513.
16 Ibid., p. 519.
17 Miller, Treaties, VIII, 793.
agreeable to a convention, to negotiate a treaty, for the suppression of the slave trade. If the British agreed to this convention, the President would then ask the advice and consent of the Senate of the United States.\textsuperscript{18}

The British were willing to play the game, and Lord Lyons replied to Mr. Seward that Great Britain desired to act in consort with the United States for a treaty, and that he was ready to negotiate immediately.\textsuperscript{19} So Mr. Seward on March 22, presented to Lyons the draft of the treaty that Lyons had presented to Seward the previous day. Now the treaty had all the appearances of having originated with the United States.\textsuperscript{20} Lord Lyons also informed Earl Russell of the latest turn in events and sent him a copy of the draft of the treaty submitted by Mr. Seward.\textsuperscript{21}

The draft Seward presented to Lyons was essentially the same that Lyons had presented to Seward. The one primary difference was in Article XII. The British had proposed no time limit for the Treaty, while the United States inserted a clause giving each power the right to put an end to the Treaty after ten years. After the ten year period, by giving one year notice of intent, the Treaty

\textsuperscript{18}BSP, 1863, LXXI, p. 509.
\textsuperscript{19}Ibid., p. 510.
\textsuperscript{21}BSP, 1863, LXXI, p. 510.
could be terminated.\textsuperscript{22} The British still wanted the unlimited time duration, but Earl Russell told Lord Lyons if this was the only problem holding up the signing, then sign with the ten year limitation.\textsuperscript{23} Mr. Seward told Lyons that the ten year limitation of the Treaty should remain. If the Treaty were vigorously executed, the slave trade would be suppressed in ten years. If the Treaty did not stop the slave trade, then other measures would be necessary.\textsuperscript{24}  

Mr. Seward also knew the attitude of the Senate and wanted the Treaty signed immediately; the mood of the Senate could change in a month and they might not accept the Treaty. Seward conveyed this message to Lyons, and said there would not be sufficient time for an answer from Earl Russell. As a result, Lord Lyons signed the Treaty on April 7, 1862.\textsuperscript{25} Lyons did not receive official approval from Earl Russell to sign the Treaty until over a month later; however, the British did not want to let this opportunity get away.\textsuperscript{26}  

\textsuperscript{22}Ibid. This is Article XII of the Treaty. See Miller, \textit{Treaties}, VIII, 760.  

\textsuperscript{23}\textit{BSP}, 1863, LXXI, p. 521.  


\textsuperscript{25}Nile, "Treaty of 1862," \textit{Amer. Hist. Rev.}, XXXVIII, 523.  

\textsuperscript{26}\textit{BSP}, 1863, LXXI, p. 510.
Lyons had also informed Russell that it would require a two-thirds vote of the Senate, present for duty, for ratification of the Treaty. On April 25, 1862, the Senate ratified the Treaty without any dissenting votes.

When news of the ratification was brought to Seward, he was exceptionally pleased and exclaimed that a Treaty to destroy the slave trade had been pushed through the Senate. He said, "If I have done nothing else worthy of self-congratulation, I deem this Treaty sufficient to have lived for."

The Treaty for the suppression of the African slave trade was signed on April 7, 1862. It contained twelve articles: Annex "A" contained the instructions for the ships of the United States and British Navies employed to prevent the African slave trade; Annex "B" contained the

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27Ibid., p. 521.

28Bancroft, Life of Seward, II, 344. Also, BSP, 1863, LXXI, p. 522.

29Bancroft, Life of Seward, II, 345.

30Miller, Treaties, VIII, 753. Also, BSP, 1862, I, p. 39. The original Treaty was the British Bill No. 160. However the British made an error in printing and states the Bill was signed June 7, instead of April 7. Bill No. 242 was then passed substituting the word April for June. Together the two Bills when passed, were called the African Slave Trade Acts (No. 1 & 2), 1862. This Treaty is sometimes referred to as the "Lyons-Seward Treaty of 1862." See Milne, "Treaty of 1862," Amer. Hist. Rev., XXXVIII, 512.

31Miller, Treaties, VIII, 760.
regulations for the mixed Courts of Justice established to adjudicate all cases of capture or detention of vessels.\textsuperscript{32}

Article I of the Treaty stipulated that warships of the two nations, provided with special instructions, could visit the merchant vessels of each nation, that were suspected of being engaged in the slave trade. Article I also defined the limits of the reciprocal right of search and detention, which would be allowed only within two hundred miles of the African Coast and South of the thirty-second degree of latitude, and within thirty leagues\textsuperscript{33} of the Cuban coast.\textsuperscript{34} Article VI spelled out what would constitute "equipment" in determining whether or not a vessel was equipped for the slave trade.\textsuperscript{35} Article VIII stated vessels engaged in the slave trade or fitted out for the purpose of the slave trade would be adjudged and condemned by one of the mixed Courts of Justice, established by the Treaty.\textsuperscript{36} Under Article IX, the Captain, Master, pilot and crew condemned by the mixed courts would be punished.

\textsuperscript{32}\textit{Ibid.}, p. 763.

\textsuperscript{33}An English Maritime League is equal to three geographic (nautical) miles. Therefore 30 Leagues are equal to 90 nautical (sea) miles, or 103.5 statute (land) miles.

\textsuperscript{34}Miller, \textit{Treaties}, VIII, 753-55.

\textsuperscript{35}\textit{Ibid.}, pp. 757-58.

\textsuperscript{36}\textit{Ibid.}, pp. 758-59.
Fig. 2
according to the laws of their respective countries. Article XII said the Treaty would be ratified and exchanged in London within six months. It also said that the Treaty would remain in full force for ten years and after this time it could be terminated by either country giving one year notification of termination.

Great Britain now had a treaty with the United States, but there were still some flaws, and whenever there are huge profits to be made, such as the slave trade, these flaws will be discovered and exploited. By November 1862, the slave traders were operating under the American flag and shipping slaves from the west coast of the Island of Madagascar. The Island was beyond the limits as stipulated in the Treaty, whereby British cruisers were empowered to detain American vessels engaged in the slave trade.

The slave traders loaded their slaves at Madagascar and then made a run for Puerto Rico or Cuba. Puerto Rico and Madagascar were not included in the Treaty. Since Puerto Rico was close to Cuba, but over thirty leagues away and also outside the 200 mile limit of Africa, the British ships could not interfere with American slave

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39 *SP*, 1863, LXXI, p. 531.
vessels in this area of the broad Atlantic Ocean and the Caribbean Sea. The British cruisers had stopped patrolling the coast of Cuba because of fear of incidents with the United States' shipping. Most American vessels were busy blockading the Southern ports, so there was nothing to prevent the slave traders from landing Negroes in Puerto Rico and then leisurely taking them to Cuba. Lord Brougham, a member of the British Parliament, asked the United States if they were aware of this, and if so, would they rectify it?  

Since the British were conducting most of the patrolling in the suppression of the slave trade, the United States had to agree to rectify this flaw. On February 17, 1863, an additional Article to the Treaty of April 7, 1862 was signed in Washington. The Article extended the reciprocal right of search within thirty leagues of the Island of Madagascar, within thirty leagues of the Island of Puerto Rico and also within thirty leagues of the Island of Santo Domingo. The additional Article to the Treaty was now signed and

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41Miller, Treaties, VIII, p. 927.
42Ibid., p. 928. Also, BSP, 1863, I, p. 53. The British called this additional Article Bill No. 144 and they signed it on May 29, 1863.
Great Britain had received greater concessions than she had ever requested.⁴³ All the slave trading areas were now included in the Treaty.

CHAPTER VI

ANTICLIMAX: UNITED STATES ABOLISHES SLAVERY

Only vessels of the United States and Great Britain were covered by the Treaty of April 7, 1862; and because of this, the slave trade flourished under flags of other nations.¹ Commodore Edmonstone, Commanding the British African Naval Squadron, said he thought the slave traders would now resort to the French flag, because of their limited power of interference and the British flag, without register, would be used. Therefore, Edmonstone said he would examine every vessel, that he met flying the British flag.²

The slave trade continued to flourish, with the British Navy the primary means of suppression, because the American ships were occupied blockading Southern ports. The British captured a number of ships in 1862, and observed that if the slave vessels were equipped for the slave trade they would be without papers or colors. The Captains of the vessels resorted to a number of deceptions to prevent the disclosure of their nationality. They

¹Miller, Treaties, VIII, 810. Also, Ibid., p. 760.
²BSP, 1863, LXXI, p. 161. The French still did not allow British cruisers to search their ships.
would, upon occasion, haul down their colors, throw their papers overboard and erase the name of the vessel. In one case, the figure head on the prow of the vessel was sawed off, to further erase the identity of the vessel.3

By late 1862, the agents engaged in slave trade were mostly Portuguese. They were stationed at various places on the coast of Africa and purchased their Negroes from native African brokers.4 Portugal was very lax in enforcing her slave trade laws, and the Portuguese slave traders now sailed under their own flag, rather than the British or American flag.5 In addition, the American authorities, by enforcing the laws of the Treaty, had closed their ports to the outfitting of slave vessels and it was difficult for slave dealers to find vessels to carry their slaves to Cuba. The traders were ready to take advantage of any facilities offered them by the apathy of the Portuguese authorities on the coast of Africa.6 The vessels they did manage to obtain were American made, and sold to the Portuguese dealers, or dealers from other nations.7

3Ibid., p. 158.
4Ibid., p. 165.
5BSP, 1864, LXVI, pp. 895-96.
6BSP, 1863, LXXI, p. 102.
7Ibid., pp. 887-88. The Laura, an American vessel, was sold to a Portuguese dealer and was later captured and condemned.
In addition to the Portuguese, the Spanish became more active in the slave trade. Since Spain was not prosecuting or prohibiting the slave traders, they used the Spanish port of Cadiz, as a base of operations. The British Naval Squadron stopped a number of ships operating from Cadiz. The Clarissa had a certificate signed by the American Consul at Cadiz, stating that her registry had been lost on the passage from New York. The Clarissa was later captured in the Congo, flying the American flag and it was condemned as a slave ship.\(^8\) Commander Beamish, Commanding H.M.S. Wrangler, captured a vessel without papers or colors and equipped to receive 1000-1300 slaves. The Captain of the vessel called her the Josephine, operating from Cadiz. However, on the stern of the ship, the name Island Queen, Washington, D.C. was still visible.\(^9\) The Lola Montes\(^10\) and the Haidee\(^11\) were captured, both being fitted out for the slave trade and both being from Cadiz.

The United States stopped the outfitting of ships for the slave trade in her ports.\(^12\) There was now some

\(^8\)Ibid., p. 152.
\(^9\)BSP, 1864, LXVI, pp. 1143-44.
\(^10\)Ibid., p. 881.
\(^11\)Ibid., p. 890.
\(^12\)U.S. Revised Statutes Doc. S7.10:1, 43rd Cong., 1st sess., p. 1043. The Act of April 20, 1818, levied a
suspicion that this work was being carried on in English ports. Lord Brougham, brought this up in a discussion in the House of Lords. He wanted to know if the fitting out of a slave vessel was punishable under British laws, and if so, why had the Nightingale been allowed to be equipped in the port of Liverpool. Earl Russell replied to Brougham that the Nightingale was an American vessel and had been fitted out in Liverpool late in 1860 and so did not come under the British Act of 1811. Had she been a British vessel, then it would have been a penal matter and subject to British law. The ability of slave traders to outfit their vessels in British ports was now eliminated.

The two nations had become more strict in enforcing the laws against the slave trade. The British sentenced a Mr. John C. Cook to two years in Bedford Jail for voluntarily serving on board a ship, knowing it had been fitted out for

The Acts of 1811 stated that any person engaged in fitting out, in England, any vessel, ship or boat to be employed in the slave trade was punishable with fourteen years transportation. See Hansard, Parl. Debate, CLXVII, (1862), p. 125.
the slave trade. The United States sentenced a Mr. Albert Horn to five years in prison and fined him not more than $3000 and not less than $1000, for fitting out and dispatching from New York, the steamship City of New York, for the slave trade. Mr. Seward also informed Lord Lyons that the United States would use all its power to punish any Americans who were found guilty of violating the laws of the Treaty.

Great Britain now wanted Spain to prosecute the slave traders and curtail the trade. Lord Brougham said England should have Spain declare slave trading in Cuba piracy and make Spanish citizens subject to capital punishment for participating in the slave trade. This had been a suggestion of Marshall Serrano, Captain General of Cuba, as the only way to stop the trade in Cuba. Earl Russell had received communication from Spain and answered Brougham that Spain was most anxious to suppress the slave trade and would take measures to that effect. However, they would not

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15 BSP, 1864, LXVI, p. 1155.
16 BSP, 1863, LXXI, p. 537.
17 BSP, 1864, LXVI, p. 1144.
19 Ibid., p. 125.
declare the trading of slaves as piracy and subject Spanish citizens to capital punishment.\textsuperscript{20}

Since Spain would not cooperate fully, the British decided, in October 1862, to resume a system of cruising off the Cuban coast. The United States had no vessels designated for the specific purpose of suppressing the slave trade, however, those vessels that were in the vicinity of Cuba were to be alert for slave ships and to stop them.\textsuperscript{21} When informed of the British intent to patrol the Cuban coast, Mr. Seward was elated\textsuperscript{22} and he then informed Earl Russell that the United States could not send any vessels to the coast of Africa for the explicit purpose of suppressing the trade. He did hope, however, that this would not deter the British in carrying out their duty.\textsuperscript{23} Not only did the United States not have a Naval Squadron designated for the suppression of the slave trade, but by the end of 1862, she had not sent instructions to her Naval vessels, as outlined by the Treaty of April 7, 1862. Great Britain wanted the United

\textsuperscript{20}Ibid.

\textsuperscript{21}BSP, 1863, LXXI, p. 529.

\textsuperscript{22}Ibid.

\textsuperscript{23}Ibid., p. 530.
States to send these instructions so the United States Navy could be active in assisting the British.\textsuperscript{24}

Secretary of the Navy, Gideon Wells stated that the United States' ships were already operating under "the belligerent right of search."\textsuperscript{25} If the instructions as outlined in Annex "A" of the Treaty of April 7, 1862, were issued, the Naval Commanders would be restricted to stop and search to determine only if they were in the slave trade. Under the rights as belligerents, the United States could stop all vessels, for contraband of war, and any vessels engaged in the slave trade or fitted for the slave trade could be captured and condemned as pirates. Wells did not want to accept Annex "A" and did not want to send the instructions.\textsuperscript{26} Besides this, Wells felt slighted because he did not have an important part in the negotiations of the Treaty and he thought that Seward had been duped and led into a trap by the British. As a result, he was in opposition to the Treaty.\textsuperscript{27}

\textsuperscript{24}U.S., Congress, Senate, Instructions to United States Naval Commanders on Search Methods, as Outlined in the Treaty of April 7, 1862, 38th Cong., 1st sess., 1863-64, \textit{S. Exec. Doc. 1} (Serial No. 1180), p. 467.


\textsuperscript{26}Miller, \textit{Treaties}, VIII, 806-07.

\textsuperscript{27}\textit{Ibid.}, p. 806.
The British contended that without these special instructions, any slave vessel captured by the United States' vessels, could not be adjudicated in the courts established by the Treaty.\textsuperscript{28} Also the United States could not by the "rights of belligerents," detain or send in for adjudication any neutral vessel that was not breaking the Union blockade of Southern ports.\textsuperscript{29} This is what the British feared, that the United States would send in for adjudication any vessels she so desired; whether they were slave vessels or regular merchant vessels. The British were of the opinion that the United States was not participating in the suppression of the slave trade as outlined by the Treaty.

The problem was solved when the Treaty requirements were relaxed and a special warrant was issued to United States Naval Officers. The warrant said that the rights and privileges of the Treaty would not derogate from or conflict with any belligerent rights. The power conferred by the Treaty was "added on to" the theory of rights of belligerents.\textsuperscript{30} On March 28, 1863, Secretary

\textsuperscript{28}Wells,\textit{ Lincoln and Seward}, pp. 134-35.

\textsuperscript{29}U.S.,\textit{ Congress, Senate, Instructions to United States Naval Commanders on Search Methods, as Outlined In the Treaty of April 7, 1862, 38th Cong., 1st sess., 1863-64, S. Exec. Doc. 1 (Serial No. 1180), p. 467.}

\textsuperscript{30}Wells,\textit{ Lincoln and Seward}, p. 144.
Wells issued the warrants to his Naval Commanders. There were ten ships sailing in the West Indies waters and one Corvette on the coast of Africa. Mr. Adams also handed a list of these ships to Earl Russell on April 14, 1863.

There was now cooperation and coordination between the Navies of the United States and Great Britain; they were working in consort according to the Treaty. This was not to bring complete satisfaction to Great Britain. Mr. Taylor, a member of Parliament, said that slavery was one of the causes which had sown dissension between England and the United States. If slavery itself could be eliminated, then the slave trade would no longer exist. General Cass, in March 1860, had remarked, "If slaves could not be sold, they would not be bought ..." This would close the slave markets and the employment of slavery would cease. This was as true in 1862 as it was in 1860. Slavery and a slave trade still existed in the Confederacy in 1862.

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31 BSP, 1864, LXVI, p. 901. See Appendix VII for the names and types of ships.


33 BSP, 1864, LXVI, p. 900.

34 The Times (London), January 17, 1863, p. 9.

35 BSP, 1861, LXIV, p. 264.

36 Ibid., p. 241.
Great Britain wanted slavery abolished in the United States. Lord Brougham remarked in January 1861, that he had an earnest desire to see slavery extinguished, but by lawful means. The British emancipation had been carried out in steps over a five year period from 1833-1838, with no bloodshed.\(^{37}\)

When the Civil War first started, the British working class thought that the war was to abolish slavery, but it was more than a year after the War started that the North gave this impression.\(^{38}\) In May 1862, Mr. Seward wrote to Mr. Adams in England, that where before American diplomats had been restrained from discussing slavery as an issue of the War, they were now authorized to state that, in part at least, the war was intended for the suppression of slavery.\(^{39}\)

President Lincoln now aware of his need to take a stand on slavery and influence European opinion to the side of the North, issued his Emancipation Proclamation on September 22, 1862.\(^{40}\) This set free the Negroes still under

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\(^{37}\) The Times (London), January 5, 1861, p. 10.


\(^{39}\) Adams, G.B. and the Civil War, II, 95.

control of the Confederate States. This did not mean that the Negroes were immediately set free, but would be as the Southern territory was captured by the Northern Armies; this then was a gradual emancipation. Neither did this Proclamation close the Southern market for slaves; Negroes were still considered property and were still being bought and sold. In January 1863, at a public auction, a twenty-five year old Negro man sold for $1900, a fifteen year old boy for $1650, a twenty-two year old woman for $1500, a twenty year old woman with two children for $2900, a seamstress and house servant for $2975. This was to prove to the North, that the South still placed a value and a confidence in slavery.

President Lincoln had accomplished a number of things with his emancipation. He knew that the British were now aligned with the North over the issue of the

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41 John Hope Franklin, From Slavery to Freedom (2d. ed.; New York: Alfred A. Knopf, 1960), p. 279. President Lincoln set free all the slaves in the United States except those slaves in states or parts of states not in rebellion against the United States. These exceptions were the four border states of Kentucky, Missouri, Maryland and Delaware; the thirteen Parishes of Louisiana, including the city of New Orleans; the forty-eight counties that became West Virginia; and the seven counties of Virginia, including the cities of Norfolk and Portsmouth.

42 The Times (London), May 8, 1863, p. 9.

43 The Times (London), January 10, 1863, p. 6.
Civil War. He also knew that as the Northern Armies occupied Southern territory, the slaves would be set free and slavery would decrease. If slavery decreased there would be less need for slaves and the slave trade would decrease and eventually be abolished. Thus President Lincoln used an emergency wartime power measure to bring about an emancipation that Great Britain had been able to accomplish in a peacetime atmosphere.

The United States had almost eliminated the slave trade problem with the conclusion of the Civil War, and a victorious North; this problem would be eliminated. The two nations, still causing both the British and the Americans trouble, were Spain and Portugal. Ironically, Great Britain had signed Treaties with both these nations over thirty years earlier and had paid them both handsomely to assist in the suppression of the slave trade.

However, there was now an indication of improvement in the vigilance of the Spanish authorities. In December 1862, there were two cargoes of slaves landed in Cuba; one with 1000 Negroes landing near the district of Remedios and the other with 650 Negroes landing on the Isle of Pines. Both of the Lieutenant Governors of these districts

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44The Times (London), January 17, 1863, p. 9.
45See Appendix I.
were dismissed from their office. General Dulce, the Captain General of Cuba, was determined to stop the slave trade and adhere to the Treaty between Great Britain and Spain and suppress the slave trade. The Spanish authorities did not completely back him and the slave trade continued in Cuba.

The Emancipation Proclamation of January 1863, declaring slaves free in the Southern States, did create an alarm in Cuba; the slaves in Cuba wanted their freedom also. The Spanish Government now considered a gradual emancipation of the slaves in Cuba. The Spanish Government only thought about it and took no action.

In February 1864, Mr. Seward wrote the United States Minister in Spain, Mr. Kroerner, to induce the Spanish to be firmer in controlling the slave trade. The steamer Arguelles had landed over 1000 slaves in Cuba and Seward wanted to have that slave market closed. As long as there was a market for slaves, there would be traders who would bring the slaves to Cuba. Seward explained that Spain was the only Christian State, remaining, into whose dominions

46 BSP, 1864, LXVI, p. 945.
47 Ibid., p. 862.
48 BSP, 1863, LXXI, p. 22.
African Negroes were being introduced as slaves. The United States desired that Spain remove any obstacles existing in Cuba, hindering the suppression of the slave trade. He also wanted Spain to be reminded that they had an agreement with Great Britain for the suppression of the slave trade. In May 1864, Seward wrote President Lincoln requesting that he bring this matter to the attention of the British. This may have had some favorable effect for by 1865, the slave trade was virtually eliminated in Cuba. In 1865, there were 143 slaves landed in Cuba, with all of them being rescued.

The Portuguese too, by the end of 1863, were more cooperative in their effort to help stop the slave trade. They introduced a legitimate trade with their Colony, Loanda. They started the planting of cotton and opened mines in their African Colonies. There were large exports of palm oil and ground nuts, and many people who had formerly been engaged in the slave trade were now engaging in legitimate trade.

Thus by 1865, other nations were cooperating with the United States and Great Britain and taking an active part in the suppression of the slave trade or not allowing the trade within their possessions.

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50 BSP, 1865, LVI, p. 483.
51 See Appendix VIII.
52 BSP, 1864, LXVI, p. 896.
CONCLUSION

It was the lack of cooperation between Great Britain and the United States that allowed the slave traders to conduct and increase their nefarious trade. Great Britain considered it her right to stop vessels from other nations to search for and remove British seamen or suspected British seamen. They refused to relinquish this right even though they knew the United States was strongly opposed to the procedure and would therefore not allow British Officers to search American vessels.

The United States refused to sign any agreement or treaty with Great Britain whereby there would be mutual right of visitation and search. During the half-century between the Treaty of Ghent and the Treaty of 1862, the United States held rigidly and tenaciously to the right of her merchant vessels to be free from any visitation, search or intervention by a foreign power. Great Britain, at times, reluctantly recognized this right, however, they continually requested the United States to enter into an agreement for the mutual right of visitation and search in an attempt to suppress the slave trade.

The two nations did sign the Webster-Ashburton Treaty August 9, 1842, but this still did not state the
necessary requirements for abolishing the slave trade. First, the Treaty did not allow the mutual right of visitation and search desired by the British. Secondly, it did not spell out in detail what would constitute slave trade equipment. It was the lack of this "Equipment clause" in any American laws or treaties that allowed the slave traders to sail under the American flag. During the twenty years before the American Civil War, more slave traders sailed under the American flag than under the flags of all the other nations.

A reason for the omission of these two important points, the mutual right of visitation and search and the "equipment clause," was the strong Southern influence in the United States Government. The South had no desire for any treaty or negotiations whereby the slave trade would be halted. In fact they wanted to terminate the Webster-Ashburton Treaty in 1856, claiming this Treaty was too costly, unnecessary and inadequate. Senator John J. Crittenden, from Kentucky, said: "I do not want any negotiations with Great Britain about the right of search or visitation. That is a subject which is exhausted. Our minds are made up on that question."\(^1\)

The Webster-Ashburton Treaty was not terminated and there was no new treaty signed to replace it.

\(^{1}\)Lawrence, *Visitation and Search*, p. 94.
This continued to be the American policy until after the United States was separated by the Civil War. On April 7, 1862, the Northern states, who now controlled the United States Government, signed a treaty with Great Britain that would help suppress the slave trade. With this Treaty most disagreements between Great Britain and the United States, over the slave trade disappeared. The Treaty was an exceptional device designed under conditions of cooperation and was to produce lasting results. In the Treaty, Great Britain received restricted search and visitation rights. The Treaty also spelled out what equipment would constitute slave trade equipment. Great Britain also recognized that the impressment of seamen was outdated and did not demand these rights from the United States. Both nations could now operate cooperatively under the same set of regulations and treaties and the slave trade decreased.

Another measure that helped seal the death of the slave trade was the abolishment of slavery in the United States, by the Emancipation Proclamation and the Thirteenth Amendment to the Constitution. With the removal of the institution of slavery, there was no longer a need for slaves or a slave trade to the United States. Both the United States and Great Britain now brought pressure on Spain and Portugal to suppress the slave trade. By the end of the Civil War the slave trade was virtually suppressed.
The Treaty for the Suppression of the African Slave Trade was signed April 7, 1862. It was not until April 27, 1922, that Mr. A. C. Geddes, the British Minister to the United States, officially requested that the treaty be terminated. He said it was the policy of the British Government to abolish all obsolete treaties, and since the slave trade had been completely suppressed, the treaty should be abolished. Mr. Charles E. Hughes, United States Secretary of State, agreed with Mr. Geddes and said that all treaties for the suppression of the African slave trade would be terminated on April 29, 1923.\textsuperscript{2} This officially terminated any involvement between the United States and Great Britain concerning the African slave trade.

## APPENDIX I

**TREATIES SIGNED BY GREAT BRITAIN AND OTHER NATIONS FOR THE SUPPRESSION OF THE AFRICAN SLAVE TRADE**

<table>
<thead>
<tr>
<th>Year</th>
<th>Treaty Abolishing Slave Trade, Great Britain and</th>
<th>Treaty for Right of Search, Great Britain and</th>
<th>Treaty for Joint Cruising, Great Britain and</th>
</tr>
</thead>
<tbody>
<tr>
<td>1802</td>
<td>Denmark</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1807</td>
<td>United States</td>
<td></td>
<td></td>
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<tr>
<td>1813</td>
<td>Sweden</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1814</td>
<td>Netherlands</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1815</td>
<td>Portugal, North of Equator</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1817</td>
<td>Spain, North of Equator</td>
<td>Portugal, Spain</td>
<td></td>
</tr>
<tr>
<td>1818</td>
<td>France</td>
<td>Netherlands</td>
<td></td>
</tr>
<tr>
<td>1820</td>
<td>Spain</td>
<td>Sweden</td>
<td></td>
</tr>
<tr>
<td>1829</td>
<td>Brazil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1830</td>
<td>Portugal</td>
<td>France</td>
<td>United States</td>
</tr>
<tr>
<td>1831</td>
<td></td>
<td>France, Denmark, Hanse Towns</td>
<td></td>
</tr>
<tr>
<td>1833</td>
<td></td>
<td>Denmark, Hanse Towns</td>
<td></td>
</tr>
<tr>
<td>1839</td>
<td>Quintuple Treaty, Austria, Russia, Prussia</td>
<td></td>
<td></td>
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<tr>
<td>1841</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>1862</td>
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*Du Bois, Slave Trade, p. 144.*
APPENDIX II

ARTICLES VIII, IX AND XI OF THE WEBSTER-ASHBURTON TREATY*

Article VIII

The Parties mutually stipulate that each shall prepare, equip, and maintain in service, on the coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights and obligations of each of the two countries, for the suppression of the Slave Trade, and said squadrons to be independent of each other, but the two Governments stipulating nevertheless, to give such orders to the officers commanding their respective forces, as shall enable them most effectively to act in concert and cooperation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article; copies of all such orders to be communicated by each Government to the other respectively.

Article IX

Whereas, notwithstanding all efforts which may be made on the coast of Africa for Suppressing the Slave Trade, the facilities for carrying on that traffic and avoiding the vigilance of cruisers by the fraudulent use of flags, and other means, are so great, and the temptations for pursuing it while a market can be found for Slaves, so strong, as that the desired result may be long delayed, unless all markets be shut against the purchase of African negroes, the Parties to this Treaty agree that they will unite in all becoming remonstrances, with any and all Powers within whose dominions such markets are allowed to exist; and that they will urge upon all such Powers the propriety and duty of closing such markets effectually at once and forever.

*Miller, Treaties, pp. 369-70.
Article XI

The eighth article of this Treaty shall be in force for five years from the date of exchange of the ratifications, and afterward until one or the other party shall signify a wish to terminate it....
APPENDIX III

NUMBER OF SHIPS AND GUNS EMPLOYED BY THE AMERICANS AND THE BRITISH, IN ACCORDANCE WITH THE WEBSTER-ASHBURTON TREATY, FROM 1843-1857*

<table>
<thead>
<tr>
<th>Year</th>
<th>British Ships</th>
<th>British Guns</th>
<th>American Ships</th>
<th>American Guns</th>
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<td>1843</td>
<td>14</td>
<td>141</td>
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<td>1844</td>
<td>14</td>
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<td>1845</td>
<td>20</td>
<td>180</td>
<td>5</td>
<td>98</td>
</tr>
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<td>23</td>
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</tr>
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<td>66</td>
</tr>
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<td>1849</td>
<td>23</td>
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<td>72</td>
</tr>
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<td>1850</td>
<td>24</td>
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<td>96</td>
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<td>1853</td>
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<td>89</td>
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<td>1856</td>
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<td>3</td>
<td>46</td>
</tr>
<tr>
<td>1857</td>
<td>16</td>
<td>84</td>
<td>3</td>
<td>46</td>
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</tbody>
</table>

APPENDIX IV

INSTRUCTIONS TO THE AFRICAN NAVAL SQUADRON
IN THE SUPPRESSION OF THE SLAVE TRADE

These are the instructions given by Commander
Matthew C. Perry, U.S.N., to the Captains of the vessels,
under his command.

1. The protection of American commerce under the
American flag.

2. Suppression of the slave trade:
   a. The United States Government does not
      recognize the right of any other nation
      to visit and detain vessels of American
      citizens engaged in commerce, except in
      cases of suspect of slave trading, and
      then only to ascertain the vessels true
      nationality and character.
   b. Slave trade, with actual slaves aboard,
      is considered piracy by the United States,
      not merely having the equipment on board.
   c. If a vessel is flying the American flag,
      it can be boarded by American vessels of
      war only. If vessels of other nations
      do so--it must be to ascertain if that
      vessel has the right to fly the United
      States flag, only.
   d. A vessel of each nation is to cruise
      together, to ascertain the rights and
      prevent the abuse of the flag of its own
      country.

*U.S., Congress, House, Instructions to United
States Naval Commanders of the African Squadron, 35th Cong.,
3. Things to be suspicious of in inspecting ships suspected of being slave traders:

a. Double sets of papers, no honest traders need them.

b. An unusual number of water casks or tanks, excessive amounts of food and cooking utensils.

c. Thorough examination of log books, two sets are many times kept, examine investigate and inquiry thoroughly the log book presented you.

d. The shipping list of wages paid to seamen, slave traders pay much higher wages.

e. Consular certificates are often forged, in lieu of the usual consular seal, the impression is made with an American half dollar.

4. Your cruising grounds will extend from the Maderia and Canary Islands to the Bight of Biafra and from the Coast of Africa to thirty degrees West Longitude. You may go beyond these limits if necessary.
### APPENDIX V

**PRODUCTION OF COTTON BY UNITED STATES**

**CONSUMPTION OF COTTON BY GREAT BRITAIN**

<table>
<thead>
<tr>
<th>Year</th>
<th>Bales of Cotton Produced in United States</th>
<th>Bales of Cotton Consumed in Great Britain</th>
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</thead>
<tbody>
<tr>
<td>1820 (1822)</td>
<td>500,000</td>
<td>572,000</td>
</tr>
<tr>
<td>1830 (1831)</td>
<td>1,000,000</td>
<td>871,000</td>
</tr>
<tr>
<td>1860</td>
<td>5,000,000</td>
<td>3,366,000</td>
</tr>
</tbody>
</table>

*Du Bois, Slave Trade, p. 152-53.*

**Note:** A bale of cotton weighs from 375 pounds to 400 pounds. The British used about 80 percent of the cotton produced by the United States.
APPENDIX VI

SLAVE TRADE PROFITS, FEBRUARY 1861*

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost (Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost of vessel and provisions</td>
<td>25,000</td>
</tr>
<tr>
<td>Cost of 500 negroes @ 50 dollars</td>
<td>25,000</td>
</tr>
<tr>
<td>10 percent mortality</td>
<td>2,500</td>
</tr>
<tr>
<td>Wages and gratifications to Master and Crew</td>
<td>30,000</td>
</tr>
<tr>
<td>Blood money for landing 450 slaves @ 120 dollars each</td>
<td>54,000</td>
</tr>
<tr>
<td>Cost of vessel and slaves</td>
<td>130,500</td>
</tr>
<tr>
<td>One year's interest till paid, @ 10 percent per annum</td>
<td>13,650</td>
</tr>
<tr>
<td>Total cost of the venture</td>
<td>150,150</td>
</tr>
<tr>
<td>Sale of 450 slaves @ 1200 dollars ea</td>
<td>540,000</td>
</tr>
<tr>
<td>Total cost of the venture</td>
<td>150,150</td>
</tr>
<tr>
<td>Profits on the venture</td>
<td>389,850</td>
</tr>
</tbody>
</table>

However this is not a complete figure. If the slave ship were captured empty, the loss would be the ship, provisions and interest, say 27,500 dollars, because the wages and gratifications are contingent upon delivery of slaves. If a ship were captured with negroes on board, the loss would amount to about 55,000 dollars. So the safe arrival of one ship would pay for the loss of ten captured empty ships and five ships with negroes aboard. These odds make the slave trade worth the effort and account for the increase in the trade, in 1861.

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*BSP, 1861, LXIV, p. 288.
APPENDIX VII

THE UNITED STATES VESSELS ASSIGNED TO THE SUPPRESSION OF THE SLAVE TRADE*

<table>
<thead>
<tr>
<th>Name of Vessel</th>
<th>Type of Vessel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junita</td>
<td>Screw Sloop</td>
</tr>
<tr>
<td>Mohican</td>
<td>&quot;</td>
</tr>
<tr>
<td>Alabama</td>
<td>Side-wheel Steamer</td>
</tr>
<tr>
<td>Sonoma</td>
<td>&quot;</td>
</tr>
<tr>
<td>Tioga</td>
<td>&quot;</td>
</tr>
<tr>
<td>Santiago de Cuba</td>
<td>&quot;</td>
</tr>
<tr>
<td>Octorara</td>
<td>&quot;</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>&quot;</td>
</tr>
<tr>
<td>Vanderbilt</td>
<td>&quot;</td>
</tr>
<tr>
<td>Connecticut</td>
<td>&quot;</td>
</tr>
<tr>
<td>Shephard Knapp</td>
<td>Sailing Ship</td>
</tr>
</tbody>
</table>

*BSF, LXVI, 1864, p. 900.
### APPENDIX VIII

**ESTIMATED NUMBER OF SLAVES LANDED IN CUBA**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Slaves</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 1857 to October 1858</td>
<td>16,992&lt;sup&gt;a&lt;/sup&gt;</td>
</tr>
<tr>
<td>October 1858 to October 1859</td>
<td>30,473&lt;sup&gt;a&lt;/sup&gt;</td>
</tr>
<tr>
<td>October 1859 to October 1860</td>
<td>17,877&lt;sup&gt;a&lt;/sup&gt;</td>
</tr>
<tr>
<td>October 1860 to October 1861</td>
<td>23,964&lt;sup&gt;a&lt;/sup&gt;</td>
</tr>
<tr>
<td>October 1861 to October 1862</td>
<td>11,254&lt;sup&gt;a&lt;/sup&gt;</td>
</tr>
<tr>
<td>October 1862 to October 1863</td>
<td>7,507&lt;sup&gt;b&lt;/sup&gt; Note 1</td>
</tr>
<tr>
<td>October 1863 to October 1864</td>
<td>6,807&lt;sup&gt;c&lt;/sup&gt; Note 2</td>
</tr>
<tr>
<td>October 1864 to October 1865</td>
<td>143&lt;sup&gt;c&lt;/sup&gt; Note 3</td>
</tr>
</tbody>
</table>

<sup>a</sup>BSP, 1863, LXXI, p. 22.


Note 1. Of the 7,507 slaves landed, about 830 were rescued by Cuban authorities.

Note 2. Of the 6,807 slaves landed, 3,974 were rescued by Cuban authorities.

Note 3. All 143 slaves were rescued by the Cuban authorities.
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